

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: The Excellent Teaching Program
 RULE NO.: 6A-10.060

PURPOSE AND EFFECT: The purpose of this rule development is to clarify the provisions for payment of the fee subsidies, incentives and bonuses to teachers provided for by the Dale Hickam Excellent Teaching Program. The effect of this rule is to provide an appropriate framework for payment of the fee subsidies, incentives and bonuses to teachers provided for by the Dale Hickam Excellent Teaching Program.

SUBJECT AREA TO BE ADDRESSED: Provisions for payment of subsidies, incentives and bonuses to teachers.

SPECIFIC AUTHORITY: 1012.72 FS.

LAW IMPLEMENTED: 1012.72 FS.

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

TIME AND DATE: 10:00 a.m., February 3, 2004

PLACE: Rm. 1703-07, Turlington Building, 325 West Gaines Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Department is asked to advise the Department at least 48 hours before such proceeding by contacting: Lynn Abbott, (850)245-9661. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Betty Coxe, K-12 Deputy Chancellor, Department of Education, 325 West Gaines Street, Rm. 514, Tallahassee, Florida 32399-0400, (850)245-0420

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Florida Highway Patrol

RULE CHAPTER TITLE: Speed Measuring Devices
 RULE CHAPTER NO.: 15B-2

RULE TITLES: Approval Requirements 15B-2.007
 Requirements for Type Acceptance 15B-2.008
 Minimum Design Criteria for Radar Units 15B-2.0082

Test to Determine Speed Accuracy of Doppler Radar Devices 15B-2.009

Tests to Determine Speed Accuracy of Visual Average Speed Computer Devices 15B-2.010

Tests to Determine Speed Accuracy of Average Speed Calculators 15B-2.0101

Certified Operator of Visual Average Speed Computer Device 15B-2.0102

Tests to Determine Accuracy of Speedometer Devices 15B-2.011

Tests to Determine Accuracy of Time Measurement Devices 15B-2.012

Approved Speed Measuring Devices 15B-2.013

Minimum Design Criteria for Laser Speed Measurement Devices 15B-2.014

Checks to Determine Speed and Distance Accuracy of Laser Speed Measuring Devices 15B-2.015

Tests to Determine Accuracy of Laser Speed Measuring Devices 15B-2.016

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to revise operator training requirements; revise requirements for type acceptance; re-designate visual average speed devices as Average Speed Calculators (ASC); revise testing accuracy, and operation requirements for ASC, as well as, radar and laser devices; add provisions for distance measurement in using ASE; revise speedometer testing and provide such testing for motorcycles; allow accuracy tests of electronic stop watches to be performed by certified electronics technicians meeting the requirements of paragraph 15B-2.009(1)(a), F.A.C.; revise test speeds for radar bench tests; permit radar daily tests to be performed with tuning forks meeting manufacturer's specifications; update list of approved speed measuring devices; amend minimum design criteria for LSMD and correct a typographical error in paragraph 15B-2.016(2)(b), F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule action allows accuracy tests of stop watches used by the department to be performed by certified electronics technicians meeting the requirements of paragraph 15B-2.009(1)(a), F.A.C., as well as, jewelers and watch repair-smiths. This proposed rule action also updates the list of approved speed measuring devices approved by the department for use in this State to include the recently approved radar units and laser speed measuring devices. "VASCAR" is re-designated a "ASC" with attendant changes to testing and operator certifications for such units. Form HSMV 61070 is revised to add higher target speeds. The daily tuning fork test is revised to permit test of a tuning fork meeting manufacturer's specifications. Revisions are made to clarify sight testing for laser devices. The reference to an erroneous sub-section in paragraph 15B-2.016(2)(b), F.A.C., is corrected. Operator training; type acceptance; accuracy checks, bench tests, minimum design criteria are revised for speed measurement devices (SMD).

SPECIFIC AUTHORITY: 316.1905 FS.

LAW IMPLEMENTED: 316.1905, 316.1906 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: Lt. James D. Wells, Jr., Bureau of Law Enforcement Support Services, Division of Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Room A315, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)488-5799

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

15B-2.007 Approval Requirements.

(1) All speed measuring devices to be used in obtaining evidence of motor vehicle speeds for use in any court in the State of Florida shall be of a type approved by the Department of Highway Safety and Motor Vehicles prior to their use.

(2) In addition, evidence of the speed of a vehicle measured by any radar speed measuring device (RSMD), ~~or~~ laser speed measuring device (LSMD) or Average Speed Calculator (ASC), is inadmissible in any proceeding with respect to an alleged violation of provisions of law regulating the lawful speed of vehicles unless such evidence of speed is obtained by a law enforcement officer who:

(a) 1. Operators of RSMD's must have ~~Has~~ satisfactorily completed the RSMD training course or speed measurement device (SMD) course established by the Criminal Justice Standards and Training Commission pursuant to s. 943.17, F.S. ~~In addition, operators of a LSMD must complete the LSMD operator's course pursuant to s. 943.17, F.S.~~

2. Operators of LSMD's must have satisfactorily completed the LSMD training course or speed measurement device (SMD) course established by the Criminal Justice Standards and Training commission pursuant to s. 943.17, F.S.

3. Beginning July 1, 2004 new operators of ASC devices must complete the ASC training course or speed measurement device (SMD) course established by the Criminal Justice Standards and Training Commission pursuant to s. 943.17, F.S. Operators of ASC devices similar to the VASCAR and Kustom Tracker must complete additional clocks using each of their five basic clocking methods.

4. After July 1, 2004, new operators of RSMD's, LSMD's and ASC's must complete the Speed Measurement Device training course established by the Criminal Justice Standards and Training Commission pursuant to s. 943.17, F.S.

(b) Has made an independent visual determination that the vehicle is operating in excess of the applicable speed limit.

(c) Has written a citation based on evidence obtained from a RSMD or LSMD when conditions permit the clear assignment of speed to a single vehicle.

(d) Is using a RSMD which has no automatic speed locks and no audio alarms, unless disconnected or de-activated. This requirement is not applicable to a LSMD.

(e) Is operating a RSMD with audio Doppler engaged. This requirement is not applicable to a LSMD.

(f) Is using a RSMD, ~~or~~ LSMD, ASC or other SMD that meets the minimum design criteria set forth in these rules.

(g) ~~Who~~ Is operating a RSMD tested according to Rule 15B-2.009, F.A.C., or a LSMD tested according to Rule 15B-2.016, F.A.C.

Specific Authority 316.1905, 316.1906 FS. Law Implemented 316.1905, 316.1906, 943.17 FS. History--New 9-11-78, Amended 7-12-82, Formerly 15B-2.07, Amended 11-16-92, 10-18-94, _____.

15B-2.008 Requirements for Type Acceptance.

(1) Manufacturers of Doppler radar speed measuring devices (RSMD) shall submit a copy of a Federal Communications Commission (FCC) type acceptance certificate and other supporting documentation and components as requested by the Department, to the Department for each model to be used in Florida. The device must also appear on the current International Association of Chiefs of Police (IACP) consumer products list, which is incorporated by reference. The IACP criteria (Model Minimum Performance Standards identified in subsection 15B-2.0082(1), F.A.C.) and listing may be obtained by contacting that office at 515 North Washington Street, Alexandria, Virginia 22314, 1(800)843-4227. The absence of an "F" designation on the consumer product list does not disqualify the model for use in Florida. Copies of this material may be obtained by contacting the Department of Highway Safety and Motor Vehicles, Division of Florida Highway Patrol, ~~Telecommunications Administrator~~, Neil Kirkman Building, Tallahassee, Florida 32399-0500.

(2) Manufacturers of ~~visual~~ Average Speed Calculators (ASC) devices shall submit a report by an independent testing laboratory certifying that each model meets the following conditions:

(a) Determines ~~Compute~~ the speed of a ~~checked~~ vehicle ~~after measuring the distance~~ between any two points on a highway traveled by the vehicle regardless of whether the distance is input with an ASC measured distance or the distance is known and input by the ASC operator, and the time required for the vehicle to travel that distance.

(b) ~~Use solid state digital techniques for distance and the time storage, and for speed computation.~~

(b)(~~e~~) Display the speed in digital characters at least 0.4 inch in height.

(c)(~~d~~) The calculator ~~Computers~~ shall input distance (whether by ASC measurement or by operator entry of a known distance) and measure time and distance in increments

for speed computation which shall give an accuracy of plus or minus two (2) miles per hour over an indicated speed range of twenty-five (25) to one hundred ninety (~~100 90~~) miles per hour with ambient temperatures of twenty (20) to one hundred (100) degrees fahrenheit.

(d)(~~e~~) Have a distance storage capacity of at least one five (~~1~~) (~~5~~) miles.

(e)(~~f~~) Have a time storage capacity of at least five six (~~5~~) (~~6~~) minutes.

(f)(~~g~~) Reuse a single distance measurement with repeated time input measurements.

(g)(~~h~~) Display an error signal and not operate if either the distance or storage register receives more than one input after being reset to zero.

(h)(~~i~~) Be suitable for installation or use in a variety of makes and models of vehicles or aircraft normally used by law enforcement agencies.

(3) Motor vehicle speedometers shall have a certificate indicating that the device was tested by a speedometer testing shop according to Rule 15B-2.011, F.A.C.

(4) Stop watches shall have a certificate indicating that the device was tested ~~by a jeweler or watch repair smith~~ according to Rule 15B-2.012, F.A.C.

(5) Laser speed measuring devices (LSMD) that meet the criteria set forth in Rule 15B-2.014, F.A.C., constitute a type of speed measuring device that may be used in this state.

Specific Authority 316.1905 FS. Law Implemented 316.1905 FS. History—New 9-11-78, Formerly 15B-2.08, Amended 11-16-92, 10-18-94, _____.

15B-2.0082 Minimum Design Criteria for Radar Units.

(1) Radar speed measuring devices shall meet the design criteria as set forth in Chapter 3, Subpart A (s. 1221.1-1221.4 and Subpart B (s. 1221.11-1221.24) of the National Highway Traffic Safety Administration Technical Report, January 1994, D.O.T. HS 808-69, entitled, "Model Minimum Performance Specifications for Police Traffic Radar Devices," which is incorporated by reference. Copies of this material may be obtained by contacting the Department of Highway Safety and Motor Vehicles (DHSMV), Division of Florida Highway Patrol, ~~Telecommunications Administrator~~, Neil Kirkman Building, Tallahassee, Florida, 32399-0500, or the Office of Law Enforcement Standards, c/o National Institute of Standards and Technology, 100 Bureau Drive, Stop 8102, Gaithersburg, Maryland 20899-08102 National Technical Information Service, Springfield, Virginia, 22161.

(2) All radar units used in this State on or after January 1, 1995, shall be designed to operate in one or both of the following frequency ranges as assigned by the Federal Communication Commission for operation of Doppler radar radiolocation units.

24.050-24.250 GHz (K – Band) (Common
33.400-36.000 GHz (Ka – Band) Referrals)

The radar must have a doppler audio operating in the range 300 Hz to 4.0 KHz.

(3) Antenna beam width, defined as the total included angle between 3 dB points on the main lobe of the emitted farfield microwave power beam in any axis perpendicular to the centerline of beam propagation, shall not exceed 12 degrees plus or minus 1.5 degrees for manufacturing tolerance and measurement error. Side lobes, as defined in s. 1221.4 of the Model Minimum Performance Specifications for Police Traffic Radar shall be of relative gain of at least 20 dB less than the main antenna beam.

(4) All radar units furnished for vehicular-mounted use which have antennas designed to permit external mounting, shall be weather resistant.

(5) Each radar unit shall be designed to incorporate no speed lock function, manual or automatic, for patrol or target speeds displayed on the primary readout; a secondary target speed window, capable of manual lock-in target speed only, is permissible providing that lock-in of the secondary target speed window display has no effect on the continuous tracking of target and patrol speeds indicated by the primary readout and provided that the secondary target speed window display, if furnished, is automatically cleared within a period not to exceed fifteen (15) minutes after locking of any speed indication or when reconnected to the primary readout element. The secondary target speed window display, if furnished, must exactly duplicate the target speed on the primary readout at the instant of manual lock-in and must have its own lock-release control for clearing prior readings when the operator does not connect the secondary target speed window display.

(6) Each radar unit, ~~excluding hand held radar~~, shall be equipped with a control capable of adjusting its nominal range of acquiring and displaying the a speed reading of a full-size automobile ~~target~~ between 300 feet minimum and 3,000 feet maximum from the radar antenna.

This range control is optional on a handheld radar unit.

(7) Signal Processing Channel Sensitivity.

(a) Stationary Mode Target Channel Sensitivity. When the radar unit is operated in the stationary mode, its signal processing channel sensitivity shall not vary more than 10 dB for targets traveling at speeds of 35 to 90 mph (56 to 144 km/h) nor more than 5 dB for targets traveling at speeds of 60 to 90 mph (96 to 144 km/h).

(b) Moving Mode Target Channel Sensitivity. When the radar unit is operated in the moving mode at 25 mph (40 km/h), its signal processing channel sensitivity shall not vary more than 10 dB for targets traveling at speeds of 40 to 90 mph (64 to 144 km/h). When operated at 50 mph (80 km/h), its sensitivity shall not vary more than 5 dB for targets traveling at speeds of 60 to 90 mph (96 to 144 km/h).

(8) Patrol channel dynamic range; for moving mode operation. The patrol channel shall be capable of accurately displaying patrol car speed within plus or minus one (1) mph

(1.6 km/h) or less from 15 mph to 70 mph (24 to 112 km/h) or greater and of maintaining proper performance while the patrol car changes speed at a rate of up to 3 mph (4.8 km/h) per second.

(9) The internal circuit test function required by s. 1221.21(d), F.S., of the Model Minimum Performance Specifications for Police Traffic Radar shall operate automatically upon turn-on of the radar unit, and automatically thereafter at intervals not exceeding fifteen minutes; ~~the internal test function must be performed using two separate and independent frequency sources, only one of which may be employed in normal target or patrol channel signal processing operation. The second frequency source need not be excluded from use in computer and microprocessor operations other than signal counting or signal timing.~~ Failure of the radar unit to display correctly any reading produced by the internal test function shall inhibit any further target signal processing and shall provide a visible display indicating this condition to the operator. A control switch or pushbutton shall be provided for operator use to initiate the internal test function at any time between automatic test sequences.

(10) For the purpose of avoiding possible erroneous target speed displays caused by radio frequency interference (RFI) signals in excess of those specified in s. 1221.22(c) and (d), F.S., of the Model Minimum Performance Specifications for Police Traffic Radar Devices, each radar unit will be equipped with a RF sensor capable of detecting the presence of such interfering RF signals and of inhibiting any speed display when such signals are present.

(11) To accommodate digital counting circuits and to assure that no target vehicle driver is penalized, target channel circuits for moving and stationary operation shall be designed to truncate, or round-off, to the next lower digit. In the moving mode operation, the radar counting circuits shall round-off to the next lower digit in all computations.

(12) Power density shall not exceed applicable RF emission standards recognized by the American National Standards Institute C95.1, which is incorporated by reference. The actual reading shall be recorded on form HSMV 61070 (Rev. 7/03 9/94), incorporated by reference, ~~and~~ Blank forms are obtainable by contacting the Department at the address described in subsection 15B-2.0082(1)(2), F.A.C.

(13) When an Average Speed Calculator (ASC) is installed and used as a separate feature of a RSMD, the ASC feature must be certified separately and in addition to the RSMD under paragraph 15B-2.008(2)(d), F.A.C.

Specific Authority 316.1906 FS. Law Implemented 316.1906 FS. History—New 7-12-82, Formerly 15B-2.082, Amended 1-1-90, 10-18-94, _____.

15B-2.009 Test to Determine Speed Accuracy of Doppler Radar Devices.

(1)(a) All RSMD's used in this state shall be subject to periodic bench tests at intervals not to exceed six months, to be conducted by an electronic technician who has a Federal Communications Commission, General Radiotelephone Operator License or a certification issued by one of the following:

1. Association of Public-Safety Communications Officials-International (APCO);
2. Personal Communications Industries Association (PCIA), formerly known as National Association of Business and Educational Radio (NABER); or
3. National Association of Radio and Telecommunications Engineers (NARTE).

(b) Only the most recent six (6) months test certificate is required in order to establish the presumption available under s. 316.1905(3)(b), F.S. Tests will include transmitter frequency, display response to known antenna input signals for simulated target speeds over a range of speeds from 15 mph to 100 mph and patrol speeds over a range of speeds from 15 mph to 70 mph, the operation of all controls, tests for recertification of the # tuning fork(s) meeting furnished by the manufacturer's specifications, radio frequency interference, low supply voltage, and antenna power density. These revised tests shall become effective after June 30, 2004 ~~October 18, 1994~~, upon the expiration of each radar unit's prior six-month certification period. Each test shall be recorded on Form HSMV 61070 (Rev. 7/03 9/94) which is incorporated by reference. Blank forms are and, which is available by contacting the Department at the address described in subsection 15B-2.0082(1)(2), F.A.C. As a condition of purchase, manufacturers shall be required to make known to the purchaser the availability and location of manufacturer-supported test facilities to accomplish the required tests.

(2) Prior to an operator using a radar for enforcement activity and subsequent to the last enforcement action taken using an RSMD, but prior to the end of each shift in which the RSMD was used at the end of the operator's shift the following accuracy checks shall be made.

(a) An internal accuracy check shall be performed, and the check is passed only if the proper numbers recommended by the manufacturer appear exactly on the radar readout.

(b) The external tuning fork accuracy check shall be made with certified tuning fork(s) (plus or minus one (1) mile per hour tolerance) meeting furnished by the manufacturer's specifications.

(c) A written log of each internal and external tuning fork accuracy check(s) shall be maintained. Log forms may be of a design suitable to the particular needs of the operator's jurisdiction.

(3) When an Average Speed Calculator (ASC) is installed and used as a separate feature of a RSMD, the ASC feature must be certified separately and in addition to the RSMD under paragraph 15B-2.008(2)(d), F.A.C.

Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History—New 9-11-78, Amended 7-12-82, Formerly 15B-2.09, Amended 6-12-89, 1-1-90, 10-18-94, 10-2-95, _____.

15B-2.010 Tests to Determine Speed Accuracy of Visual Average Speed Computer Devices.

Specific Authority 316.1905 FS. Law Implemented 316.1905 FS. History—New 9-11-78, Formerly 15B-2.10, Amended 10-18-94, Repealed _____.

15B-2.0101 Test to Determine Speed Accuracy of Visual Average Speed Calculators Computer Devices Which Have a Self Contained Time Base.

Tests to determine the accuracy of visual Average Speed Calculators computer devices which have a self contained time base shall be performed as follows:

(1) This subsection only pertains to ground vehicles which are inputting the distance used for speed measurement by use of the ASC distance measuring feature (if so equipped):

(a) A distance of ~~The operator shall measure 1/2 mile (2640 feet) or alternatively 1/4 mile (1320 feet) one quarter of a mile,~~ shall be measured using a steel tape, and mark each end of the ~~1320 feet~~ distance marked so that it may be clearly identified from a moving vehicle or aircraft in either direction.

(b)(2) Vertical lines may be placed on left and right front door windows of the speed computer equipped vehicle, or the operator may use door lock knobs or other convenient visual reference points on his/her car.

(c)(3) The operator will drive through the measured course with both switches turned "on" when lined up with the reference point at the beginning of the course, and turned "off" when similarly lined up at the end of the course. Operator pushes the distance recall button if so equipped, and reads displayed distance in the speed timing unit. If this distance is within the acceptable tolerance of 1/2 of 1%, the unit is in calibration.

Example: On a quarter of a mile course (0.2500) the reading should be between 0.2512 and 0.2488.

(d)(4) Should the error be greater than 1/2 of 1% the operator should recalibrate his unit in accordance with the manufacturer's instructions and repeat the procedure as outlined in Paragraph (3).

(2) A distance of 1/2 mile (2640 feet) should be input either by measurement or operator input. The method of input shall be consistent with the method to be used during the speed measurement. For example, if the distance at the enforcement site will use a distance measured with the ASC, then this

calibration should be performed in a similar fashion. The timing device should be allowed to run for 30 seconds. A speed of 60 mph should be displayed. The test should be repeated with a time input of 20 seconds. A speed of 90 mph should be displayed. The speed displayed must be within +/- 2 m.p.h. for the unit to be considered accurate.

(3) As an alternative to (2) above, a distance of 1/4 mile (1320 feet) may be used. The distance should be input either by measurement or operator input. The method of input shall be consistent with the method to be used during the speed measurement. For example, if the distance at the enforcement site will use a distance measured with the ASC, then this calibration should be performed in a similar fashion. The timing device should be allowed to run for 15 seconds. A speed of 60 mph should be displayed. The test should be repeated with a time input of 10 seconds. A speed of 90 mph should be displayed. The speed displayed must be within +/- of 2 m.p.h. for the unit to be considered accurate.

(4)(5) Verification of calibration must be checked each day before any enforcement activity arrests are made with the device. The results of the verification test shall be recorded and retained for further reference.

(5)(6) If so equipped, an The internal time base will be checked the same as a stop watch under Rule 15B-2.012, F.A.C. every six months by use of a certified stop watch. Satisfactory test results will be within 1/2 of 1%.

Specific Authority 316.1905, 321.02 FS. Law Implemented 316.1905(3)(a) FS. History—New 6-15-82, Formerly 15B-2.101, Amended 10-18-94, _____.

15B-2.0102 Certified Operator of Visual Average Speed Computer Device.

Specific Authority 316.1905, 321.02 FS. Law Implemented 316.1905(3)(a) FS. History—New 6-15-82, Formerly 15B-2.102, Amended 10-18-94, Repealed _____.

15B-2.011 Tests to Determine Accuracy of Speedometer Devices.

Motor vehicle speedometer devices shall be tested by a speedometer testing shop or a motor vehicle repair shop prior to being put into use for speed enforcement and it shall be retested by a speedometer testing shop or a motor vehicle repair shop not less than once each six (6) months thereafter. All speedometer certifications shall be performed using a calibrated wheel dynamometer on which the wheels driving the speedometer are placed. Certain motorcycles which have the speedometer driven by the front wheel may require the use of a powered dynamometer. The calibration of a speedometer head alone, without the head being driven by the wheel from which it measures speed, will not be acceptable for the purposes of this rule. After September 1, 1994, all tested speedometers shall read within plus or minus three (3) mph of the actual reading and be tested by a speedometer shop or motor vehicle repair shop registered with the Florida Department of Agriculture and Consumer Services as a motor vehicle repair

shop according to ss. 559.901-559.9221, F.S. The person making the tests shall issue a certificate dated, signed and witnessed showing the degree of accuracy. Only the most recent six (6) month test certificate is required in order to establish the presumption available under s. 316.1905(3)(b), F.S.

Specific Authority 316.1905, 321.02 FS. Law Implemented 316.1905(3)(a) FS. History—New 9-11-78, Formerly 15B-2.11, Amended 11-16-92, 10-18-94, _____.

15B-2.012 Tests to Determine Accuracy of Time Measurement Devices ~~Stop Watches~~.

(1) Stop watches and analog measurement devices used in calculating speeds of motor vehicles shall be tested by a jeweler or watch repair-smith prior to being put into use and it shall be retested by a jeweler or watch repair-smith not less than once each six (6) months thereafter. The jeweler or watch repair-smith shall issue after each test, a certificate dated, signed and witnessed by the jeweler or watch repair-smith showing the degree of accuracy. Only the most recent six (6) month test certificate is required in order to establish the presumption available under s. 316.1905(3)(b), F.S.

(2) Electronic stop watches or electronic time based average speed calculators may be tested by a certified electronics technician meeting the requirements of paragraph 15B-2.009(1)(a), F.A.C, in the manner and within the time period described in sub-section (1).

Specific Authority 316.1905 FS. Law Implemented 316.1905 FS. History—New 9-11-78, Formerly 15B-2.12, Amended 11-16-92, 10-18-94, _____.

15B-2.013 Approved Speed Measuring Devices.

The following speed measuring devices have been approved for use in this State by the Department pursuant to this rule Chapter.

(1) Radar units acquired for use in this State after August 1, 1982, are listed below. Additional radar units will be approved by the Department based on conformance to these rules. Evidence of approval of additional units shall be by a Certificate of Approval Form HSMV 60013 (Rev. 7/03), which is available by contacting the Florida Highway Patrol Telecommunications Administrator, Neil Kirkman Building, Tallahassee, Florida 32399-0500, or by disseminating the listing of the additional units on the Florida Crime Information Center (FCIC) computer system, or by listing on the Division of Florida Highway Patrol website.

(a) Applied Concepts, Inc., formerly known as Applied Concepts Marketing – Model STALKER;

(b) Applied Concepts, Inc., formerly known as Applied Concepts Marketing – Model STALKER DUAL;

(c) Applied Concepts, Inc., formerly known as Applied Concepts Marketing – Model STALKER DUAL SL;

(d) Applied Concepts, Inc., formerly known as Applied Concepts Marketing – Model STALKER DUAL DSR;

(e) Applied Concepts, Inc., formerly known as Applied Concepts Marketing – Model STALKER BASIC – stationary and moving;

(f)(d) Broderick Enforcement Electronic – Model BEE-36;

(g)(e) CMI/MPH Industries, Inc., – Model Python;

(h)(f) Decatur Electronics, Inc., – Model MVF 724;

(i)(g) Decatur Electronics, Inc., – Model KF-1;

(j)(h) Decatur Electronics, Inc. – Model Genesis-I;

(k) Decatur Electronics, Inc. – Model Genesis – II;

(l)(i) Decatur Electronics, Inc., – Genesis Handheld;

(m) Decatur Electronics, Inc., – Model Genesis VP;

(n) Decatur Electronics, Inc., – Model Genesis VP – Directional;

(o)(j) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model KR-10SP-F, Model KR-10SP;

(p)(k) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model FALCON-F, Model FALCON;

(q)(l) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model TROOPER-F, Model TROOPER;

(r)(m) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model HAWK;

(s)(n) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model PRO-1000, Model PRO-1000DS;

(t)(o) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Eagle K-Band;

(u)(p) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Eagle KA-Band;

(v)(q) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Eagle Plus K-Band;

(w)(r) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Eagle Plus KA-Band;

(x)(s) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Silver Eagle K-Band;

(y)(t) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Silver Eagle KA-Band;

(z)(u) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Golden Eagle K-Band;

(aa)(v) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Golden Eagle KA-Band;

(bb) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Golden Eagle Plus KA-Band;

(cc)(w) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model HR-12;

(dd) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Talon;

(ee) McCoy’s LAWLINE Speed Trak Elite K, Ka and Elite KD (directional);

(ff)(x) M.P.H. Industries, Inc., or CMI/MPH – Model K-15K “1986 Model”, Model K-15, Model K-15 II;

(gg) M.P.H. Industries, Inc., or CMI/MPH – Model MPH Speedgun (K-BAND);

~~(hh)(y)~~ M.P.H. Industries, Inc., or CMI/MPH – Model K-55K; Model BEE-36;

(ii) M.P.H. Industries, Inc. or CMI/MPH – Model Bee III;

(jj) M.P.H. Industries, Inc., or CMI/MPH – Model Enforcer;

~~(kk)(z)~~ Tribar Industries, Inc., – Model MDR-2;

~~(ll)(aa)~~ Tribar Industries, Inc., – Model K-GP.

(2) Visual Average Speed Calculators (ASC) devices:

(a) Federal Sign and Signal Corp., – VASCAR II;

(b) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Tracker;

(c) Traffic Safety Systems, Inc., – VASCAR-Plus;

(3) Speedometers – All mechanical or electronic motor vehicle speedometers having certified calibration pursuant to these rules.

(4) Stopwatches – All stopwatches certified pursuant to subsection 15B-2.008(4) and Rule 15B-2.012, F.A.C. Florida Administrative Code. The following stopwatches are approved for use in this State when they have been tested according to this rule Chapter. The absence on this list of other stopwatches used by other law enforcement agencies or the Florida Highway Patrol does not preclude their use when they have been properly tested.

Brand Name	Model Number
(a) Casio	HS-10W
(b) Timex Quartz Timer	None
(c) Heuer	1000
(d) Heuer	1010
(e) Seiko	S022-5009
(f) Accusplit	620-CT
(g) Minerva Manual Timer	None
(h) Seiko	87-0019G
(i) Aristo	Apollo
(j) Lorus	W903
(k) Marshall Browning International Corp.	Robic Acutrak SC-800

(5) Laser speed measuring devices (LSMD) – Evidence of approved LSMD shall be by a certificate or listing on the FCIC computer, or by a listing on the Division of Florida Highway Patrol website, as set forth in subsection (1) of this rule. In addition, the following LSMDs are approved for use in this State:

(a) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Prolaser II, Model ProLaser III;

(b) Laser Technology, Inc., – Model Marksman/LTI 20-20, Model Ultralyte LTI 20/20 Lidar, Model Ultralyte 100LR and 200LR, Model Ultralyte LR B;

(c) Applied Concepts, Inc., – Model Stalker Lidar;

(d) Laser Atlanta Optics, Inc., – Model Speed Laser.

15B-2.014 Minimum Design Criteria for Laser Speed Measurement Devices.

(1) Manufacturers of laser speed measurement devices (LSMD) shall submit a report to the Department by an independent testing laboratory certifying that each model meets the following minimum design criteria:

(a) The device shall measure transmitted and received light amplified by stimulated emission of radiation, otherwise known as LASER.

(b) The device determines the speed of vehicles by the pulse – echo method using the time of flight of a series of pulses of ~~infrared~~ laser light.

(c) The device shall use solid state digital techniques for distance and speed calculations.

(d) The device shall comply with the limits for a class A digital device as defined in 47 C.F.R. 15.3(h), which is incorporated by reference.

(e) The device is certified as a Class I (one) eye safe device according to the criteria established by the U.S. Department of Health and Human Services, Center for Devices and Radiological Health, Food and Drug Administration, Rockville, Maryland 20582, (21 C.F.R. 1040) which is incorporated by reference.

~~(f) Electromagnetic energy emitted from the device for purposes of measuring either target vehicle speed or range, shall be in the infrared portion of the electromagnetic spectrum.~~

~~(f)(g)~~ The device shall only transmit ~~infrared~~ light pulses when a finger operated trigger is pressed. When this trigger is released the device shall cease to transmit. The devices shall not have any method to lock the trigger in the transmit mode.

~~(g)(h)~~ The device shall be capable of measuring target vehicle speeds over the speed range of 5 mph to ~~100~~ 90 mph, with an accuracy of plus or minus 1 mph over this range.

~~(h)(i)~~ The device shall measure distances with an accuracy of plus or minus 1 foot, between 50 and 1000 feet, and display distances in feet.

~~(i)(j)~~ The device shall be capable of being converted to metric units for distance and speed by the manufacturer.

~~(j)(k)~~ The device shall be weather resistant.

~~(k)(l)~~ The device shall have a self test mode, which will operate automatically when the device is turned on, and when the self test is initiated by the operator. Self test shall verify that the computing and timing circuits are operating correctly, and ~~shall illuminate~~ all light emitting indicators so that the condition can be verified by the operator.

~~(l)(m)~~ The device shall truncate decimal values of the target speed display to produce whole number values.

~~(m)(n)~~ The device shall be capable of measuring both approaching and receding vehicles, and display a visual indication that differentiates direction.

Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History—New 1-1-90, Amended 11-16-92, 10-18-94, 10-2-95, _____.

~~(n)(6)~~ The device shall provide an audio tone indicating when a target vehicle has been acquired.

~~(o)(7)~~ The device shall meet all the minimum performance specifications over the manufacturers specified power supply voltage range of 10.8 volts to 16.3 volts, with a nominal power supply voltage being 13.6 volts. The device shall contain the following features related to the power supply circuitry:

1. A power supply on/off switch.
2. A visual indicator to allow the operator to determine that electrical energy is being supplied to the device.
3. A low voltage indicator that alerts the operator either visually or audibly of low voltage conditions, and automatically prevents operation.
4. Internal circuitry that protects against accidental reversal of power supply polarity.
5. An in-line fuse or equivalent mounted between the power supply and the device to prevent power surges in excess of 16.3 volts.

~~(p)(8)~~ The device shall detect spurious readings due to radio frequency interference and inhibit any speed display.

~~(q)(9)~~ The device shall be permanently marked with the functions and setting of all switches, controls and displays. It shall not be possible to set the controls to a functional mode of operation that is not marked or identified.

~~(r)(10)~~ The manufacturer shall permanently mark each device with the name of the LSMD model and the serial number for the specific LSMD.

~~(s)(11)~~ The manufacturer shall provide the procedures that verify the accurate alignment of the sighting element.

(t) When an Average Speed Calculator (ASC) is installed and used as a separate feature of a LSMD, the ASC feature must be certified separately and in addition to the LSMD under paragraph 15B-2.008(2)(d), F.A.C.

(2) Beginning June 30, 2004, all new LSMD's sold in the state of Florida must meet all requirements of this chapter and:

(a) The Model Minimum Performance Specifications for Lidar Speed Measurement Devices, July 1, 2001, NHTSA document #DOT HS 809 239, which is incorporated by reference. This document is available by contacting the Office of Law Enforcement Standards, c/o National Institute of Standards and Technology, 100 Bureau Drive, Stop 8102, Gaithersburg, Maryland 20899-08102.

(b) Shall be restricted to reading vehicle speeds at a distance not greater than 3000 feet.

Specific Authority 316.1905 FS, Law Implemented 316.1905, 316.1906 FS, History--New 10-18-94, Amended _____.

15B-2.015 Checks to Determine Speed and Distance Accuracy of Laser Speed Measuring Devices.

(1) Prior to an operator using a LSMD, for enforcement activity and subsequent to the last enforcement action taken using a LSMD, but prior to the end of each at the completion of an operator's shift in which an LSMD was used, (The

following accuracy checks shall be performed and recorded into a written log. The log forms may be of a design that meets the needs of the particular law enforcement agency:

(a) Display Check – Activate the display test procedure to verify that all segments and other light indicators are functioning properly.

(b) Internal Accuracy Check – The internal accuracy check shall be made in accordance with the manufacturers specifications.

(c) Laser Distance/Alignment Check

1. In a convenient location, establish two permanent known distances using a steel measuring tape or surveyor's instrument to check targets set at a distance of at least 100 feet and separated by at least 100 feet 50 and 100 feet. The targets shall be ~~not more than three (3) feet square nor less than one (1) foot square,~~ the center of which shall be mounted not less than three (3) feet nor more than nine (9) feet from ground level. Both targets must be clear of all obstructions from the measurement starting point.

~~2. The operator shall check the alignment both vertically and horizontally.~~

~~2.3. The operator shall align the device at the established starting point and take a measurement of both the two 50 foot and 100 foot check targets, to verify it's accuracy of plus or minus one (1) foot.~~

(d) Sight alignment check – Using a suitable target at least 200 feet away, check the site alignment according to the manufacturer's specifications both vertically and horizontally.

(2) Average Speed Calculators (ASC) installed as part of a LSMD shall be checked and operated as outlined in Rule 15B-2.0101, F.A.C. A written log shall be maintained. The log shall contain an entry for the accuracy checks (date and result of the check) performed at the beginning and end of each shift in which the LSMD is used. The written log forms may be of a design that meets the needs of particular jurisdictions.

Specific Authority 316.1905 FS, Law Implemented 316.1905, 316.1906 FS, History--New 10-18-94, Amended _____.

15B-2.016 Tests to Determine Accuracy of Laser Speed Measuring Devices.

(1) All LSMD used in this state shall be subject to periodic tests at intervals not to exceed six (6) months, to be conducted by a Florida registered professional engineer or by an electronic Technician who has a Federal Communication Commission, General Radiotelephone Operator License, or a certification issued by one of the following:

(a) Association of Public-Safety Communications Officials-International (APCO);

(b) Personal Communications Industries Association (PCIA), formerly known as National Association of Business and Education Radio (NABER); or

(c) National Association of Radio and Telecommunications Engineers (NARTE);

(2) Only the most recent six (6) month test certificate is required in order to establish the presumption available under Section 316.1905(3)(b), F.S. Tests will include:

(a) Bench Tests – Wavelength verification, optical power output, pulse repetition rate, pulse width, and verify that the pulse train is free of any double laser pulses or intermittent laser pulses. The results of these tests shall conform with the safety report from the U.S. Department of Health and Human Services, Center for Devices and Radiological Health (CDRH), Food and Drug Administration (21 C.F.R. part 1040), which is incorporated by reference, and the manufacturer’s specifications, both of which will be supplied by the manufacturer.

(b) Distance/Velocity – A complete verification test as described in paragraph 15B-2.015(1)(2)(a) through (c), F.A.C., and a Velocity Verification test certifying that the Laser Speed Output was compared to Actual Speed as verified by a certified radar device. The results of these tests will not be greater than plus or minus one (1) foot for the distance tests, and plus or minus one (1) mph for the speed test.

(c) Sight Alignment/Beam Pattern Test. The sighting device will be checked for accuracy to determine that it remains within the laser beam at all distances from 500-3000 feet. This may be determined from calculation based on an initial beam pattern/sight alignment analysis. The beam will be analyzed to determine that it is within the pattern/size tolerances specified by the manufacturer.

~~(d)(e)~~ Each test shall be recorded on form HSMV 61071 (7/03 9/94) which ~~is~~ is incorporated by reference. Blank forms are and is available by contacting the Department at the address described in subsection 15B-2.0082(1)(2), F.A.C.

(e) When an Average Speed Calculator (ASC) is installed and used as a separate feature of a LSMD, the ASC feature must be certified separately and in addition to the LSMD under paragraph 15B-2.008(2)(d), F.A.C.

Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History–New 10-18-94, 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.”

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE:
Unclaimed Refunds

RULE NO.:
19B-11.007

PURPOSE AND EFFECT: To revise the procedures for notifying purchasers of terminated advance purchase contracts of unclaimed refunds and for notifying contract purchasers that have made certain inadvertent payment to the Florida Prepaid College Program, so the purchasers may obtain a refund.

SUBJECT AREA TO BE ADDRESSED: The procedure and methods to be used to notify purchasers of terminated advance purchase contracts of unclaimed refunds and to notify contract purchasers that have made certain inadvertent payment to the Florida Prepaid College Program, so the purchasers may obtain a refund.

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.971, 1009.972(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: 2:00 p.m., February 2, 2004

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.007 Unclaimed Refunds.

(1) The Board will send a refund to any purchaser whose contract is terminated after July 1, 1996, pursuant to Rule 19B-10.001 or 19B-10.002, F.A.C. Such refund will shall consist of any monies paid into the program minus any applicable fees due against the account. The Board will mail written notice to purchasers when the refund check for a contract terminated after July 1, 1996, has not been negotiated for six years and when a refund is available for a contract that was terminated prior to July 1, 1996. The notice will indicate the procedure which the purchaser must follow to obtain a refund of the monies held by the Board and that if a refund claim is not timely made that the funds will escheat to the Florida Prepaid College Trust Fund. An alphabetical list of the names and city of residence of such purchasers will be posted on the Board’s website on the Internet. Any refund which remains unclaimed seven years after an account is terminated or on December 31, 2004, whichever is later, will escheat to the Florida Prepaid College Trust Fund.

~~(2)(a) As to accounts which were terminated pursuant to Rule 19B 10.001 or 19B 10.002 prior to July 1, 1996, the Board shall mail a written notice to the purchaser of such accounts, if an unclaimed refund is available for the terminated account, regarding the procedure which the purchaser must follow to obtain a refund of the monies held by the Board for~~

said accounts. The notice shall be sent to the purchaser when the refund has been unclaimed for six years after the date the account was terminated.

~~(b) Each year, the Board shall publish in newspapers of general circulation throughout the state an alphabetical list of the names of those purchasers due a refund of fifty dollars or more who have not made a claim for the refund within ninety (90) days after the mailing of the written notice to the purchaser pursuant to subsection (2)(a). The notice shall indicate the procedure which the purchaser must follow to obtain a refund of the monies held by the Board for such accounts and that if a claim for a refund is not made within seven years of the termination of the account or within one year after the date of publication of the notice, whichever is later, that the funds shall escheat to the Florida Prepaid College Trust Fund. Said notice shall be posted on the Board's website on the Internet.~~

~~(c) Following notice as provided in this subsection, any refund which relates to an account terminated pursuant to Rule 19B-10.001 or 19B-10.002 prior to July 1, 1996, that remains unclaimed for seven years after the termination of the account or for one year after the publication of the notice required in subsection (2)(b), whichever is later, shall escheat to the Florida Prepaid College Trust Fund.~~

~~(3) As to accounts terminated pursuant to Rules 19B-10.001 and 19B-10.002 after July 1, 1996, the Board shall mail written notice to any purchaser of such accounts when the purchaser has not negotiated the refund check for such account after a period of six years. The notice shall indicate the procedure which the purchaser must follow to obtain a refund of the monies held by the Board for said accounts and that if a claim for a refund is not made within seven years of the termination of the account that the funds shall escheat to the Florida Prepaid College Trust Fund. An alphabetical list of the names of the purchasers of such accounts shall be posted on the Board's website on the Internet. Any such refunds for any account terminated pursuant to Rule 19B-10.001 or 19B-10.002 which remains unclaimed after seven years shall escheat to the Florida Prepaid College Trust Fund.~~

~~(2)(4) The Board will attempt to identify purchasers who have made inadvertent payments of fifty dollars or more into the Program and who are owed a refund of such payments. The Board will mail a written notice to persons who made such payments informing them that they are entitled to a refund of the inadvertent payments when such refunds have been unclaimed for six years. The notice will shall indicate the procedure which the person must follow to obtain a refund of the monies held by the Board and that if a claim for a refund is not timely made within seven years after the date such refund became unclaimed that the funds will shall escheat to the Florida Prepaid College Trust Fund. An alphabetical list of the names and city of residence of such purchasers will shall be posted on the Board's website on the Internet. Any refund of~~

an inadvertent payment into the Program which remains unclaimed after seven years or on December 31, 2004, whichever is later, will shall escheat to the Florida Prepaid College Trust Fund.

~~(3)(5) When the Board determines one or more additional methods for locating and notifying purchasers due an unclaimed refund or entitled to a refund of an inadvertent payment are available which are likely to increase the number and amounts of refunds provided to purchasers entitled to a refund or provided to purchasers who have made inadvertent payments, the Board will use such methods to locate and provide refunds to purchasers.~~

~~(4)(6) The Board will shall annually review and approve the list of unclaimed refunds and inadvertent payments which have remained unclaimed for the periods required under this rule and have escheated to the Florida Prepaid College Trust Fund.~~

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.971, 1009.972(5), 1009.98(5) FS. History—New 6-20-96, Amended 12-29-98,

REGIONAL PLANNING COUNCILS

South Florida Regional Planning Council

RULE TITLE: Strategic Regional Policy Plan RULE NO.:

for South Florida 29J-2.009

PURPOSE AND EFFECT: The South Florida Regional Planning Council announces a public meeting for the purpose of the development of rule amendment for the Strategic Regional Policy Plan (SRPP) for South Florida.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will address all aspects of the Strategic Regional Policy Plan (SRPP) for South Florida, including natural resources, land use and public facilities, regional transportation, economic development, affordable housing, and emergency planning.

SPECIFIC AUTHORITY: 120.54, 186.507 FS.

LAW IMPLEMENTED: 120.54, 186.507, 186.508 FS., Chapter 93-206, Laws of Florida.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:30 a.m., February 2, 2004

PLACE: Kovens Conference Center, Florida International University – Biscayne Bay Campus, 3000 N. E. 151st Street, Miami, Florida 33181

TIME AND DATE: 4:00 p.m. – 6:00 p.m., February 4, 2004

PLACE: Florida City – City Hall/Commission Chambers, 404 West Palm Drive, Florida City, Florida 33034

DATE AND TIME: 4:00 p.m. – 6:00 p.m., February 12, 2004

PLACE: Marathon Government Center, EOC Room, 2798 Overseas Highway, Marathon, Florida 33050

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Allyn L. Childress, South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the South Florida Regional Planning Council with respect to any matter considered at these meetings, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT WWW.SFRPC.COM.

DEPARTMENT OF CORRECTIONS

RULE TITLE: General Libraries

RULE NO.: 33-501.310

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set forth guidelines for the operation and use of general institutional libraries.

SUBJECT AREA TO BE ADDRESSED: General libraries.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.310 General Libraries.

(1) Definitions.

(a) Book on tape – refers to a book title that has been read aloud and recorded on one or more cassette tapes by the Bureau of Braille and Talking Book Library.

(b) Bureau of Braille and Talking Book Library – refers to the agency that provides books on tape, Braille books, and other auxiliary aids for individuals who, due to a disability, are unable to read books in print.

(c) General library – refers to the general library services programs operating in correctional facilities that are directly supervised by a library supervisor. Reading rooms and deposit collections established in dormitories, hospital wards, confinement units, work camps, forestry camps, road prisons, and work release centers are not general libraries.

(d) Hardcover book – refers to a bound publication with a rigid, pressboard cover that is attached to the book through use of end sheets. It is also commonly referred to as a hardbound book.

(e) Impaired inmate – where used in this section, refers to inmates who are unable to handle or read written material due to a physical or mental impairment that substantially limits one or more major life activities, as determined by a physician, psychologist, academic teacher or other specialist to which the inmate was referred to by the department for diagnosis or treatment of the impairment.

(f) Library Supervisor – refers to the librarian specialist, library technical assistant, or any other employee that the warden or designee appoints to supervise the institutional general library program.

(g) Periodical on tape – refers to a magazine or newspaper issue that has been read aloud and recorded on one or more cassette tapes by the Bureau of Braille and Talking Book Library.

(h) Soft cover book – refers to a bound publication with a flexible, paper cover, also referred to as a soft bound or paperback book.

(2) Inmates at major institutions of the department shall be provided access to general library materials and services, to include access to books, periodicals, and newspapers, as staffing and budgetary limitations, security requirements, and this rule and other department rules permit.

(3) Rule 33-501.401, F.A.C., shall serve as the primary materials selection policy for general libraries. General libraries shall not acquire, maintain, or circulate to inmates any item that the department's literature review committee has ruled as inadmissible. The library supervisor shall be responsible for ensuring that all library materials made accessible to inmates are admissible.

(4)(a) Inmates who mutilate, deface or pilfer general library materials shall be subject to disciplinary action as provided in Rules 33-601.301-601.314, F.A.C. Any inmate who has been found guilty of such a disciplinary infraction may be charged costs to repair or replace library materials or equipment and may have his or her privilege of visiting the library and using library materials suspended for up to 60 days.

(b) Inmates who do not follow general library program procedures governing the use of library materials, or who exhibit behavior that is in noncompliance with department rules while in the library, shall be subject to disciplinary action as provided in Rules 33-601.301-601.314, F.A.C. Any inmate

who has been found guilty of such a disciplinary infraction may have his or her privilege of visiting the library and using library materials suspended for up to 60 days.

(5) Inmates in disciplinary confinement and maximum management shall not be permitted to borrow general library books. Inmates in administrative confinement, protective management, and close management shall be provided library services as provided in Rules 33-602.220, 33-602.221, and 33-601.800, F.A.C. Inmates on death row shall be provided the same library services as are provided to inmates in close management. General library programs shall not send hardcover books to inmates in administrative confinement, close management, or on death row.

(6) Bureau of Braille and Talking Book Library Services. Impaired inmates who receive assistance from the Bureau of Braille and Talking Book Library Services shall be allowed to possess a tape player or record player from the Bureau. Any alteration of equipment provided by the Bureau shall result in confiscation of the equipment and suspension of those privileges.

(a) A tape recorder shall be available for impaired inmates to use at a location determined by the warden which allows for supervision of use and which does not unduly restrict access.

(b) Impaired inmates shall obtain approval from the chief health officer to utilize the tape recorder in lieu of pen and paper for correspondence purposes.

(c) Impaired inmates who are eligible for library services from the Bureau of Braille and Talking Book Library Services may request library materials by means of direct correspondence with that library.

(d) Mailroom staff shall forward any books or periodicals on tape received from the Bureau of Braille and Talking Book Library Services to the general library.

1. Impaired inmates in open population shall pick up Bureau of Braille and Talking Book Library books and periodicals on tape from the general library and shall return said materials to the general library when they are finished with them.

2. Impaired inmates in administrative confinement, disciplinary confinement, close management, or on death row shall be provided access to books on tape, and periodicals on tape where allowed by other department rules, via the same procedures used to provide non-impaired inmates with access to the general library's soft-cover books, or by means of correspondence, and shall return said materials to the general library when they are finished with them.

(e) Possession limits. Impaired inmates, except for those in close management, shall be limited to possession of four books on tape. Possession limits for inmates in close management are established in Rule 33-601.800, F.A.C. An inmate who already possesses the maximum number of books or periodicals on

tape allowed shall not be allowed to receive any more until some are returned to the general library or to the Bureau of Braille and Talking Book Library Services.

(f) Any book on tape, periodical on tape, or equipment that an impaired inmate receives from the Bureau of Braille and Talking Book Library Services remains the Bureau's property and must be returned to the Bureau or to the institution's general library when:

1. An inmate loses the use of books and periodicals on tape or equipment for disciplinary reasons; or

2. A physician, psychologist, academic teacher or other specialist to which the inmate was referred to by the department for diagnosis or treatment of the impairment determines that the inmate no longer has physical impairments that qualify him or her for services from that library.

(g) No Bureau of Braille and Talking Book Library materials that are inadmissible per the rejection criteria established in Rule 33-501.401, F.A.C., shall be issued to impaired inmates. Any book or periodical on tape that contains subject matter that is inadmissible shall be returned.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New

DEPARTMENT OF MANAGEMENT SERVICES

Division of Facilities Management

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Lease/Sublease of State-Owned Property for E911 System Wireless Communications Antenna and/or Support Structure	60H-9
RULE TITLES:	RULE NOS.:
Definitions	60H-9.001
Intent	60H-9.002
Properties Acquired for Transportation Purposes Excluded	60H-9.003
Managing Agency/Owner Agency Evaluation of Availability	60H-9.004
DMS Standard Wireless Communications Lease/Sublease	60H-9.005
Priority for Siting	60H-9.006
Site Access	60H-9.007
Legal Review	60H-9.008
Filing of Lease/Sublease	60H-9.009
One-Time Reporting; Additional Fee for Improvements or Co-location	60H-9.010
Information and Forms	60H-9.011
PURPOSE AND EFFECT: To determine the criteria for leasing of State-owned land for placement of antennas, support structures, and associated wireless equipment and facilities to support a wireless enhanced 911 emergency telephone system.	
SUBJECT AREA TO BE ADDRESSED: Leasing of state-owned land for E 911 wireless facilities.	

SPECIFIC AUTHORITY: 365.172(11)(e) FS.
 LAW IMPLEMENTED: 365.172(11) 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: 2:00 p.m., February 6, 2004
 PLACE: Room 166, Betty Easley Conference Center, Capital Circle Office Complex, 4075 Esplanade Way, Tallahassee, Florida

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 agency at least 48 hours before the workshop/hearing/meeting by contacting: Julie Shaw, (850)487-3423. If you are hearing or speech impaired, please contact the agency by calling (850)410-0684.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Owen, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Tallahassee, FL 32399-0950, (850)488-0439

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Probable Cause Determination
 RULE NO.: 61G14-17.002
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the composition of the probable cause panel.
 SUBJECT AREA TO BE ADDRESSED: Composition of the probable cause panel.

SPECIFIC AUTHORITY: 310.013(3), 455.013(3) FS.
 LAW IMPLEMENTED: 455.013(3) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G14-17.002 Probable Cause Determination.

(1) The determination as to whether probable cause exists to believe that a violation of the provisions of Chapter 445 or 310, Florida Statutes, or the rule promulgated thereunder has

occurred shall be made by a probable cause panel of the Board. The panel shall consist of three (3) Board members, not more than one (1) member of the panel shall be a non-pilot Board member. Former Board members who hold an active valid license may serve on the Probable Cause Panel but at least two (2) current Board members must be members of the Panel at all times.

(2) No change.

Specific Authority 310.013(3), 455.013(3) FS. Law Implemented 455.013(3) FS. History--New 1-28-80, Formerly 21SS-8.06, Amended 9-4-91, Formerly 21SS-8.006, 21SS-17.002, Amended _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Deceptive and Misleading Advertising
 RULE NO.: 64B2-15.001
 Prohibited; Policy; Definition
 PURPOSE AND EFFECT: The Board proposes to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Deceptive and Misleading Advertising Prohibited; Policy; Definition.

SPECIFIC AUTHORITY: 460.405 FS.
 LAW IMPLEMENTED: 456.062, 460.413(1)(d) 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: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLES: Citations
 RULE NOS.: 64B11-4.005
 Mediation 64B11-4.006

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: Citations and mediation.

SPECIFIC AUTHORITY: 456.077, 468.204 FS.
 LAW IMPLEMENTED: 456.072(3), 456.077, 456.078 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Requirements for Reactivation of an Inactive License
 RULE NO.: 64B11-5.003

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

SUBJECT AREA TO BE ADDRESSED: Requirements for reactivation of an inactive license.

SPECIFIC AUTHORITY: 456.036 FS.
 LAW IMPLEMENTED: 468.219(2) FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Fees for Application, Re-Application and Initial Licensure
 RULE NO.: 64B17-2.001

PURPOSE AND EFFECT: The Board proposes to make revisions and additions to the current rule text.

SUBJECT AREA TO BE ADDRESSED: Fees For Application, Re-Application and Initial Licensure.

SPECIFIC AUTHORITY: 486.025, 486.041(1), 486.081(2) FS.

LAW IMPLEMENTED: 456.013, 456.065, 486.041, 486.061, 486.081, 486.103, 486.106, 486.107 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-2.001 Fees for Application, Re-Application and Initial Licensure Fees for Physical Therapists.

(1) Each applicant for licensure shall pay an application fee in the form of a check or money order payable to the Department of Health. The application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application and application fee, a new application and new fee shall be required from any applicant who desires to be considered for licensure.

~~(2) The application fee~~ Endorsement—An applicant for licensure by endorsement is shall remit a fee of \$175 to the Department of Health with the application.

~~(3) The application fee~~ Examination—An applicant for licensure by taking the national examination is shall remit an application fee of \$100.

(4) The applicant is responsible for the \$25 application fee for taking the Florida laws and rules examination as prescribed by Rule 64B-1.016, F.A.C.

(5) When the Board certifies the applicant to sit for the examination, it is the applicant's responsibility to complete the examination process with the national vendor. In compliance with the Americans with Disabilities Act, any applicant requesting special accommodations shall comply with the Department of Health's Rule 64B-1.005, F.A.C.

(6) The initial licensure fee is \$100.

(7) The unlicensed activity fee is \$5.00. This fee is in addition to the initial licensure fee.

(8) If an applicant fails to pass the national examination and/or the laws and rules examination, the applicant is responsible to meet the same requirements as prescribed in subsection (2) through (5) of this rule where applicable.

Specific Authority 486.025, 486.041(1), 486.081(2) FS. Law Implemented 456.013, 456.065, 486.041(+), 486.061, 486.081, 486.103, 486.106, 486.107 FS. History—New 12-13-83, Amended 5-29-85, Formerly 21M-7.25, Amended 6-20-89, Formerly 21M-7.025, 21MM-2.001, 61F11-2.001, 59Y-2.001, Amended 2-1-99, _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Biennial Renewal and Inactive Status; Delinquency; Reactivation; and Change of Status Fees
 RULE NO.: 64B17-2.005

PURPOSE AND EFFECT: The Board proposes to make revisions and additions to the current rule text.

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal and Inactive Status; Delinquency; Reactivation; and Change of Status Fees.

SPECIFIC AUTHORITY: 486.025, 486.085 FS.

LAW IMPLEMENTED: 456.036(4),(6), 486.085, 486.108(1) 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

~~64B17-2.005 Biennial Renewal and Inactive Status; Delinquency; Reactivation; and Change of Status Fees Fee for Physical Therapists and Physical Therapist Assistants. Each licensed physical therapist and physical therapist assistant shall submit a biennial fee for the renewal of his or her license no later than the last day of each biennial period, as defined by the Department.~~

~~(1) The biennial renewal fee for an active license is for physical therapists shall be \$100.~~

~~(2) The biennial renewal fee for an inactive license is \$50. Inactive status automatically revokes the privilege to practice in Florida physical therapist assistants shall be \$100.~~

~~(3) A license which is not renewed at the end of the biennium as prescribed by the Department shall automatically revert to delinquent status. Delinquent status automatically revokes the privilege to practice in Florida. The delinquency fee is \$55.~~

~~(4) The unlicensed activity fee is \$5.00. This fee is in addition to the active or inactive licensure renewal fee.~~

(5) The fee for reactivation is \$50.

(6) The change of status fee is \$40.

(7) Failure by a delinquent licensee to become active or inactive before the expiration of the current licensure cycle renders the license null without further action by the board or the Department. Any subsequent licensure shall be as a result of applying for and meeting all requirements at the time of application.

Specific Authority 486.025, 486.085(+), 486.036 (4),(6), 486.085, 486.108(1) FS. History—New 8-6-84, Formerly 21M-8.10, Amended 9-22-87, 6-20-89, Formerly 21M-8.010, Amended 10-17-90, Formerly 21MM-2.005, 61F11-2.005, 59Y-2.005, Amended 12-6-01, _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Examination Security and Sanctions for Subversions
 RULE NO.: 64B17-3.006

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

SUBJECT AREA TO BE ADDRESSED: Examination Security and Sanctions for Subversion.

SPECIFIC AUTHORITY: 486.023(4), 486.025 FS.

LAW IMPLEMENTED: 456.017(1)(d) 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-3.006 Examination Security and Sanctions for Subversions.

(1) The Board incorporates Department Rule 64B-1.004, F.A.C., relating to the security of examinations.

(2) An applicant, licensee, or examinee who is found by the Board, prior to, during, or after the administration of an examination, to have engaged or to have attempted to engage in conduct that subverts or undermines the integrity of the examination process shall be disqualified from taking the examination and from licensure as a physical therapist, and shall receive a failing grade on the examination if applicable.

Specific Authority 486.023(4), 486.025 FS. Law Implemented 456.017(1)(d) FS. History—New 6-12-03, Amended _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Examination Security and Sanctions for Subversions
 RULE NO.: 64B17-4.006

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

SUBJECT AREA TO BE ADDRESSED: Examination Security and Sanctions for Subversion.

SPECIFIC AUTHORITY: 486.023(4), 486.025 FS.

LAW IMPLEMENTED: 456.017(1)(d) 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-4.006 Examination Security and Sanctions for Subversions.

(1) The Board incorporates Department Rule 64B-1.004, F.A.C., relating to the security of examinations.

(2) An applicant, licensee, or examinee who is found by the Board, prior to, during, or after the administration of an examination, to have engaged or to have attempted to engage in conduct that subverts or undermines the integrity of the examination process shall be disqualified from taking the examination and from licensure as a physical therapist assistant, and shall receive a failing grade on the examination if applicable.

Specific Authority 486.023(4), 486.025 FS. Law Implemented 456.017(1)(d) FS. History–New 6-17-03, Amended _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Requirements for Reactivation of an Inactive License
 RULE NO.: 64B17-5.001

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

SUBJECT AREA TO BE ADDRESSED: Requirements for Reactivation of an Inactive License.

SPECIFIC AUTHORITY: 486.025, 486.085, 486.108, 456.036 FS.

LAW IMPLEMENTED: 486.085, 486.108, 456.036 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 64B17-5.001 follows. See Florida Administrative Code for present text.)

64B17-5.001 Requirements for Reactivation of an Inactive License.

An inactive license shall be reactivated upon demonstration that the licensee has paid the reactivation fee, the biennial renewal fee for an active license, and if applicable, a change of status and/or delinquency fee, provided that the licensee has:

(1) Documented completion of 10 hours of continuing education of formal approved study pertinent to practice for each year the license was inactive. No more than 12 hours of continuing education may be home study per year of inactive status.

(2) Documented completion of the required HIV/AIDS course as prescribed in Rule 64B17-8.001, F.A.C., for each biennium the license was inactive.

(3) Documented completion of the required medical errors prevention courses as prescribed in Rule 64B17-8.002, F.A.C., for each biennium after the effective date of the statutory requirement while the license was inactive.

(4) Documented proof of completion of 24 hours of approved continuing education as provided in Rule 64B17-9.001, F.A.C., including HIV/AIDS and medical errors prevention for the preceding biennium during which the licensee held an active license.

Specific Authority 486.025, 486.085, 486.108, 456.036 FS. Law Implemented 486.085, 486.108, 456.036 FS. History–New 8-6-84, Formerly 21M-8.11, Amended 9-22-87, 12-30-87, 6-20-89, Formerly 21M-8.011, Amended 3-24-93, Formerly 21MM-5.001, 61F11-5.001, Amended 12-22-94, 4-4-95, 8-16-95, 7-1-97, Formerly 59Y-5.001, Amended _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions
 RULE NO.: 64B17-5.002

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

SUBJECT AREA TO BE ADDRESSED: Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

SPECIFIC AUTHORITY: 456.024(2), 486.025 FS.

LAW IMPLEMENTED: 456.024(2) 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-5.002 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board. The licensee is required to notify the Board of a change in status within six months of the licensee's return to the State of Florida or the spouse's discharge from active duty. If the change of status occurs within the second half of the biennium, the licensee is exempt from the continuing education requirement for that biennium.

Specific Authority 456.024(2), 486.025 FS. Law Implemented 456.024(2) FS. History—New 5-18-00, Amended.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Citations RULE NO.: 64B17-7.002

PURPOSE AND EFFECT: The Board proposes to make revisions and additions to the current rule text.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 486.025 FS.

LAW IMPLEMENTED: 456.077 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board

Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-7.002 Citations.

(1) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a licensee for the purpose of assessing a penalty in an amount established by this rule. All citations will include a requirement that the subject correct the violation, if remediable, within a specified period of time not to exceed 60 days, and impose whatever obligations will remedy the offense, except that up to six months shall be permitted with regard to the completion of continuing education credit hours. If the violation is not corrected, or is disputed, the Department shall follow the procedure set forth in Section 456.073, F.S.

(2) No change.

~~(3) The citation may be served upon the licensee by hand delivery or certified mail at the licensee's last known home address. If service by certified mail fails because the licensee has relocated without leaving a forwarding address, then the Department shall endeavor to give the subject actual or constructive notice of the pending disciplinary action as permitted by law.~~

~~(3)(4) The Board designates the following as citation violations:~~

~~(a) Advertising for discounted services (Section 456.062, F.S.) – A fine of \$250 for first offense.~~

~~(b) Failure to turn over patient records (Section 456.057, F.S.) – If corrected, a citation and A a fine of \$100; if not corrected, referral to probable cause.~~

~~(c) First-time failure of the licensee to satisfy AIDS education coursework (Rule 64B17-8.001, F.A.C.) – If coursework completed, \$250 fine. If not completed, \$500 fine and sixty days to complete coursework or matter will be referred to probable cause.~~

~~(c)(d) Obtaining a license by issuing a bad check (Section 456.072(1)(h), F.S.) – A fine of If the check and bad check fee are paid, \$100 fine.~~

~~(d)(e) Failure to report in writing to the Board within 30 days after criminal conviction of licensee (Section 456.072(1)(w), F.S.) – A fine of If reported within six months of conviction, \$250 fine.~~

~~(e)(f) Failure First-time failure of the licensee to satisfy continuing education requirements established by the Board (Rule 64B17-9.001, F.A.C.) – If the licensee rectifies the deficiencies within six months after notification of audit deficit, \$500 fine.~~

- 1. Failure to complete less than 9 hours, a fine of \$300.
 - 2. Failure to complete between 9 and 16 hours, a fine of \$600.
 - 3. Failure to complete between 17 and 24 hours, a fine of \$1,000.
- ~~(f)(g)~~ Failure to notify the Board office in writing ~~within 60 days~~ of a change of address (Rule 64B17-6.004, F.A.C.), = A fine of \$250 fine.

~~(g)(h)~~ Failure to comply with a continuing education audit request (Section 486.109(4) and 486.125(k), F.S.) ~~within 30 days of the request,~~ - A fine of \$250 fine.

~~(h)(i)~~ Failure to pay required fees and/or fines in a timely manner; (Rule 64B17-7.0025, F.A.C.).

(5) In addition to the penalties established in this rule, the Department shall recover the costs of investigation in accordance with its rules. The penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department's cost of investigation.

(6) If the subject ~~does not dispute~~ ~~disputes~~ any matter contained in the citation, within thirty days after service, ~~the Department shall follow the procedure set forth in Section 456.073, F.S.~~ ~~Otherwise,~~ the citation shall become a final order of the Board.

Specific Authority 456.077, 486.025 FS. Law Implemented 456.077 FS. History--New 1-19-92, Formerly 21MM-7.003, Amended 10-28-93, Formerly 61F11-7.003, 59Y-7.003, Amended 1-6-99, 1-6-02, _____.

DEPARTMENT OF HEALTH
Board of Physical Therapy Practice

RULE TITLE: Mediation
 RULE NO.: 64B17-7.004
 PURPOSE AND EFFECT: The Board proposes to make revisions and additions to the current rule text.
 SUBJECT AREA TO BE ADDRESSED: Mediation.
 SPECIFIC AUTHORITY: 486.025, 456.078 FS.
 LAW IMPLEMENTED: 456.078 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-7.004 Mediation.

The Board finds that mediation is an acceptable resolution of the following violations that are economic in nature or can be remedied by the licensee, where the licensee has a differing view from the complainant as to the nature or extent of the violation:

(1) Failure to respond timely to a continuing education audit as required by Section 486.109(4), F.S.

(2) Failure to notify the Department of a change of address as required by Rule 64B17-6.004, F.A.C. Failure to renew the license timely, if renewed within six months of expiration.

(3) Issuance of a bad check to the Department under Section 486.125(1)(k), F.S.

Specific Authority 486.025, 456.078 FS. Law Implemented 456.078 FS. History--New 12-22-94, Formerly 59Y-7.005, Amended _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Notice of Noncompliance
 RULE NO.: 64B17-7.005

PURPOSE AND EFFECT: The Board proposes to create a new rule.

SUBJECT AREA TO BE ADDRESSED: Notice of Noncompliance.

SPECIFIC AUTHORITY: 120.695, 456.073(3), 486.025 FS.

LAW IMPLEMENTED: 120.695, 456.073(3) 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-7.005 Notice of Noncompliance.

In accordance with Section 456.073, F.S. and Section 120.695, F.S., the Board shall issue a notice of noncompliance as a first response to a minor violation of a rule. Failure of a licensee to take action to correct the violation within 15 days shall result in either the issuance of a citation when appropriate or the initiation of regular disciplinary proceedings. The minor violations which shall result in a notice of noncompliance are:

(1) Failure to notify of a change of address within 60 days as required by Rule 64B17-6.004, F.A.C.

(2) Non-intentional issuance of a bad check to the Department under Section 486.125(1)(k), Florida Statutes.

Specific Authority 120.695, 456.073(3), 486.025 FS. Law Implemented 120.695, 456.073(3) FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Continuing Education

RULE NO.: 64B17-9.001

PURPOSE AND EFFECT: The Board proposes to update current rule text.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.013(6), 486.109(2) 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-9.001 Continuing Education.

(1) through (5) No change.

(6) The Board approves for continuing education credit:

(a) No change.

(b) Courses sponsored by the American Physical Therapy Association, the Federation of State Boards of Physical Therapy, or any of their ~~its~~ components, 1111 North Fairfax Street, Alexandria, Virginia 22314, or;

(c) No change.

(d) Attendance at Florida Board meetings where disciplinary cases are being heard if the licensee is not on the agenda or appearing for another purpose. The number of risk management contact hours for such attendance is based on the definition of contact hour as set forth in (2).

(e) Members of the Board’s Probable Cause Panel shall receive five hours of continuing education risk management credit per biennium for their service on the Panel.

(7) No change.

(8) The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the appropriate continuing education offerings listed on the renewal form for a period of not less than four years from the date the offering was taken.

Specific Authority 486.025 FS. Law Implemented 456.013(6), 486.109(2) FS. History—New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended 2-14-02, 4-21-02, 1-2-03, _____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE CHAPTER TITLE: Disciplinary Matters

RULE CHAPTER NO.: 64B18-14

PURPOSE AND EFFECT: The Board proposes to review the disciplinary rules in this chapter to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Disciplinary matters relating to the practice of podiatric medicine.

SPECIFIC AUTHORITY: 456.048, 456.072, 456.073, 456.077, 456.078, 456.079, 461.004(4), 461.005, 461.013 FS.

LAW IMPLEMENTED: 456.027, 456.033, 456.048, 456.053, 456.057, 456.062, 456.063, 456.067, 456.072, 456.073, 456.077, 456.079, 461.002(2), 461.003(3), 461.004(4), 461.005, 461.012, 461.013 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD’S NEXT MEETING TO BE HELD ON FEBRUARY 6, 2004, IN ORLANDO, FLORIDA.

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

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

**Section II
Proposed Rules**

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.”