

- (d) A client’s assets exceed \$12,000.
- (e) A client has not been truthful on the Re-certification Application.
- (f) A client has been threatening, hostile and uncooperative towards Department staff.

Specific Authority 381.003(1)(c) FS. Law Implemented 381.011(1), 381.003(1)(c) FS. History—New

64D-4.006 Rights and Responsibilities.

- (1) Any person has the right to apply for a determination of eligibility to receive allowable services from the HIV/AIDS Patient Care Programs in accordance with this rule chapter.
- (2) The applicant or client is responsible for adhering to the statements contained in the Rights and Responsibilities section of the Application.
- (3) The applicant or client is responsible for demonstrating behavior that is cooperative, civil and respectful of others during and after the eligibility process.
- (4) The applicant has the right to appeal the determination of ineligibility if he/she believes the decision was made incorrectly and unfairly in accordance with procedures established in Chapter 120, F.S.

Specific Authority 381.003(1)(c) FS. Law Implemented 381.011(1), 381.003(1)(c) FS. History—New

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Minimum Security Procedures for Voting Systems RULE NO.: 1S-2.015
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise and update its content to comply with current Florida Statutes.
 SUMMARY: The rule is being amended to update it so that it complies and reflects current requirements under Florida Statutes.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.
 Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
 SPECIFIC AUTHORITY: 101.015 FS.
 LAW IMPLEMENTED: 101.015(4) FS.
 HEARINGS WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 11:00 a.m., Monday, July 13, 2004
 PLACE: 500 South Bronough Street, R.A. Gray Building Auditorium, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Jane Bradshaw, Division of Elections, 500 South Bronough Street, R.A. Gray Building, Suite 316, Tallahassee, Florida 32399, (850)245-6220
 Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Marielba Torres, (850)245-6200, at least three days in advance of the meeting.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.015 Minimum Security Procedures for Voting Systems.

- (1) ~~PURPOSE Purpose.~~
~~(a) To achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting, including write-in voting, and of counting, tabulating and recording votes by voting systems used in the State of Florida, pursuant to Section 101.015(3), F.S.~~
~~(b) To establish minimum security standards for voting systems and requirements for filing and review of written security procedures, pursuant to Section 101.015(4), F.S.~~
- (2) DEFINITIONS Definitions. The following words and phrases shall be construed as follows when used in this rule:
 - (a) A “Ballot” ~~when used in reference to means one or more of the following:~~

1. ~~“Paper ballot” means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote. A device created for the purpose of advising an elector of the valid choices for voting. Ballots may be reproduced on paper, video screens, liquid crystal displays, or on other visual, audible, printed, or electronic media.~~

2. ~~“Electronic or electromechanical device” means a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment. Any medium used to record each vote cast which may include marksense forms, printed paper sheets, unprinted strips for write-in votes, electronic, optical, electromechanical, or magnetic storage devices.~~

3. ~~Any device which combines the features of paragraphs 1. and 2. above.~~

(b) A “Voted ballot” means a ballot as defined in ~~(2)(a)2. or (2)(a)3. above,~~ which has been cast by an elector.

(c) “Voting system” means a method of casting and processing votes that functions wholly or partly by use of ~~mechanical,~~ electromechanical; or electronic apparatus or by use of paper ballots and includes, but is not limited to, the

procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

(d) "Voting ~~Device machine~~" means any apparatus by which votes are registered electronically ~~mechanical voting machine or any electronic or electromechanical direct recording equipment (DRE) voting machine.~~

(3) SECURITY PROCEDURES. Requirements for filing security procedures with the Division of Elections. ~~Each No later than January 1, 1994,~~ each supervisor of elections shall place on file with the Division of Elections security procedures which meet the minimum standards set forth in this rule. Revisions After January 1, 1994, ~~revisions~~ to procedures on file with the Division of Elections shall be submitted at least 45 days before the first election in which they are to take effect and shall be accompanied by a statement describing which part of the procedures previously filed have been revised. Each supervisor of elections has the authority to make changes to the security procedures within 45 days of an election as a result of an emergency situation or other unforeseen circumstance. The supervisor shall document any changes to include the reasons why such changes were necessary. A copy of any changed document authorized by the supervisor shall be submitted to the Division of Elections within 5 days of the change.

(4) REVIEW OF SECURITY PROCEDURES ~~Review of Security Procedures.~~

(a) The Division of Elections shall conduct a review of the submitted security procedures to determine if they meet the minimum requirements set forth in this rule. The Division of Elections will notify the supervisor of elections as to the results of the review within ~~90 days of the date security procedures are received and within~~ 30 days of the date revisions to the security procedures are received in the office of the Division of Elections. If the Division is unable to complete its review within the time frames established in this rule, the procedures or revisions shall be temporarily approved until such time as the review is completed and the supervisor of elections will be notified accordingly. The notification of the results of the review will include an enumeration of specific provisions which were found to be incomplete or otherwise do not meet the provisions of this rule.

(b) Security procedures on file with the Division of Elections shall be reviewed by the Division of Elections in each odd numbered year, pursuant to Section 101.015(4)(b), F.S.

(5) STANDARDS FOR SECURITY PROCEDURES ~~Standards for Security Procedures.~~

(a) Security Procedures shall include copies of each referenced form, schedule, log or checklist or descriptions of the contents of forms, schedules, logs or checklists that vary from election to election.

(b) Election Schedule. The security procedures shall require the establishment of an election schedule at least 90 days prior to each regularly scheduled election and within 20 days of the date a special election is scheduled. The election schedule shall contain the following:

1. A list of all tasks necessary to conduct the election,
2. The legal deadline, where applicable, or tentative date each task is to be completed; and
3. The individual (position, title), group or organization responsible for completing each task.

(c) Ballot Preparation. The security procedures shall describe the steps necessary to insure that the ballot contains the proper races, candidates and issues for each ballot variation and that the ballots can be successfully tabulated. The ballot preparation procedures shall, at a minimum, contain the following:

1. Method and materials required to determine each type of ballot or ballot variations;
2. Assignment of unique marks, ~~punches~~ or other coding necessary for identifying ballot variations or precincts;
3. Verification that unique marks, ~~punches~~, or other coding necessary for tabulation are correct; ~~and~~
4. Description of system used to facilitate ballot preparation, if applicable; and
5. Description of method to verify that all ballots and ballot variations are accurately prepared and printed.

(d) Preparation and Configuration of Tabulation System.

1. The procedures relating to the preparation and configuration of the tabulation system shall, at a minimum, include the following:

- a. Description of the ballot definition and verification process;
- b. Description of the steps necessary to program the system; and
- c. Description of the process to install the program and the procedures for verification of correctness.

2. The security procedures shall describe the test materials utilized and the voting system tests performed prior to the conduct of the public logic and accuracy test.

(e) Logic and Accuracy Test. The security procedures for use with electronic and electromechanical voting systems shall, at a minimum, describe the following aspects of logic and accuracy testing as required by Section 101.5612, F.S.:

1. Description of each test performed including test materials utilized.
2. Description of how the programs, ballots, and other test materials are sealed, secured and retained.

(f) Filing election parameters. The security procedures shall include filing with Counties shall establish procedures to provide the Division of Elections a copy of the software and with parameters used within the voting system to define, ~~for each election,~~ the tabulation and reporting instructions for each

~~election. The filing shall, at a minimum, include the following: within 24 hours after the completion of any logic and accuracy test conducted pursuant to s. 101.5612(1), F.S., or pre-election test conducted pursuant to s. 101.35, F.S. Counties using paper ballots shall file election parameters prior to the election.~~

~~1. Copy of the voting system software: For electronic and electromechanical systems, the election parameters shall be submitted in a format readable by the tabulation system and shall be accompanied by a copy of the tabulation program. If the voting system cannot produce a machine readable copy, election parameters may be submitted as printed listings or copies of the original coding sheets.~~

~~2. Copy of the administrative database used to define the election: For voting machines the election parameters shall be a copy of the instructions used to prepare the voting machines for each election.~~

~~3. Copy of all election-specific files generated and used by the system: For the tabulation of paper ballots by hand count, the election parameters shall be a written description of the tabulation plan for the election.~~

~~4. Documentation stating the release level of the precinct tabulation equipment and firmware; and~~

~~5. If the election definition is created by an individual who is not an employee of the supervisor of elections, then the parameters shall include an affidavit signed by the person who created the election definition. The affidavit shall be in substantially the following form:~~

ELECTION PARAMETER AFFIDAVIT

~~Under the penalties of false swearing, I do solemnly swear (or affirm) that the (name of election) election coding for _____ County was assembled according to specified procedures using (name of system and Florida certification number). Furthermore, included with the election materials is a duplicate copy of the administrative database used to define the election, a copy of the voting system software, a copy of all election-specific files generated and used by the system and a document stating the release level of the precinct tabulation equipment and firmware. Signature of the Person Coding the Election.~~

~~Sworn to and subscribed before me this _____ day of _____.~~

Notary Signature

~~(g) Pre-election Steps for Voting Systems Machines. The security procedures for use with mechanical or electromechanical voting devices machines shall, at a minimum, include the following:~~

~~1. Description of how the number of voting devices machines for each precinct is determined; and~~

~~2. Description of each component of the public test, including any test materials utilized;~~

3. Description of the process to seal and secure the voting devices machines. It shall also provide for a record to be kept on which the identification numbers, seal numbers and protective counter numbers for voting devices machines shall be noted; and

4. Description of the procedures for retaining the test results and any records of the proceedings.

(h) Ballot Distribution. Where paper ballots (as defined in subparagraph (2)(a)1, subparagraphs (2)(a)2, and 3, of this rule) are used, the security procedures shall, at a minimum, include the following:

1. Description of how the number and variations of ballots required by each precinct is determined;

2. Description of the method for securing the ballots; and

3. Description of the process for distributing the ballots to precincts, to include an accounting of who distributed and who received the ballots, the date, and how they were checked.

~~(i) Distribution of Precinct Equipment. The security procedures shall describe the steps necessary for distributing voting system equipment to the precincts. Distribution of Voting Machines. Where voting machines are used, the security procedures shall describe the steps necessary for compliance with the requirements of Chapter 101, F.S., pertaining to voting machine distribution.~~

(j) Election Board Duties.

1. The security procedures ~~when paper for use where ballots, including provisional ballots (as defined in paragraph (2)(a)2, of this rule)~~ are used shall, at a minimum, include the following Election Board duties:

a. Verification that the correct number of ballots were received, and that they are the proper ballots for that precinct;

b. Checking the operability or readiness of the voting devices equipment;

c. Checking and sealing the ballot box;

d. Description of how spoiled ballots are handled;

e. Description of how write-in and provisional ballots are handled; and

f. Accounting for all ballots after the polls close.

2. The security procedures for use with voting devices machines shall, at a minimum, include the following Election Board duties:

a. Verification of the identification numbers, seal numbers, and protective counter numbers of precinct tabulation and/or voting devices DRE voting machines;

b. Checking the operability or readiness of the voting device equipment;

c. Verification that all counters except protective counters are set at zero on each voting device machine;

d. Securing a printed record from each voting devices machine, if applicable;

e. Checking the correctness of the ballot;

f. Preparing voting devices machines for voting;

g. Verification that the correct number of signature identification slips were received;

h. Checking and sealing the signature identification slip container(s);

~~i.g. Handling write-in ballots;~~

~~j.h. Handling voting system machine malfunctions;~~

~~k.i. Securing Locking voting machines at the close of the polls to prevent further voting;~~

~~l.j. Accounting for all signature identification slips received; and~~

~~m.k. Recording and verifying the votes cast.~~

(k) Transport of Ballots and/or Election Materials. The security procedures shall describe the steps necessary to ensure a complete record of the chain of custody of for compliance with the requirements of Chapter 101, F.S., which pertain to the transportation of ballots and/or election materials and shall include:

1. A description of the method and equipment used to transport all ballots and/or election materials;

~~2. A method of recording the Election Board's certification required by Section 101.5614(2)(a), F.S.;~~

~~3. A method of recording the names of the individuals who transport the ballots and/or election materials from one site to another and the time they left the sending site; and~~

~~4. A method of recording the time the individuals who transport the ballots and/or election materials arrived at the receiving site and the name of the individual at the receiving site who accepted the ballots and/or election materials.~~

(l) Receiving and Preparing the Ballots for Central and Regional Counting. ~~Where ballots (as defined in paragraph (2)(a)2. of this rule) are used,~~ The security procedures shall describe the process of receiving and preparing voted ballots, election data and/or memory devices for counting to include, at a minimum, the following:

1. Verification that all of the ballot containers are properly secured and accounted for and that the seal numbers are correct;

2. Verification that the ballot container(s) for each precinct contain voted ballots including provisional ballots, unused ballots, spoiled ballots, and write-in ballots as shown to exist on the forms completed by each election board for that purpose;

3. Inspection of the paper ballots to identify those which must be duplicated or upon which voter intent is unclear, thus requiring a determination by the Canvassing Board. A ~~voter~~ record shall be kept of which paper ballots are submitted to the Canvassing Board and the disposition of those paper ballots; and

4. Description of the process for duplicating and recording the voted paper ballots which are damaged or defective.

(m) Tabulation of Vote.

1. The security procedures for use with central and regional processing counting sites shall describe each step of a ballot tabulation to include, at a minimum, the following:

a. Counting and reconciliation of voted paper precinct ballots;

b. Processing, tabulation and accumulation reconciliation of voted ballots and election data;

c. Processing and recording of all write-in and provisional ballots votes;

~~d. Responses to machine checks for electronic or electromechanical voting systems;~~

~~e. The process for handling unreadable ballots and returning any duplicates to tabulation;~~

~~f. Backup and recovery of tabulated results and voting system programs for electronic or electromechanical voting systems; and~~

~~g. Describe the procedure process for public viewing of the tabulation process and access to results.~~

2. Security procedures shall describe the steps necessary for vote tabulation in the precincts. Where voting machines are used, the security procedures shall describe the steps necessary for compliance with the requirements of Chapter 101, F.S., which pertain to vote tabulation.

3. The security procedures for use in the precincts all other ~~cases~~ shall include procedures which describe each step of ballot tabulation to include, at a minimum, the following:

a. Printing of precinct results and results from individual tabulating devices

b. Processing and recording of write-in votes;

c. Endorsing a copy of the precinct results by the Election Board;

d. Posting of precinct results;

e. Transport of precinct results to central or regional site;

f. Consolidation of precinct and provisional absentee ballot results; and

g. Describe the process for public viewing of the tabulation process and access to results.

4. The procedures for resolving discrepancies between the counted ballots and voted ballots and any other discrepancies found during the tabulation process shall be described.

(n) Electronic Access to Voting Systems. Security procedures ~~for electronic or electromechanical voting systems~~ shall identify all methods of electronic access to the vote tabulation system, including procedures for authorizing electronic access and specific functions, and specifying methods for detecting, controlling and reporting access to the vote tabulation system.

(o) Absentee Ballot Handling. The security procedures shall include procedures which describe absentee ballot handling to include, at a minimum, the following:

1. Description of process for determining and verifying absentee ballot variations;

- 2. Description of process to ~~assure insure~~ voters are issued the proper absentee ballot;
- 3. Process for precluding voters from voting at the polls and casting an absentee ballot;
- 4. Process for opening valid absentee ballots in preparation for tabulation;
- 5. Process for recording the receipt of advance absentee ballots, regular absentee ballots, State write-in ballots and Federal write-in ballots and determining which ones should be counted if more than one per voter is received; and
- 6. Security measures for storing absentee ballots and related materials prior to and after an election.

(p) Ballot Security. The security procedures shall describe ballot accountability and security beginning with their receipt from a printer or manufacturer until such time as they are destroyed. The procedures for each location shall describe physical security, identify who has is authorized access; and identify who has the authority to permit access.

(q) Voting System Maintenance and Storage. The security procedures shall describe the maintenance and testing performed on all components of the system electronic, electromechanical and mechanical devices to ~~assure insure~~ that it is they are in proper working order and is are within manufacturer's operating specifications. Procedures shall also describe storage and non-operational maintenance of all voting devices equipment.

(6) ACCESS TO TABULATION PROGRAM SOURCE CODE ~~Access to Tabulation Program Source Code.~~

(a) No supervisor shall have access to any vote tabulation program source code to be used in an election unless prior approval has been obtained from the Division of Elections. Approval shall be based on the supervisor establishing security procedures which provide for maintaining a secured control copy of the certified release of the tabulation program source code; protecting source code from unauthorized access; and verification that the tabulation program source code used for each election is identical to the certified release.

(b) Any modification to tabulation program source code must be certified by the Division under the provisions of Rule ~~Chapter Chapters~~ 1S-5 and ~~1S-7~~ F.A.C., before use in any election.

Specific Authority 120.535, 101.015 FS. Law Implemented 101.015(4) FS. History—New 5-27-85, Formerly 1C-7.15, 1C-7.015, Amended 8-28-93,

NAME OF PERSON ORIGINATING PROPOSED RULE: Marielba Torres, Assistant General Counsel, Division of Elections

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edward C. Kast, Director, Division of Elections, Department of State

DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2004

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Electronic Transmission of Absentee Ballots
 RULE NO.: 1S-2.030

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise and update its content as required by the Florida Help America Vote Act Implementation bill, and by the Federal Help America Vote Act.

SUMMARY: The rule is being amended to comply with the absentee ballot provisions recently amended by Chapter 2004-232, Laws of Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 101.697 FS.

LAW IMPLEMENTED: 101.697 FS., Chapter 2004-232, Laws of Florida

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

TIME AND DATE: 10:00 a.m., Monday, July 12, 2004

PLACE: 500 South Bronough Street, R. A. Gray Building Auditorium, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sarah Jane Bradshaw, Division of Elections, 500 South Bronough Street, R.A. Gray Building, Suite 316, Tallahassee, Florida 32399, (850)245-6220.

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Marielba Torres, (850)245-6200, at least three days in advance of the meeting.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.030 Electronic Transmission of Absentee Ballots.

(1) The supervisor of elections may accept a request for an absentee ballot via facsimile or electronic mail from an overseas voter as defined in Section 97.021, F.S., and may accept a voted ballot pursuant to the provisions of this rule.

(2) The electronic or facsimile request for an absentee ballot must include:

- (a) The name of the voter requesting the ballot.
- (b) The voter's county of legal residence in Florida.
- (c) The voter's date of birth.
- (d) One of the following:

1. If the voter wishes the ballot to be mailed, an APO/FPO or other deliverable overseas address.

2. If the voter wishes the ballot be faxed, a facsimile machine number where return information will be received.

3. If the voter wishes the ballot to be transmitted via electronic mail, the electronic mail address.

(e) The voter's signature (facsimile requests only).

(3) Upon receipt of a request for a ballot under these provisions, the supervisor must verify the information provided by the overseas voter and may only provide an absentee ballot if the supervisor determines that the overseas voter is a qualified and registered voter for the election. A request for a ballot to be faxed to the voter is valid for only the upcoming election or the one election specified by the voter.

(4) Upon verification of the overseas voter's eligibility, the supervisor shall provide the appropriate absentee ballot, the instructions for voting and returning the ballot, and the Voter's Certificate to the overseas voter by the means requested by the voter in (2).

(5) The supervisor of elections shall record the date the request was made, the way the ballot was sent to the voter, and the date the absentee ballot was mailed or transmitted to the voter.

(6) The supervisor of elections shall ensure that his or her transmitting and receiving equipment is in a secure location with access limited to employees of the supervisor and that the ballot is sent directly to the address or number provided by the overseas voter. It is the voter's responsibility to ensure the security of the receiving facsimile machine or computer.

(7) An overseas voter may return a voted ballot either by mail or by facsimile. Voted ballots returned by electronic mail will not be accepted.

(8) Overseas voters returning a voted absentee ballot by facsimile must send the ballot and the Voter's Certificate directly to the fax number provided by the supervisor of elections or to a number provided by Federal Voting Assistance Program of the Department of Defense. In order for the ballot to be counted it must be received by the supervisor of elections no later than 7 p.m. election day.

(9) Overseas voters mailing back voted ballots received by electronic mail or fax must seal the ballot in an unmarked envelope, which is the security envelope. The Voter's Certificate and the security envelope should be placed in a separate ballot transmittal envelope for mailing. The ballot transmittal envelope should be marked "Absentee Ballot Enclosed."

(10) The Voter's Certificate for ballots being sent to all overseas voters by mail, electronic means, or by fax shall be substantially as follows: the same as the Voter's Certificate in Section 101.64, F.S.

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, _____, do solemnly swear or affirm that I am a qualified and registered voter of _____ County, Florida, and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate will invalidate my ballot.

I further swear or affirm, under penalty of perjury, that I am:

1. A member of the Uniformed Services or merchant marine on active duty; or an eligible spouse or dependent of such a member; or a U.S. citizen temporarily residing outside the U.S.; or Other U.S. citizen residing outside the U.S.; and

2. I am a U.S. citizen, at least 18 years of age (or will be by the date of the election), and I am eligible to vote in the requested jurisdiction; and

3. I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and

4. I am not registering, requesting a ballot, or voting in any other jurisdiction in the U.S., except the jurisdiction cited in this voting form.

In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under State or Federal law. I have not been influenced.

My signature and date below indicate when I completed this document. The information on this form is true, accurate and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.

Voter's Signature

Date

(11) The instructions to be sent to all overseas voters shall be in substantially the following form:

(a) In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which you are registered no later than 7 p.m. on the day of the election.

(b) Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

(c) Mark only the number of candidate or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one candidate, your vote in that race will not be counted.

(d) In order for your ballot to be counted, you must complete the Voter's Certificate, which must include your signature and the signature and address of a witness 18 years of age or older. You must also include the date you signed the Voter's Certificate or your ballot may not be counted.

(e) You may return your voted ballot either by facsimile or by mail. Voted ballots returned by electronic mail will not be counted.

(f) You may fax your ballot and the Voter's Certificate to the supervisor of elections at (fax phone number) or you may fax your ballot to a fax number provided by the Federal Voting Assistance Program of the Department of Defense. If you fax your ballot to a number provided by the Federal Voting Assistance Program, make sure there is sufficient time for the Federal Voting Assistance Program to transmit it to the supervisor of elections so that it is received by 7 p.m. election day. If you fax your voted ballot, you will be voluntarily waiving your right to a secret ballot.

(g) To mail your ballot to the supervisor of elections:

1. Place your marked ballot in a secrecy envelope. If the ballot was mailed to you by the supervisor of elections, use the secrecy envelope sent to you. If your ballot was faxed to you or sent by electronic mail, place your marked ballot in an unmarked envelope and seal the envelope.

2. Insert the secrecy envelope inside a separate mailing envelope. If the ballot was mailed to you, use the mailing envelope provided and fill out the Voter's Certificate on the back. If the ballot was faxed to you or sent by electronic mail, place the sealed secrecy envelope and the completed Voter's Certificate in another envelope for mailing. Do not seal the Voter's Certificate in the secrecy envelope with the ballot. Clearly mark the mailing envelope "Absentee Ballot Enclosed".

3. Mail the ballot to the supervisor of elections. Be sure there is sufficient postage.

(h) FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

(12) If any absentee voter mails the voted ballot to the supervisor of elections in an envelope other than an absentee ballot envelope provided by the supervisor, the canvassing board is authorized to open the mailing envelope to determine if the Voter's Certificate is enclosed in the mailing envelope. If the Voter's Certificate is not enclosed, the secrecy envelope containing the ballot shall not be opened and the envelope shall be marked "Rejected as Illegal." If the Voter's Certificate is enclosed, the supervisor of elections shall verify the overseas voter's eligibility, and once verified, the ballot shall be processed as other absentee ballots.

(13) For each voted absentee ballot received from an overseas voter, the supervisor shall record the date such ballot was received.

(14) Upon receipt of a voted ballot transmitted by fax, the supervisor of elections shall enclose the ballot in an envelope and seal it. The Voter's Certificate shall be attached to the envelope. Upon a determination by the canvassing board that the voter was eligible to vote, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

(15) Upon regular mail receipt of a ballot that was sent via electronic mail, the Voter's Certificate shall be reviewed. Upon determination by the canvassing board that the voter was eligible to vote, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

(16) The supervisor of elections and the supervisor's staff shall take the steps necessary to keep the voted ballots received by facsimile as confidential as possible.

Specific Authority 101.697 FS. Law Implemented 101.697 FS. History--New 5-27-02, Amended 11-26-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director, Division of Elections
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edward C. Kast, Director, Division of Elections, Department of State
DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2004

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Licensed Pesticide Applicators and Dealers	5E-9
RULE TITLES:	RULE NOS.:
Pesticide Applicator Licenses	5E-9.019
Categories of Licensure for Pesticide Applicators	5E-9.021
Procedures for Pesticide Applicator Certification, Licensure, and License Renewal	5E-9.026
Procedures for Pesticide Dealer Licensure and License Renewal	5E-9.027
Procedures for Pesticide Applicator Recertification	5E-9.029

Pesticide Applicator Records 5E-9.032
 Pesticide Aircraft Registration, Liability Insurance/Surety Bond, Security, Inspection, Storage, Recordkeeping, Area-of-Application Information, Transactions, and Forms 5E-9.036

PURPOSE, EFFECT AND SUMMARY: The purpose of the rule amendment is to restrict the aerial category to commercial and public pesticide applicators; require aerial applicators who make pest management decisions to be licensed in all work-related categories; require pesticide certification exams to be given in English; delete the requirement for aerial applicators to file proof of insurance since it is now provided with each aircraft registered; clarify the affidavit and late fee requirements for pesticide applicator license renewal; reduce the number of continuing education units (CEUs) required for renewal of private applicator licenses from 8 to 4; harmonize terminology in reference to providers of CEU programs with terminology used by the Bureau of Entomology and Pest Control; modify the restricted use pesticide recordkeeping requirements to require a start and end time for each application; provide for the use of GPS coordinates or longitude/latitude points in pesticide applicator records to delineate treatment sites; specify the pesticide application records that must be maintained to meet the requirements of Section 487.081(6)(b), F.S., to qualify for exemption from proceedings by the Department of Environmental Protection; specify the length of time certificates of insurance must be maintained by aircraft registrants; update forms and addresses; add web site references; clarify confusing language; and correct inconsistencies within the rule chapter.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SOERC has been prepared.

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

SPECIFIC AUTHORITY: 487.0435, 487.046, 487.048, 487.049, 487.160, 570.07(23) FS.

LAW IMPLEMENTED: 487.0435, 487.044, 487.046, 487.048, 487.049, 487.160 FS.

IF REQUESTED IN WRITING, A RULE HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

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

PLACE: AES Conference Room, Florida Department of Agriculture and Consumer Services Complex, 3125 Conner Blvd., Bldg. 8, Tallahassee, FL 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Bldg. 8. (L29), Tallahassee, Florida 32399-1650; telephone (850)488-8731

THE FULL TEXT OF THE PROPOSED RULES IS:

5E-9.019 Pesticide Applicator Licenses.

(1) License types. Each individual licensed as a pesticide applicator must be licensed in one of three license types and must be licensed in a minimum of one primary category. License types are:

~~(1) License types-~~

(a) through (c) No change.

(2) Restrictions on license types.

(a) Aerial application. No license type is valid for aerial application of pesticides unless the license includes the aerial category. The aerial category is available only to commercial and public applicators.

(b) through (c) No change.

Specific Authority 487.0435, 570.07(23) FS. Law Implemented 487.0435 FS. History—New 6-9-94, Amended 7-2-95, 2-21-02,_____.

5E-9.021 Categories of Licensure for Pesticide Applicators.

(1) Description of primary categories.

(a) through (p) No change.

(q) Category 11 – Aerial Application. This category is applicable to individuals who apply any pesticide from an aircraft. This category is valid for licensure of ~~private~~, public, and commercial applicators for treatment sites that may legally (according to product label direction) be treated by aerial application under Chapter 487, F.S.

(r) through (s) No change.

(2) No change.

(3) Requirements and restrictions on category licensure.

(a) Private applicators who apply restricted use pesticides by ground application must be licensed in Category 1C – Private Applicator Agricultural Pest Control. ~~Private applicators who apply pesticides aeriually must be licensed in Category 11 – Aerial Application.~~ No other primary or secondary categories are available for licensure of private applicators.

(b) No change.

(c) Public and commercial applicators must be licensed in all primary and secondary categories applicable to the types of pesticide applications to be made. Exceptions: 1) Category 1C does not apply to public or commercial applicators; 2) Individuals licensed in Category 9 need not be licensed in Category 1D or 1E; 3) Aerial applicators who make no ground applications and no pest management decisions, but only apply pesticides aeriually at the request of another party who has made the necessary determinations regarding pest management and pesticide application. do not need to be licensed in any category except Category 11. Aerial applicators who make determinations regarding pest management and pesticide application must be licensed in the aerial category and all other categories applicable to the treatment site(s).

Specific Authority 487.0435, 570.07(23) FS. Law Implemented 487.0435 FS. History—New 6-9-94, Amended 7-2-95, 9-24-98, 6-27-99, 2-21-02,_____.

5E-9.026 Procedures for Pesticide Applicator Certification, Licensure, and License Renewal.

(1) Certification. All individuals seeking pesticide applicator licensure shall demonstrate competency in the responsible use of pesticides by successfully completing the appropriate pesticide applicator examination(s) specified in this chapter for each classification of licensure. All examinations shall be written in the English language and administered by the department or its authorized agents as written, closed-book examinations. Examinations will not be translated into other languages orally, in writing, or in any other form. However, the department shall accommodate individuals seeking licensure in other languages through examination translation or other comparable examination procedures. Licensure based on examination in a language other than English will limit the use of pesticides requiring licensure to those products which bear or provide complete labels and labeling in the language in which examined. Examinations shall be undertaken and completed by the examinee without assistance from other individuals. The department shall set passing scores and determine if the certification standards have been met for the desired licensure. Examination scores shall be valid for 12 months after the date of examination.

(2) Licensure. If the certification standards have been met, the department shall provide the appropriate license application, form DACS-13312, Rev. 05/04, DACS 130312 for a private applicator license, form DACS-13313, Rev. 05/04, DACS 130313 for a public applicator license, or form DACS-13310, Rev. 05/04, DACS 130310 for a commercial applicator license, to the individual. The following materials must be received by the department before a pesticide applicator license shall be issued: documentation of certification earned within the previous 12 months; completed application; completed designation of registered agent, form INHSE-30, Eff. 6/92, if applicable; copy of pilot's license proof of insurance or surety bond (aerial category licensure only); proof of age, if requested; and appropriate fee. License applicants may designate one or more authorized purchasing agents by submitting a completed Authorized Purchasing Agent Designation, DACS-13352, Rev. 05/04, along with the license application. Materials shall be submitted to the Pesticide Certification Office, P. O. Box 6710, Tallahassee, Florida 32314-6710. Pesticide applicator licenses shall expire at the end of the month no more than four (4) years from issue date.

(3) License Renewal. It shall be the responsibility of each licensee to renew the license at the time of expiration. Requests for renewal of pesticide applicator licenses shall be made by submitting to the department the following materials: a signed request for license renewal; documentation of recertification;

completed designation of registered agent, form INHSE-30, Eff. 6/92, if applicable; proof of insurance or surety bond (aerial category licensure only); proof of age, if requested; and payment of the appropriate license fee. Materials shall be submitted to the Pesticide Certification Office at the above address and must be received no later than the license expiration date for the license to be renewed with continual licensure. If a license is renewed after it expires, the applicator must submit a notarized affidavit stating that no restricted use pesticides have been used since the license expired. If a license is renewed more than 60 days after it expires, a \$50 late fee is also required. A license that has been expired for more than one year may not be renewed. Renewed pesticide applicator licenses shall expire no more than four (4) years from the previous expiration date.

(4) Forms. The following forms are hereby incorporated by reference. Forms DACS-13312, Rev. 05/04 DACS 130312, DACS-13310, Rev. 05/04 DACS 130310, and DACS-13313, Rev. 05/04 DACS 130313, and DACS-13352, Rev. 05/04 may be downloaded from the web site <http://www.safepesticideuse.com> or obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L29) MD 1 (L33), Tallahassee, Florida 32399-1650, telephone (850)488-3314 488-6838. Form INHSE-30, Eff. 6/92, may be obtained from the Florida Department of State, Division of Corporations, 409 E. Gaines Street, Tallahassee, Florida 32399, telephone (850)487-6051.

(a) Application for Private Applicator License (DACS-13312, Rev. 05/04 DACS 130312, Rev. 2/98), Florida Department of Agriculture and Consumer Services.

(b) Application for Public Applicator License (DACS-13313, Rev. 05/04 DACS 130313, Rev. 2/98), Florida Department of Agriculture and Consumer Services.

(c) Application for Commercial Applicator License (DACS-13310, Rev. 05/04 DACS 130310, Rev. 2/98), Florida Department of Agriculture and Consumer Services.

(d) Authorized Purchasing Agent Designation (DACS-13352), Rev. 05/04, Florida Department of Agriculture and Consumer Services.

(e) ~~(d)~~ Designation of Registered Agent and Registered Office for a Nonresident Restricted-Use Pesticides Licensee (INHSE-30, Eff. 6/92), Florida Department of State.

Specific Authority 487.0435, 487.046, 570.07(23) FS. Law Implemented 487.044, 487.046, 487.049 FS. History—New 6-9-94, Amended 7-2-95, 9-24-98,_____.

5E-9.027 Procedures for Pesticide Dealer Licensure and License Renewal.

(1) Licensure. Requests for pesticide dealer licensure shall be made by submitting a completed pesticide dealer license application, for DACS-13337, Rev. 05/04 4/02, and the appropriate license fee to the Pesticide Certification Office,

P. O. Box 6710, Tallahassee, Florida 32314-6710. Pesticide dealer licenses shall expire at the end of the month one (1) year from issue date.

(2) No change.

(3) Forms. The following form is hereby incorporated by reference: Application for Pesticide Dealer License (DACS-13337, Rev. 05/04 ~~4/02~~). This form may be downloaded from the web site <http://www.safepesticideuse.com> or obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Section, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399-1650, telephone (850)488-3314.

Specific Authority 487.048(1), 570.07(23) FS. Law Implemented 487.048(1) FS. History—New 6-9-94, Amended 7-2-95, 9-24-98, 2-21-02, _____.

5E-9.029 Procedures for Pesticide Applicator Recertification.

(1) through (2) No change.

(3) Effective January 1, 2005, all applicators recertifying by means of CEUs must earn 4 CEUs approved for the general standards of pesticide use and safety (core material) plus the following number of CEUs approved for each specific license category to be renewed:

PRIMARY CATEGORIES	CEU'S REQUIRED
Category 1A1 – Agricultural Row Crop Pest Control	8
Category 1A2 – Agricultural Tree Crop Pest Control	8
Category 1B – Agricultural Animal Pest Control	4
Category 1C – Private Applicator Agricultural Pest Control	4 8
Category 1D – Soil and Greenhouse Fumigation	4
Category 1E – Raw Agricultural Commodity Fumigation	4
Category 2 – Forest Pest Control	8
Category 3 – Ornamental and Turf Pest Control	12
Category 4 – Seed Treatment	4
Category 5A – Aquatic Pest Control	16
Category 5B – Organotin Antifouling Paint Pest Control	4
Category 6 – Right-of-Way Pest Control	8
Category 7A – Wood Treatment	4
Category 7B – Chlorine Gas Infusion	4
Category 7C – Sewer Root Control	4
Category 9 – Regulatory Pest Control	12
Category 11 – Aerial Application	16
Category 20 – Regulatory Inspection and Sampling	4
Category 21 – Natural Areas Weed Management	16

SECONDARY CATEGORIES

CEU'S
REQUIRED

Category 10 – Demonstration and Research

4

~~The Ornamental and Turf Pest Control and Aquatic Pest Control categories may be renewed with 8 CEU's until January 1, 2000.~~

(4) through (7) No change.

(8) CEU program approval. The department shall approve professional meetings or seminars for granting of continuing education units (CEUs) in pesticide use and safety through execution of an agreement between the department and the education provider sponsoring organization and provided the seminar or meeting and sponsor comply with the criteria set forth below. The agreement shall clearly stipulate the education provider's sponsoring organization's responsibilities and the department's authority to withhold credits for any seminar or meeting determined not to be in compliance with the approved criteria or the points specified in the agreement. Criteria for allocation of CEUs and procedures for program approval and granting of CEUs to individual licenses are specified below.

(9) CEU program criteria. The following specifications shall be met before a meeting or seminar shall be considered for approval:

(a) The education provider sponsoring organization shall submit a written or electronic request for approval to grant CEUs on form DACS-13326, Rev. 05/04 ~~4/02~~, or in an electronic format prescribed by the department. The completed form or electronic request must be received by the department no later than two (2) weeks prior to the date of the program, unless a different time frame is approved by the department on a case by case basis, based on circumstances beyond the control of the education provider sponsoring organization.

(b) A program agenda indicating the start time, duration, instructor or speaker, and description of each program segment for which CEU approval is requested shall be submitted with form DACS-13326, Rev. 05/04 ~~4/02~~. The description of each program segment must be sufficient for verification of content and applicability.

(c) No change.

(d) Documentation attesting that the instructors or speakers possess the expertise required to impart the specified information to the attendees shall be submitted with form DACS-13326, Rev. 05/04 ~~4/02~~.

(e) The education provider or an authorized designee ~~sponsoring organization~~ shall distribute an official record of attendance, form DACS-13325, Rev. 05/04 ~~4/02~~, provided by the department, to each licensee in attendance and shall monitor attendance to ensure these records are accurate. The education provider or an authorized ~~A designee of the sponsoring organization~~ shall sign the record of attendance forms to verify each licensee's attendance.

(f) No change.

(10) No change.

(11) Procedure for determining CEUs.

(a) No change.

(b) A written or electronic copy of the program request ~~form~~ shall be returned to the education provider sponsoring organization contact person with notification of CEU credit approval.

(12) Procedure for granting CEUs to licensees.

(a) through (b) No change.

(c) The education provider or an authorized designee contact person or program trainer shall complete and sign the appropriate section of the record of attendance form to verify each licensee's attendance.

(d) through (f) No change.

(g) The licensee is responsible for ensuring that the CEUs required for license renewal are earned according to guidelines specified in this chapter. The licensee is also responsible for maintaining the completed record of attendance forms (form DACS-13325, Rev. 05/04 4/02) and submitting these records to the department at the time of request for license renewal.

(13) Forms. The following forms are hereby incorporated by reference. These forms may be downloaded from the web site <http://www.safepesticideuse.com> or obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Section, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399-1650, telephone (850)488-3314.

(a) Request for Granting Continuing Education Units (CEUs) for Renewal of Pesticide Applicator Licenses and Certificates (DACS-13326, Rev. 05/04 4/02).

(b) Record of Attendance for Continuing Education Units (CEUs) (DACS-13325, Rev. 05/04 4/02).

Specific Authority 487.049, 570.07(23) FS. Law Implemented 487.049 FS. History--New 6-9-94, Amended 7-2-95, 9-24-98, 6-28-99, 2-21-02,_____.

5E-9.032 Pesticide Applicator Records.

(1) Licensed pesticide applicators shall maintain records relating to the application of all restricted use pesticides. Such records shall consist of the following information for each application:

(a) through (b) No change.

(c) Date, start time, and end time of treatment;

(d) Location of treatment site, which may be recorded using any of the following designations:

1. County, range, township, and section;

2. An identification system utilizing maps and/or written descriptions which accurately identify the location and distinguish the treatment site from other sites;

3. The identification system established by the United States Department of Agriculture found at 7 CFR 110, which utilizes maps and numbering system to identify field locations;

4. The legal property description; or

5. Global Positioning System (GPS) coordinates or longitude/latitude points that delineate the treated area.

(e) through (j) No change.

(2) through (10) No change.

(11) To meet the requirements of Section 487.081(6)(b), F.S., individuals must keep the same record information required in paragraph (1). Such records must be maintained in a manner accessible by department representatives and shall be maintained indefinitely by the property owner or leaseholder.

Specific Authority 487.160, 570.07(23) FS. Law Implemented 487.160 FS. History--New 6-9-94, Amended 7-2-95, 9-24-98,_____.

5E-9.036 Pesticide Aircraft Registration, Liability Insurance/Surety Bond, Security, Inspection, Storage, Recordkeeping, Area-of-Application Information, Transactions, and Forms.

(1) Registration. Each aircraft used for aerial application of any pesticide must be annually registered with the department with proof of insurance or surety bond. Application for registration shall be on form DACS-13354, Rev. 05/04 New 4/02, provided by the department. The completed registration form and proof of insurance or surety bond shall be submitted to the Pesticide Certification Office, 3125 Conner Boulevard, Blvd., Building Bldg. 8 (L29), Tallahassee, Florida 32399-1650. The registration form period shall be submitted to the dDepartment on or before June 30 of each year and shall not exceed the time period covered by proof of insurance or surety bond.

(2) Proof of Insurance or Surety Bond. Proof of insurance or surety bond shall consist of:

(a) The deposit with the department of a surety bond in favor of any person or persons who may suffer damage or injury as the result of the aerial application of any pesticide made from the registered aircraft. Said surety bond shall be a minimum of \$100,000 and shall be executed by a corporate surety company authorized to conduct business in Florida. The department shall evaluate and determine the adequacy of all such bonds before acceptance. When the aircraft is removed from aerial application operation, a said bond shall be returned after a period of six months following date of notice of withdrawal, provided such withdrawal shall not release said surety from liability existing hereunder during the time of aerial application at the time of the effective date of such withdrawal; or

(b) The filing of a certificate of insurance, verifying insurance in an amount of not less than \$100,000 property damage and \$300,000 bodily injury coverage per occurrence, insuring the registered aircraft against liability for any damage, loss, or injury, including chemical drift or trespass, suffered by any person or persons, resulting from the aerial application of any pesticide made from the registered aircraft. A deductible clause of \$1,000 shall be acceptable. A current certificate of insurance must be filed with each initial and subsequent renewal registration. Current certificates of insurance or copies

thereof shall be maintained in the aircraft registrant's possession from the date the aircraft is registered, ~~or until two (2) years after the certificate expires or two (2) years after the registration is withdrawn.~~

(3) No change.

(4) Security. Each aircraft used for aerial application of any pesticide shall be secured when not in use. Secured storage shall include the aircraft being: within a locked building, locked in place securely, mechanically disabled from flying, or any other reasonable method which prevents or deters ~~would prevent or deter~~ theft or unauthorized use.

(5) Storage. All pesticides on the premises owned or controlled by any aerial applicator shall be stored and maintained in a manner such that they are not accessible to unauthorized persons. Secured storage shall include: fences with a minimum 6 feet height; door locks; valve locks; electronic security systems; disabling of mobile storage units; blocking of access, ingress or egress; or any other reasonable method which prevents or deters theft or unauthorized use ~~fences with a minimum 6 feet height, door locks, valve locks, electronic security systems, disabling of mobile storage units, blocking of access, ingress or egress; or any other reasonable method to prevent or deter theft or unauthorized use.~~ Buildings used to store pesticides must be of rigid construction so unauthorized entry can not be achieved without the use of heavy machinery or equipment. If a portable building is used for storage of pesticides, the building must be secured in place so it can not be towed or otherwise removed by unauthorized persons.

(6) Transactions. Any person who buys, sells, rents, leases, or transfers ownership ~~purchase, sale, rental, leasing, or transfer of ownership~~ of an aircraft that is registered or required to be registered with the department pursuant to subsection (1) above shall report the transaction be transmitted to the department within 24 hours of the transaction using one of the following forms: on (1) Report of Aircraft Transaction, Form DACS-13355, Rev. 05/04; (2) Ownership Declaration and Sales and Use Tax Report on Aircraft, Form DR-42A, Rev. 03/02; or (3) Aircraft Bill of Sale, Form AC 8050-2 (09/92). ~~(1) Florida Department of Revenue form DR 42 Rev 06/99 Ownership Declaration and Sales and Use Tax Report on Aircraft or (2) Aircraft Bill of Sale Form AC 8050 2 (09/92) or (3) Report of Aircraft Transaction Form DACS 13355, New 1/02 within 24 hours of the transaction.~~

(7) Recordkeeping. Aerial applicators shall maintain records relating to the application of each pesticide during a declared emergency. Such records generated during the emergency shall be retained for a period of two (2) years and shall be maintained in a manner that is accessible by the department upon request. Records shall consist of the following information for each application:

(a) Name, FDACS pesticide applicator license number, and FAA license number of the licensee responsible for the pesticide application;

(b) Date, start time and end time of treatment;

(c) Location of treatment site, which may be recorded using any of the following designations:

1. County, range, township and section;

2. An identification system utilizing maps and/or written descriptions which accurately identify the location and distinguish the treatment site from other sites;

3. The legal property description; or

4. Global Positioning Satellite (GPS) coordinates or Longitude/Latitude points which delineate the treated area; ~~area.~~

(d) Name of the person requesting or authorizing the application; ~~application.~~

(e) Aircraft manufacturer, make and model; ~~model.~~

(f) FAA aircraft registration number; and

(g) Originating airport/airstrip ~~airports/airstrip.~~

(8) Area-of-Application Information. The information listed in (7)(a) through (7)(g) is required only when a declaration of an Executive Order pursuant to the emergency powers granted to the Governor or the Commissioner of Agriculture is made, declaring an emergency in the State of Florida. Such information shall be provided and filed with the department ~~Department~~ in a manner determined by the department.

(9) Forms. The following forms are hereby incorporated by reference. These forms may be downloaded from the web site <http://www.safepesticideuse.com> or obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399-1650, telephone (850)488-3314.

(a) Application for Aircraft Registration (DACs-13354), Rev. 05/04 ~~New 01/02,~~ Florida Department of Agriculture and Consumer Services.

(b) Ownership Declaration and Sales and Use Tax Report on Aircraft (DR-42A ~~DR-42~~), Rev. 03/02 ~~06/99,~~ Florida Department of Revenue.

(c) Aircraft Bill of Sale, ~~Sale~~ AC Form AC 8050-2 (09/92), U.S. Department of Transportation, Federal Aviation Administration.

(d) Report of Aircraft Transaction (DACs-13355), Rev. 05/04 ~~New 1/02,~~ Florida Department of Agriculture and Consumer Services.

(10) Upon written request by an authorized department representative, an aircraft registrant a licensed aerial applicator ~~who has aerial insurance as the selected form of financial responsibility shall make available the certificates of insurance or copies thereof required to be maintained under this rule for period of time when aerial applications are made and shall~~

permit the authorized representative to copy of photograph the documents. The original documents shall be maintained by the aircraft registrant applicator.

Specific Authority 487.046, 570.07(23) FS., Chapter 2001-360, Laws of Florida. Law Implemented 487.046 FS., Chapter 2001-360, Laws of Florida. History—New 6-9-94, Amended 7-2-95, 9-24-98, 6-9-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Dubberly, Chief, Bureau of Compliance Monitoring
 NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Steven Rutz, Director, Division of Agricultural Environmental Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

PUBLIC SERVICE COMMISSION

DOCKET NO. 040269-TP

RULE TITLE:

RULE NO.:

Expedited Dispute Resolution Process for Telecommunications Companies

25-22.0365

PURPOSE AND EFFECT: The purpose of the rule is to implement a process designed to minimize the time necessary to reach a decision on a dispute between telecommunications companies pursuant to Section 364.058(3), Florida Statutes.

SUMMARY: The rule provides for an expedited process to facilitate the quick resolution of disputes between telecommunications companies. For any proceeding conducted pursuant to the expedited process, the Commission shall make its determination within 120 days after a petition is filed or a motion is made.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed rule should make the dispute process more efficient and less time consuming, and thus less costly for utilities. It should also facilitate more competitive choices for customers. The Commission would benefit by the resolution of disputes in a more timely manner, but staff’s workload may be heavier given the requirement to complete the hearing process in 120 days. The total cost savings are unknown.

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

SPECIFIC AUTHORITY: 350.127(2), 364.058(3) FS.

LAW IMPLEMENTED: 364.058 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULE IS: Marlene Stern, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6230

THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.0365 Expedited Dispute Resolution Process for Telecommunications Companies.

(1) The purpose of this rule is to establish an expedited process for resolution of disputes between telecommunications companies (“companies”).

(2) To be considered for an expedited proceeding, the companies involved in the dispute must have attempted to resolve their dispute informally.

(3) To initiate the expedited dispute resolution process, the complainant company must file with the Commission a request for expedited proceeding, direct testimony, and exhibits, and must simultaneously serve the filing on the other company involved in the dispute. The request for expedited proceeding is in lieu of the petition required by Rule 28-106.201, Florida Administrative Code.

(4) The request for expedited proceeding must include:

(a) The name, address, telephone number, facsimile number and e-mail address of the complainant company and its representative to be served, if different from the company;

(b) A statement of the specific issue or issues to be litigated and the complainant company’s position on the issue or issues;

(c) The relief requested;

(d) A statement attesting to the fact that the complainant company attempted to resolve the dispute informally; and,

(e) An explanation of why the use of this expedited process is appropriate. The explanation of why use of the expedited process is appropriate shall include a discussion of the following:

1. The number and complexity of the issues;

2. The policy implications that resolution of the dispute is expected to have, if any;

3. The topics on which the company plans to conduct discovery, including a description of the nature and quantity of information expected to be exchanged;

4. The specific measures taken to resolve the dispute informally; and

5. Any other matter the company believes relevant to determining whether the dispute is one suited for an expedited proceeding.

(5) Any petition for intervention shall provide the information required by paragraphs (4)(a)-(c) and (e) as it applies to the intervenor.

(6) The request for expedited proceeding shall be dismissed if it does not substantially comply with the requirements of paragraphs (2), (3) and (4), above. The first dismissal shall be without prejudice.

(7) The respondent company may file a response to the request. The response must be filed within 14 days of the filing of the request for expedited proceeding.

(a) The response shall include the name, address, telephone number, facsimile number and e-mail address of the respondent and the respondent's representative to be served, if different from the respondent.

(b) The response to the request may include any information that the company believes will help the Prehearing Officer decide whether use of the expedited dispute resolution process is appropriate. Such information includes, but is not limited to:

1. The respondent's willingness to participate in this process;

2. Statement of the specific issue or issues to be litigated from the respondent's perspective, and the respondent's position on the issue or issues;

3. A discussion of the topics listed in subparagraphs (4)(b)-(e)1.-5. above.

(8) No sooner than 14 days after the filing of the request for expedited proceeding, but promptly thereafter, the Prehearing Officer will decide whether use of the expedited proceeding is appropriate. The decision will be based on the factors provided in Section 364.058(3), Florida Statutes, the materials initially filed by the complainant company and, if a response is filed, the materials included in the response.

(9) Unless otherwise provided by order of the Prehearing Officer, based on the unique circumstances of the case, the schedule for each expedited case will be as follows:

(a) Day 0 – request for expedited proceeding, direct testimony and exhibits are filed;

(b) Day 14 – deadline for filing a motion to dismiss, and a response to the request for expedited proceeding;

(c) Day 21 – deadline for filing a response to the motion to dismiss, if one is filed; and, deadline for filing petitions to intervene, and intervenor testimony and exhibits.

(d) Day 42 – deadline for the Commission staff to file testimony;

(e) Day 56 – deadline for the respondent to file rebuttal testimony.

(10) The Prehearing Officer shall decide whether post-hearing briefs will be filed or if closing arguments will be made in lieu of post-hearing briefs. In making this decision the Prehearing Officer will consider such things as the number of parties, number of issues, complexity of issues, preferences of the parties, and the amount of testimony stipulated into the record.

(11) The Commission shall make a decision on the dispute within 120 days of the complainant company's filing of the request for expedited proceeding, direct testimony and exhibits.

(12) Responses to discovery requests shall be made within 15 days of service of the discovery requests, unless the Prehearing Officer decides otherwise based on the unique circumstances of the case.

(13) Service of all documents on the parties shall be by e-mail, facsimile or hand delivery. An additional copy shall be furnished by hand delivery, overnight mail or U.S. mail if the initial service was by e-mail or facsimile. Filing of all documents with the Commission shall be by hand delivery, overnight mail or any method of electronic filing authorized by the Commission.

(14) The applicability of this rule to the proceeding will be reassessed as factors affecting the complexity of the case, number of issues, or number of parties change during the proceeding.

(15) Once the Prehearing Officer has determined that use of an expedited proceeding is appropriate, nothing in this rule shall prevent the Prehearing Officer from making a later determination that the case is no longer appropriate for an expedited proceeding based on the number of parties, number of issues or the complexity of the issues. Nothing in this rule shall prevent the Commission from initiating an expedited proceeding on its own motion.

Specific Authority 350.127(2), 364.058(3) FS. Law Implemented 364.058 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rick Wright

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 30, No. 10, March 5, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Orientation
RULE NO.: 33-601.100

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete redundant language from the rule.

SUMMARY: Redundant language is deleted from the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.100 Inmate Orientation.

Upon initial arrival in the Department of Corrections, each inmate shall be provided with orientation at which time the rules and procedures of the Department of Corrections shall be explained. Upon transfer within the Department, each inmate shall be provided with orientation that is specific to the local institution. The warden shall review and approve the contents of the orientation to ensure that the security of the institution is not compromised. The reception centers shall provide a more in-depth orientation of overall department rules, while the receiving institutions which serve as the inmates' permanent locations shall emphasize the local operating procedures in their orientation. As inmates are received into the department, reception centers shall provide each inmate with a printed copy of Rules 33-601.301-601.314, F.A.C., Inmate Discipline. Translations or translation assistance shall be provided as needed. Copies of the rules and procedures shall be available to inmates upon request to read or review (not for retention). ~~In cases where the inmate is unable to read or comprehend English, translation shall be made available. Copies of the rules and procedures shall also be available for inmate inspection in the institutional library.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 1-19-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2004

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE TITLE: Community Transportation Coordinator

RULE NO.: 41-2.011

Powers and Duties

41-2.011

PURPOSE AND EFFECT: This rule is being amended to allow for non-contracted transportation operators to be utilized in the event that a contracted transportation operator is unavailable.

SUMMARY: This rule sets forth the powers and duties of the Community Transportation Coordinator, and is being amended to set the criteria for utilizing a non-contracted transportation operator in the event a contracted operator is not available, sets out the requirements for obtaining approvals, and explains requirements the non-contracted operator must meet.

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

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

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.0155 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Bacot, Executive Director, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, Florida 32399-0450

THE FULL TEXT OF THE PROPOSED RULE IS:

41-2.011 Community Transportation Coordinator Powers and Duties.

(1) through (2) No change.

(3) When the Community Transportation Coordinator determines that a current contracted transportation operator is unable to provide the needed transportation services, the Community Transportation Coordinator may utilize a transportation provider that is not retained by contract with the Community Transportation Coordinator. This usage shall be incidental, not to exceed 5% of the previous year's total trip volume. Upon written request, the Community Transportation Coordinator may seek the Executive Director's approval to exceed 5% of the previous year's total trip volume. The Executive Director must respond, in writing, to the Community Transportation Coordinator's request by the end of the next business day. These non-contracted transportation providers must comply with the following:

(a) Be subject to a governmental ordinance relating to vehicles for hire services;

(b) Utilize certified meters and bill for services in accordance with the meter rate and/or established published flat rates;

(c) Maintain minimum insurance requirements as set forth in subsection 41-2.006(1), F.A.C.;

(d) Provide to the Community Transportation Coordinator the records of a Florida Department of Law Enforcement background check and Florida Department of Highway Safety and Motor Vehicles Driver License History Check of drivers; and

(e) At least once a year, allow the Community Transportation Coordinator to perform biennial vehicle inspections or review inspection reports.

(3) through (9) renumbered (4) through (10) No change.

Specific Authority 427.013(9) FS. Law Implemented 427.0155 FS. History—New 5-2-90, Amended 6-17-92, 6-15-93, 7-11-95, 5-1-96, 10-1-96, 3-10-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Department of Transportation, Center for the Transportation Disadvantaged

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Department of Transportation, Center for the Transportation Disadvantaged

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Division of Communications

RULE CHAPTER TITLE: Regulated Communications Services

RULE CHAPTER NO.: 60C-1

RULE TITLES: General

RULE NOS.: 60C-1.001

Definitions 60C-1.002

Communication Service Authorization (CSA) 60C-1.003

Agency Communication Service Authorization (CSA) Representative 60C-1.004

Centralized Telecommunications Billing 60C-1.005

Telecommunications Billing Information 60C-1.006

Telecommunications Service Proposals 60C-1.007

Florida State Government Telephone Directory 60C-1.008

PURPOSE AND EFFECT: Rule Chapter 60C-1, F.A.C., is outdated in light of administrative and statutory changes, as well as technological developments. The Rule Chapter is being repealed and replaced with Rule Chapter 60DD-4. F.A.C.

SUMMARY: The outdated rule is repealed to reflect administrative and statutory changes, as well as technological developments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 282.102(2), (16) FS.

LAW IMPLEMENTED: 282.108(8), (10), 282.103, 282.104, 282.105, 282.106, and 282.107 FS.

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

TIME AND DATE: 9:00 a.m., July 19, 2004

PLACE: Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, Florida 32399-0950

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.Com

THE FULL TEXT OF THE PROPOSED RULES IS:

60C-1.001 General.

Specific Authority 282.102(18) FS. Law Implemented 282.004(6) FS. History—New 7-20-73, Amended 9-30-75, Formerly 13C-1.01, Amended 9-16-92, Formerly 13C-1.001, Repealed.

60C-1.002 Definitions.

Specific Authority 282.102(18) FS. Law Implemented 282.303 FS. History—New 7-20-73, Amended 9-30-75, Formerly 13C-1.02, Amended 9-16-92, Formerly 13C-1.002, Repealed.

60C-1.003 Communication Service Authorization (CSA).

Specific Authority 282.102(18) FS. Law Implemented 282.102(2) FS. History—New 7-20-73, Readopted 9-30-75, Formerly 13C-1.03, Amended 9-16-92, Formerly 13C-1.003, Repealed.

60C-1.004 Agency Communication Service Authorization (CSA) Representative.

Specific Authority 282.107(1) FS. Law Implemented 282.102(11)(16) FS. History—New 7-20-73, Readopted 9-30-75, 7-21-81, Formerly 13C-1.04, Amended 4-12-87, 9-16-92, Formerly 13C-1.004, Repealed.

60C-1.005 Centralized Telecommunications Billing.

Specific Authority 282.107(1), (18) FS. Law Implemented 282.102(16), 282.103(2) FS. History—New 7-20-73, Amended 9-30-75, Formerly 13C-1.05, Amended 9-16-92, Formerly 13C-1.005, Repealed.

60C-1.006 Telecommunications Billing Information.

Specific Authority 282.102(18) FS. Law Implemented 282.103(2) FS. History—New 7-20-73, Amended 9-30-75, Formerly 13C-1.06, Amended 9-16-92, Formerly 13C-1.006, Repealed.

60C-1.007 Telecommunications Service Proposals.

Specific Authority 282.102(18) FS. Law Implemented 282.102(12) FS. History—New 7-20-73, Amended 9-30-75, Formerly 13C-1.07, Amended 9-16-92, Formerly 13C-1.007, Repealed.

60C-1.008 Florida State Government Telephone Directory.

Specific Authority 282.102(18) FS. Law Implemented 282.102(22)(d) FS. History—New 7-20-73, Amended 9-30-75, Formerly 13C-1.08, Amended 9-16-92, Formerly 13C-1.008, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.Com

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Chief Information Officer, State Technology Office, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Division of Communications

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Communications Procurement of Customer-Owned Equipment	60C-2
RULE TITLES:	RULE NOS.:
General	60C-2.001
Standard Specifications for Communications Equipment	60C-2.003
Technical Evaluation of Communications Proposals	60C-2.004
Initiation or Revision of Standard Specification for Communications Equipment	60C-2.005
Single Agency Procurement Requirements	60C-2.006
Special or Unique Communications Requirements	60C-2.007
Communications Purchase or Lease Authorization (CPLA) Form (COM 9008)	60C-2.008
Delegation to the State University System	60C-2.009

PURPOSE AND EFFECT: Rule Chapter 60C-2, F.A.C., is outdated in light of administrative and statutory changes, as well as technological developments. The Rule Chapter is being repealed and replaced with Rule Chapter 60DD-5, F.A.C.

SUMMARY: The outdated rule is repealed to reflect administrative and statutory changes, as well as technological developments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 282.102(2), (16) FS.

LAW IMPLEMENTED: 282.108(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS.

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

TIME AND DATE: 9:00 a.m., July 19, 2004

PLACE: Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, Florida 32399-0950

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.Com

THE FULL TEXT OF THE PROPOSED RULES IS:

60C-2.001 General.

Specific Authority 287.25(17) FS. Law Implemented 282.25(2), (10), (11), (15) FS. History—New 12-10-75, Formerly 13C-2.01, 13C-2.001, Repealed.

60C-2.003 Standard Specifications for Communications Equipment.

Specific Authority 282.25(17) FS. Law Implemented 287.25(3) FS. History—New 12-10-75, Formerly 13C-2.03, 13C-2.003, Repealed.

60C-2.004 Technical Evaluation of Communications Proposals.

Specific Authority 282.102(18) FS. Law Implemented 282.102(5) FS. History—New 12-10-75, Formerly 13C-2.04, Amended 9-16-92, Formerly 13C-2.004, Repealed.

60C-2.005 Initiation or Revision of Standard Specification for Communications Equipment.

Specific Authority 282.25(17) FS. Law Implemented 287.25(3) FS. History—New 12-10-75, Formerly 13C-2.05, 13C-2.005, Repealed.

60C-2.006 Single Agency Procurement Requirements.

Specific Authority 282.102 (18) FS. Law Implemented 282.102(2), (16) FS. History—New 12-10-75, Formerly 13C-2.06, Amended 9-16-92, Formerly 13C-2.006, Repealed.

60C-2.007 Special or Unique Communications Requirements.

Specific Authority 282.102 (18) FS. Law Implemented 282.102(2), (10), (16) FS. History--New 12-10-75, Formerly 13C-2.07, Amended 9-16-92, Formerly 13C-2.007, Repealed

60C-2.008 Communications Purchase or Lease Authorization (CPLA) Form (COM 9008).

Specific Authority 282.102 (18) FS. Law Implemented 282.102(2), (10), (16) FS. History--New 12-10-75, Formerly 13C-2.08, Amended 4-12-87, 9-16-92, Formerly 13C-2.008, Repealed

60C-2.009 Delegation to the State University System.

Specific Authority 282.102(18) FS. Law Implemented 282.102(11)(16) FS. History--New 6-15-83, Formerly 13C-2.09, Amended 9-16-92, Formerly 13C-2.009, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.Com

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Chief Information Officer, State Technology Office, Department of Management Services.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2004.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Communications

Table with 2 columns: RULE CHAPTER TITLE and RULE CHAPTER NO. It lists various communication rules such as 'Eligibility and Use of State Communications System' (60C-6) and 'Cost Qualification Criteria for the State Communications System' (60C-6.004).

PURPOSE AND EFFECT: Rule Chapter 60C-6, F.A.C., is outdated in light of administrative and statutory changes, as well as technological developments. The Rule Chapter is being repealed and replaced with Rule Chapter 60DD-6, F.A.C.

SUMMARY: The outdated rule is repealed to reflect administrative and statutory changes, as well as technological developments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 282.102(2), (16) FS.

LAW IMPLEMENTED: 282.108(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS.

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

TIME AND DATE: 9:00 a.m., July 19, 2004

PLACE: Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, Florida 32399-0950

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Wwinston.Pierce@MyFlorida.Com

THE FULL TEXT OF THE PROPOSED RULES IS:

60C-6.001 General.

Specific Authority 287.25(17), 287.255 FS. Law Implemented 282.25(15), (18), 287.255, 287.272, 287.251, 657.008 FS. History--New 6-29-83, Formerly 13C-7.01, 13C-7.001, Repealed

60C-6.002 Definitions.

Specific Authority 282.25(17), 287.255 FS. Law Implemented 287.25(15), (18), 287.255, 287.272, 287.251 FS. History--New 6-29-83, Formerly 13C-7.02, 13C-7.002, Repealed

60C-6.004 Cost Qualification Criteria for the State Communications System.

Specific Authority 287.25(17) 287.255 FS. Law Implemented 287.25(15), (18) FS. History--New 6-29-83, Formerly 13C-7.04, 13C-7.004, Repealed

60C-6.005 Agreements.

Specific Authority 287.25(17), 287.255 FS. Law Implemented 287.25(15), (18) FS. History--New 6-29-83, Formerly 13C-7.04, 13C-7.004, Repealed

60C-6.006 Review of Eligibility of Users.

Specific Authority 287.25(17), 287.255 FS. Law Implemented 287.255(2) FS. History--New 6-29-83, Formerly 13C-7.06, 13C-7.006, Repealed

60C-6.007 Modifications, Additions, Reductions or Terminations to Existing SUNCOM and Telpak Service Initiated by a User.

Specific Authority 282.25(17) FS. Law Implemented 287.25(15) FS. History--New 6-29-83, Formerly 13C-7.07, 13C-7.007, Repealed

60C-6.008 Additions or Modifications to Existing SUNCOM Service Initiated by the Division.

Specific Authority 287.25(17) FS. Law Implemented 287.25(15), (18) FS. History--New 6-29-83, Formerly 13C-7.08, 13C-7.007, Repealed

60C-6.009 Actions Initiated by the Division of Communications Resulting in Termination or Reduction of State Communications Systems Services.

Specific Authority 287.25(17), 287.255(3) FS. Law Implemented 287.25(15), (18), 287.255(2), (3) FS. History--New 6-29-83, Formerly 13C-7.09, 13C-7.009, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.Com.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Chief Information Officer, State Technology Office, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2004

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Communications Services	60DD-4
RULE TITLES:	RULE NOS.:
General	60DD-4.001
Definitions	60DD-4.002
Communication Service Authorization;	
Administration; Approval	60DD-4.003
Centralized Communications Billing	60DD-4.004
Communications Service Proposals	60DD-4.005
Florida State Government Listings	60DD-4.006

PURPOSE, EFFECT AND SUMMARY: The proposed rules are a substantial rewording of current Rule Nos. 60C-1.001-008, Florida Administrative Code, in light of administrative and statutory changes, as well as technological developments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 282.102(2), (16) FS.

LAW IMPLEMENTED: 282.108(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS.

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

TIME AND DATE: 9:00 a.m., July 19, 2004

PLACE: Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, Florida 32399-0950

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.Com

THE FULL TEXT OF THE PROPOSED RULES:

60DD-4.001 General.

The State Technology Office shall act as a centralized coordinator for the state's communication services and the point of contact for communications service providers to interface with the state. As mandated by Section 282.103(1), Florida Statutes, the State Technology Office shall design, acquire, engineer, implement and operate a statewide network referred to as SUNCOM. The SUNCOM network shall provide services for voice, data, video, radio, telephone, wireless, and image to qualified users. This rule chapter applies to state agencies, political subdivisions of the state, municipalities, state universities, libraries, and nonprofit corporations using SUNCOM or procuring communications services through the State Technology Office.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.108(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New

60DD-4.002 Definitions.

Definitions. The following terms are defined:

(1) Authorizing Official – An individual with authority to encumber and commit funds on behalf of the Eligible User and to approve expenditures for communications services or equipment procured through the State Technology Office. The Authorizing Official appoints Communications Service Authorization (“CSA”) Administrators to manage the CSA process as set forth in this rule chapter.

(2) Communication Service Authorization Administrator or CSA Administrator– An individual authorized by the Eligible User to manage communication services provided by or equipment procured through the State Technology Office. The CSA Administrator is also authorized to administer the

online CSA process on behalf of the Eligible User. The CSA Administrator has the authority to manage the CSA process as set forth in this rule chapter.

(3) Communication Service Provider – Entity providing communications services within the State of Florida. The Communication Service Provider must be in compliance with all applicable laws, including rules or regulations promulgated by the Florida Public Service Commission and the Federal Communications Commission.

(4) CSA System – The State Technology Office’s online system for ordering SUNCOM services that is available to Eligible Users by accessing the website <http://onlinecsa.myflorida.com>. Approved and registered CSA Administrators and CSA Users submit Form STO-COM-9001, incorporated by reference at Rule 60DD-6.006, Florida Administrative Code, and Form STO-COM-9008, incorporated by reference at Rule 60DD-5.002, Florida Administrative Code, through the CSA System to procure services from the State Technology Office on behalf of the Eligible User.

(5) CSA User – An individual approved by the Eligible User’s CSA Administrator to gain access and to perform assigned functions on the State Technology Office SUNCOM Online Communications Service Authorization and Communications Purchase and Lease Authorization System (“CSA System”).

(6) Eligible User – qualifying user of SUNCOM services as defined in Florida law, including state agencies, political subdivisions of the state, municipalities, state universities, libraries, and non-profit corporations.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.108(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60DD-4.003 Communication Service Authorization; Administration; Approval.

(1) The State Technology Office shall be responsible for coordinating the acquisition of and contracting for any and all communications services or facilities available from communications service providers. The Communication Service Authorization (“CSA”) Administrator shall have the responsibility and authority to control communications requirements, to control and assign authorization numbers, and to designate and grant authority to other CSA Users for facilitating the procurement of communications services for the Eligible User. The CSA Administrator shall provide the State Technology Office with updated information regarding control communications requirements, authorization numbers, and decisions to designate and grant authority to other CSA Users for facilitating the procurement of communications services.

(2) Responsibilities of Eligible Users.

(a) Each Eligible User shall assign one or more Communications Service Authorization (“CSA”) Administrators the responsibility for approval of proposed

changes or additions to communications services and the authority to represent the Eligible User by performing administrative functions that facilitate the CSA approval process. Representing or acting as the Authorizing Official for the Eligible User, the Communication Service Authorization (“CSA”) Administrator will have the responsibility and authority to control communications requirements, to control and assign authorization numbers, and to designate and grant authority to other CSA Users for facilitating the procurement of communications services for the Eligible User.

(b) Each Eligible User shall have the sole responsibility to ensure that only its duly designated CSA Administrator(s) or CSA User(s) submit or approve CSA forms.

(c) Each Eligible User shall be solely responsible for auditing invoices against the CSA forms and ensuring that subsequent billings reflect correct inventory, correct service connection charges (non-recurring), and correct recurring charges.

(3) Communications Service Authorization (CSA) Approval.

(a) Notwithstanding the provisions of subsection 60DD-4.003(1), F.A.C., the State Technology Office is not required to give prior approval of expenditures of less than the dollar limit set by Category Two of Section 287.017, Florida Statutes, including all non-recurring and recurring charges for the first year. Each Eligible User shall send a completed State Technology Office Form STO-COM-9001, incorporated by reference at Rule 60DD-6.006, Florida Administrative Code, directly to the Communications Service Provider.

(b) The State Technology Office must give prior approval to all communications service requests regardless of cost for inter-city (voice and data) circuits, all SUNCOM access and transport services (voice, data, video, radio and image), and additions to consolidated voice systems that exceed 25 lines and all additions to SUNCOM intra-city network access and transport services (i.e., SUNCOM facilities serving multiple agencies, Metropolitan Area Networks and Local Area Network interconnectivity facilities which serve multiple agencies and provide access to the SUNCOM digital inter-Local Area Transport Area backbone.)

(c) Subject to the provisions of Rule 60DD-6.008, F.A.C., the State Technology Office retains its authority for subsequent review and approval or disapproval of the procurement of the equipment or services.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.108(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60DD-4.004 Centralized Communications Billing. The State Technology Office shall provide equitable billing and charges for

(1) Eligible Users' communications services provided in consolidated or joint-use systems of communications. State Technology Office billing processes shall prorate the SUNCOM Network direct and indirect costs among the Eligible Users based upon the Service provided.

(2) The Eligible User shall send one copy of the State Technology Office invoice summary element with its warrant or journal transfer notice to the Department of Management Services, Bureau of Financial Management, Post Office Box 5438, Tallahassee, Florida 32399-5438, for proper crediting of its account. The entire amount of the bill is due within 30 days of the invoice date printed on the invoice. Non-payment of the bill within 40 days constitutes sufficient reason for the State Technology Office to notify the applicable Communications Service Provider to terminate the communications service used for access to the SUNCOM Network.

(3) Communications Service Providers must provide billing data for any communications service to the Billing Supervisor, State Technology Office, 4030 Esplanade Way, Tallahassee, Florida 32399-0950. The method of billing shall be through file transfer protocol (FTP) in electronic data interface (EDI) format. The format should be ASC X12 Consolidated Services Invoice/Statement (811), Version 4010.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.108(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

60DD-4.005 Communications Service Proposals.

Except as otherwise delegated by law, Communications Service Providers or other persons making proposals shall submit all proposals for procurement of new or additional communications services and equipment, including information regarding any termination charges, to the State Technology Office, 4030 Esplanade Way, Tallahassee, Florida 32399-0950.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.108(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

60DD-4.006 Florida State Government Listings.

(1) The State Technology Office shall maintain State of Florida government listings information on the state government 411 website at MyFlorida.Com. The State Technology Office shall have final authority regarding format and standardization of the state government 411 website at www.MyFlorida.com

(2) The State Technology Office shall provide the State of Florida government listings information in all local commercial directories. The State Technology Office shall have final authority regarding State of Florida government listings information in all local commercial directories.

(3) Each agency and Eligible User shall be responsible for submitting updated listings through utilization of interfaces provided by the State Technology Office on the state

government 411 website at www.MyFlorida.Com or 411helpdesk@MyFlorida.Com or, if access is not available online, by writing to:

State Technology Office
Attention: Directory Records Listings Information
4030 Esplanade Way
Tallahassee, Florida 32399-0950

(4) State agencies or Eligible Users are responsible for the costs of any agency listing. The State Technology Office shall be responsible for the format, standardization and distribution of the state government listings information.

(5) Each state agency or Eligible User shall provide to the State Technology Office and continually maintain current information regarding a primary and secondary contact person, each with authority to present data regarding the state agency or Eligible User to the State Technology Office.

(6) Each state agency shall provide and maintain a contact person for escalation and response to complaints or inquiries regarding directory data respective to the agency and as required by the Florida Customer Service Standards Act, Section 23.30, Florida Statutes.

(7) To ensure that all state government listings information and listings in local commercial directories remain current, each state agency or Eligible User has a continuing duty to provide updated information to the State Technology Office throughout the calendar year. Each state agency or Eligible User shall submit notification requesting deletion of listings no longer applicable to the state agency or Eligible User concerned.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.108(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.Com

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Chief Information Officer, State Technology Office, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2004

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE CHAPTER TITLE: Procurement of Customer-Owned or Leased Communications Equipment and Services

RULE CHAPTER NO:

Leased Communications

Equipment and Services

60DD-5

RULE TITLES: RULE NOS.:
 General 60DD-5.001
 Approval Thresholds; Exemptions;
 Requests; Documentation 60DD-5.002
 Delegation to the Department of Education 60DD-5.003
 Specifications for State Purchasing and
 State Technology Office Contracts 60DD-5.004
 Special or Unique Agency Communications
 Requirements 60DD-5.005

PURPOSE, EFFECT AND SUMMARY: The proposed rule is a substantial reorganization and rewording of Rule Nos. 60C-2.001-009, Florida Administrative Code, in light of administrative and statutory changes, as well as technological developments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 282.102(2), (16) FS.
 LAW IMPLEMENTED: 282.102(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS.

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

TIME AND DATE: 9:00 a.m., July 19, 2004
 PLACE: Betty Easley Center, 4075 Esplanade Way, Room 182, Tallahassee, Florida 32399-0950

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.Com

THE FULL TEXT OF THE PROPOSED RULES IS:

60DD-5.001 General.

The State Technology Office shall approve the purchase, lease and use of communications equipment, facilities and services by state agencies, except as delegated pursuant to law and as set forth in this rule chapter.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.102(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New

60DD-5.002 Approval Threshold, Exemptions; Requests; Documentation.

(1) Agencies shall request approval from the State Technology Office for the purchase or lease of all communications equipment and services when the cost exceeds the dollar amount set forth as Category Two in section 287.017, Florida Statutes. Such cost shall be determined by including all recurring and non-recurring charges for the first year. The fair market value of any loan or gift of communications equipment or services shall be included in the cost.

(2) Agencies shall request approval from the State Technology Office for purchases and leases by submitting Form STO-COM-9008, Communications Purchase or Lease Authorization Form (“CPLA”), effective September 17, 2004, which is hereby incorporated by reference. Form STO-COM-9008 can be obtained by writing to:

State Technology Office
 4030 Esplanade Way
 Tallahassee, Florida 32399-0950.

The requesting agency shall furnish to the State Technology Office upon request any supplementary documentation necessary to properly evaluate the agency request.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.102(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New

60DD-5.003 Delegation to the Department of Education.

The authority to acquire, lease, and utilize broadcast communications equipment, facilities, and services is hereby delegated to the Department of Education in the procurement of broadcast equipment, facilities, and services for use by the public and educational broadcast entities licensed by the Federal Communications Commission.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.102(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New

60DD-5.004 Specifications for State Purchasing and State Technology Office Contracts.

(1) The State Technology Office shall work in conjunction with the Department of Management Services, State Purchasing Office, to develop the technical sections of state contracts for multi-agency procurement of voice, video and data communications equipment and services. The State Technology Office shall approve such contract sections. Responses received for such procurements shall be evaluated by the State Technology Office for technical merit and compliance with technical requirement specified in the procurement documents.

(2) Specifications and documents utilized by the State Technology Office in both single and multi-agency procurements of equipment and services, including SUNCOM services, shall be compiled by the State Technology Office.

The procurement process, including the evaluation of vendor responses, shall be performed as directed by the Purchasing Office of the State Technology Office.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.102(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New _____.

60DD-5.005 Special or Unique Agency Communications Requirements.

When an agency determines that a need for special or unique communications products or services exists, and the cost exceeds the threshold set forth in Category Two of section 287.017, Florida Statutes, the agency shall describe the special or unique communications requirements utilizing Form STO-COM-9008, Communications Purchase or Lease Authorization Form (“CPLA”), effective September 17, 2004, which is hereby incorporated by reference. Form STO-COM-9008 can be obtained by writing to:

State Technology Office
4030 Esplanade Way
Tallahassee, Florida 32399-0950.

Special and unique communications requirements will include any single agency procurement handled by an agency’s purchasing office.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.102(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.Com

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Chief Information Officer, State Technology Office, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2004

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Eligibility and Use of State Communications System	60DD-6
RULE TITLES:	RULE NOS.:
General	60DD-6.001
Definitions	60DD-6.002
Qualification Criteria for State Long Distance Communications System	60DD-6.003
SUNCOM Network Services Agreement	60DD-6.004
Review of Eligibility of Users	60DD-6.005

Modifications, Additions, Reductions or Terminations to Existing SUNCOM Service Initiated by an Eligible User	60DD-6.006
Modifications, Additions, Reductions or Terminations to Existing SUNCOM Service Initiated by the State Technology Office	60DD-6.007
Required Usage	60DD-6.008

PURPOSE, EFFECT AND SUMMARY: The proposed rule is a substantial reorganization and rewording of existing Rules 60C-6.001-.009, Florida Administrative Code (which is being repealed), in light of administrative and statutory changes, as well as technological developments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 282.102(2), (16) FS.

LAW IMPLEMENTED: 282.102(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107, FS.

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

TIME AND DATE: 9:00 a.m., July 19, 2004

PLACE: Betty Easley Center, 4075 Esplanade Way, Room 182, Tallahassee, Florida 32399-0950

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.Com

THE FULL TEXT OF THE PROPOSED RULES IS:

60DD-6.001 General.

The purpose of this rule chapter is to establish criteria for the eligibility and procedures for utilization of the state communications system, which shall be administered by the State Technology Office.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.102(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New _____.

60DD-6.002 Definitions.

(1) Eligible User – qualifying user of SUNCOM services as defined in Florida law, including state agencies, political subdivisions of the state, municipalities, state universities, libraries, and non-profit corporations.

(2) State Communications System – State communications system established as the SUNCOM network, pursuant to Section 282.103(1), Florida Statutes.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.102(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60DD-6.003 Qualification Criteria for State Long Distance Communications System.

(1) The qualification criteria for initial qualification for the state long distance communications system is a net reduction to the State of Florida for communications services.

(2) For Eligible Users that have had commercial telephone services for at least three months, the State Technology Office shall determine cost by comparing the average monthly long distance telephone costs, as shown by the Eligible User's three most recent months' invoices, to the cost of providing SUNCOM long distance service based on access line costs, the current SUNCOM rate, and the minutes of usage.

(3) For Eligible Users that have not had commercial telephone services for at least three months, the State Technology Office shall use the average monthly long distance telephone costs as shown by the three most recent months' invoices received by offices having similar size and functions. If such information is not available, the State Technology Office shall estimate the commercial telephone services cost that would be incurred by the Eligible User, based on information concerning the size and functions of the Eligible User. The State Technology Office, in its analysis, shall consider the usage resulting from an extraordinary number of incoming calls to the Eligible User from other SUNCOM users and the increase in the number of long distance calls that may result from unexpressed demand, i.e., the increased number of calls that are anticipated to be made on SUNCOM that are not currently being made because of financial or other constraints.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.102(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60DD-6.004 SUNCOM Network Services Agreements.

To utilize the state communications system, Eligible Users other than state agencies shall submit Form STO-COM-9010, SUNCOM Network Services Agreement, effective September 17, 2004, which is hereby incorporated by reference. Form STO-COM-9010 can be obtained on line at www.onlinecsa.myflorida.com or by writing to:

State Technology Office
4030 Esplanade Way
Tallahassee, Florida 32399-0950.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.102(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60DD-6.005 Review of Eligibility of Users.

Each Eligible User has the responsibility to notify the State Technology Office in writing at the address set forth in Rule 60DD-6.004, Florida Administrative Code, upon a

determination of loss of eligibility or when an entity under contract becomes ineligible. The State Technology Office shall remove entities determined to be ineligible pursuant to Rule 60DD-6.007, Florida Administrative Code.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.102(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60DD-6.006 Modifications, Additions, Reductions or Terminations to Existing SUNCOM Service Initiated by an Eligible User.

To obtain approval for any modifications, additions, reductions, or terminations of SUNCOM service, the Eligible User's Communications Service Authorization Representative shall submit State Technology Office Form (Form STO-COM-9001, Communications Services Authorization, effective September 17, 2004, which is hereby incorporated by reference.) Form STO-COM-9001 can be obtained at www.onlinecsa.myflorida.com or by writing to:

State Technology Office
Attention: CSA Processing
4030 Esplanade Way
Tallahassee, Florida 32399-0950

Form STO-COM-9001 shall be submitted to the State Technology Office at least 45 days in advance of the requested effective date. Failure to submit FORM STO-COM-9001 for the termination or modification of a service within the required time frame will result in continued charges for the existing service.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.102(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60DD-6.007 Modifications, Additions, Reductions or Terminations to Existing SUNCOM Service Initiated by the State Technology Office.

(1) Eligible Users are required to maintain a maximum of 3% blockage rate. Changes to an Eligible User's SUNCOM service initiated by the State Technology Office will be processed as provided herein.

(2) The State Technology Office shall provide notification to the Communications Service Authorization Representative of any required changes to the Eligible User's service following a traffic review history. In response within 30 days from such notice, the Eligible User must either submit Form STO-COM-9001 or a written statement why the proposed actions of the State Technology Office cannot be effectuated.

(3) If no response is received by the State Technology Office within the period set forth in subsection 60DD-6.007(2), Florida Administrative Code, the State Technology Office shall notify the Eligible User for a second time of any required changes to the user's service. If the user has not taken any responsive action or formalized the State Technology Office's recommendations through submission of a Form STO-COM-9001 within an additional 15 days, then the State

Technology Office shall complete Form STO-COM-9001 on behalf of the Eligible User, and provide notification of its action to the Eligible User.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.102(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

60DD-6.008 Required Usage.

All state agencies and state universities are required to use the SUNCOM network for agency and state university communications services in accordance with Section 282.103(3), Florida Statutes.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.102(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.Com

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Chief Information Officer, State Technology Office, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLE: Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees RULE NO.: 61G3-20.002

PURPOSE AND EFFECT: The Board proposes the development of rules to make changes to examination and reexamination fees.

SUMMARY: The proposed rule makes changes to the written portion of the examination and reexamination fees for Barbers' licensure.

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

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

SPECIFIC AUTHORITY: 455.2171, 476.064(4), 476.192 FS. LAW IMPLEMENTED: 455.2171, 476.192 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Malone, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-20.002 Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

(1) No change.

(2) The application fee for licensure by means of examination and reexamination for restricted barbers shall be as follows:

Method of Licensure: Application Fee:

(a) Examination and Reexamination

1. No change

2. Written Portion The application fee for both the examination and reexamination for the written portion shall be seventy-five dollars (\$75.00). Sixty-one dollars and fifty cents (\$61.50) Seventy dollars and fifty cents (\$70.50) of both the examination and the reexamination application fee for the written portion of the examination shall be paid to the Department and thirteen dollars and fifty cents (\$13.50) four dollars and fifty cents (4.50) shall be paid to the professional testing service.

(3) No change.

Specific Authority 455.2171, 476.064(4), 476.192 FS. Law Implemented 455.2171, 476.192 FS. History--New 7-16-80, Amended 6-30-83, 10-17-85, Formerly 21C-20.02, Amended 12-15-87, 5-11-88, Formerly 21C-20.002, Amended 9-21-94, 11-6-00, 2-19-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 3, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 23, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Cosmetologist Reexamination Fee
 RULE NO.: 61G5-24.006

PURPOSE AND EFFECT: The Board proposes development of this rule to address the reexamination fee.

SUMMARY: The proposed rule sets forth amendments to the reexamination fees conducted by a professional testing service for licensure of Cosmetologist.

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

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

SPECIFIC AUTHORITY: 477.016, 477.026 FS.

LAW IMPLEMENTED: 455.2171, 477.026(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Malone, Executive Director, Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399-0790

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-24.006 Cosmetologist Reexamination Fee.

When the examination for licensure as a cosmetologist is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the reexamination fee shall be fifty dollars (\$50.00), and shall be payable to the Department. When the examination for licensure as a cosmetologist is conducted by a professional testing service pursuant to Section 455.2171, F.S., the reexamination fee shall be twenty-three dollars (\$23.00) ~~eleven dollars (\$11.00)~~ which shall be payable to the Department; and, twenty-seven dollars (\$27.00) ~~nineteen dollars and fifty cents (\$19.50)~~ per part of the licensure examination to be retaken by the applicant, which shall be payable to the professional testing service.

Specific Authority 477.016, 477.026 FS. Law Implemented 455.2171, 477.026(1)(b) FS. History--New 11-2-80, Amended 6-20-83, 10-1-85, Formerly 21F-24.06, Amended 9-6-87, 1-10-90, Formerly 21F-24.006, Amended 4-13-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 30, 2004

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: General Requirements of Clinical
 RULE NO.: 64B3-3.001

Laboratory Personnel Training Programs
 PURPOSE AND EFFECT: The Board proposes to update and clarify the existing rule text.

SUMMARY: The Board has determined it is necessary to revise instruction periods for specifically named categories and set forth the requirements for andrology and embryology courses.

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

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

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

LAW IMPLEMENTED: 483.800, 483.809, 483.811 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (4) No change.

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

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

(n) through (o) No change.

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

(q)(r) No change.

(6) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2004

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Citations
RULE NO.: 64B7-30.004

PURPOSE AND EFFECT: The Board proposes to amend the citation rule to clarify the violations eligible for citation, clarify that costs of investigation and prosecution are imposed by citation, clarify the method of citation service and specify the time within which a citation monetary penalty must be paid.

SUMMARY: The rule specifies the method of service, the penalties imposed and the time within which the penalty is to be paid.

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

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

SPECIFIC AUTHORITY: 456.072, 456.077 FS.

LAW IMPLEMENTED: 456.072, 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-30.004 Citations.

(1) Definitions. As used in this rule:

(a) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a subject in the manner provided in Section

456.077, F.S. for the purpose of assessing a penalty in an amount established by this rule;

(b) No change.

(2) In lieu of the disciplinary procedures contained in Section 456.0727, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint which is the basis for the citation.

(3)(a) through (i) No change.

(j) False, misleading or deceptive advertising by Advertising massage therapy services under a name under which a license has not been issued in violation of Section 480.046(1)(d), F.S., shall result in a penalty of \$250.00.

(k) Violating Section 456.072(1)(h), F.S. by tendering a check that is dishonored by the institution upon which it is drawn shall result in a penalty of \$250.00.

(l) No change.

(4) In addition to the fines imposed herein, the costs of investigation and prosecution for each offense shall be assessed in the citation.

(5) All fines and costs imposed in a citation shall be paid within 30 days of the date the citation is filed.

Specific Authority 456.072, 456.077 FS. Law Implemented 456.072, 456.077 FS. History—New 1-1-92, Amended 11-15-92, Formerly 21L-30.004, Amended 9-30-93, 12-12-93, 4-21-97, Formerly 61G11-30.004, Amended 8-16-98, 7-18-99, 7-27-00, 10-12-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLES: Citations
RULE NOS.: 64B20-7.004

Mitigating and Aggravating Circumstances 64B20-7.005

PURPOSE AND EFFECT: The Board proposes to revise the rules to conform to amendments to the authorizing statutes.

SUMMARY: The amendments clarify the offenses chargeable by citation, the method of citation service and the types of penalties to be assessed in a citation, as well as when a citation is considered disciplinary action. The amendments to mitigating and aggravating circumstances clarify that a prior offense or absence thereof, is not a basis for departure from a usual guideline penalty range, unless the prior is different from the offense being adjudicated.

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

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

SPECIFIC AUTHORITY: 456.072, 456.073, 456.077, 456.079(3), 468.1135(4) FS.

LAW IMPLEMENTED: 456.072, 456.077, 456.079, 468.1295 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B20-7.004 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) through (c) No change.

(d) Failure to maintain and have available for inspection by the Agency certifications for the testing and calibration of any audiometric testing equipment designated by the Board covering the current year ~~as well as the 3 years prior~~. The ~~usual action of the Board shall be to impose a fine~~ shall be of \$250. (See Rule 64B20-8.001 F.A.C.; Section 468.1295(1)(k), ~~(t)~~, Florida Statutes)

(4) If the subject does not dispute the matter in the citation in writing within 30 days after the citation is served by personal service or within 30 days after receipt by certified mail restricted delivery, the citation shall become a final order of the Board of Speech Language Pathology and Audiology. The subject has 30 days from the date the citation becomes a final order to pay the fine, along with and costs of investigation and prosecution, which shall be imposed in each citation issued. Failure to pay the fine and costs within the prescribed time period constitutes a violation of Sections 456.072(1)(q) and 468.1295(1)(g), Florida Statutes, which will result in further disciplinary action. All fines and costs are to be made payable to "Florida Department of Health Agency for Health Care Administration - Citation."

(5) Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected. ~~If the violation is a substantial threat to the public health, safety and welfare, such potential for harm must be removed prior to issuance of the citation.~~

(6) Once the citation becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, Florida Statutes, unless otherwise exempt from the provisions

of Chapter 119, Florida Statutes. The initial citation final order against a license shall not and complaint may be considered as ~~aggravating circumstances in future~~ disciplinary actions pursuant to Rule 64B20-7.001, F.A.C. A second citation final order against a license shall be considered disciplinary action.

(7) No change.

Specific Authority 456.072, 456.077, 456.073 FS. Law Implemented 456.072, 456.077, 468.1295 FS. History-New 2-12-92, Amended 8-24-92, 11-9-92, Formerly 21LL-7.004, 61F14-7.004, 59BB-7.004, Amended _____.

64B20-7.005 Mitigating and Aggravating Circumstances.

(1) The Board shall be entitled to deviate from the disciplinary guidelines upon a showing of aggravating or mitigating circumstances ~~by clear and convincing evidence~~. A specific finding in the final order of mitigating or aggravating circumstances shall allow the Board to impose a penalty other than that provided for in the guidelines.

(2) Aggravating circumstances include:

(a) Disciplinary history of previous violations of the practice act and rules promulgated thereto, other than violations adjudicated in the case being considered.

(b) through (e) No change.

(3) Mitigating circumstances include:

(a) Lack of previous disciplinary history, as to violations not adjudicated in the case being considered.

(b) through (e) No change.

Specific Authority 456.073, 456.079(3), 468.1135(4) FS. Law Implemented 456.079, 468.1295 FS. History-New 9-17-92, Formerly 21LL-7.005, 61F14-7.005, 59BB-7.005, Amended 3-6-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language Pathology and Audiology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5E-2 Pesticides

RULE NO.: RULE TITLE:

5E-2.033 Organo-Auxin Herbicides:

Restrictions and Prohibitions