

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

<p>RULE CHAPTER TITLE: Practice and Procedure</p> <p>RULE TITLES: Complaints Investigation of Complaints Minor Violations Hearings Before the Commission Award of Attorney’s Fees Appeal of Fines Imposed by Filing Officers Fine Imposed; Timely Filed Reports Late-File Reports; Unusual Circumstances</p>	<p>RULE CHAPTER NO.: 2B-1</p> <p>RULE NOS.: 2B-1.0025 2B-1.0027 2B-1.003 2B-1.004 2B-1.0045 2B-1.005 2B-1.0052 2B-1.0055</p>
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PURPOSE AND EFFECT: Rule 2B-1.0025, F.A.C., dealing with complaints is amended to provide: (1) that a complaint must contain the original signature of the complainant, (2) that a second complaint filed against the same person is legally insufficient if it is based on the same facts or allegations that were raised in the first complaint, (3) if a complainant does not correct a legally insufficient complaint within 14 days of notice, the case will be closed, and (4) if the complainant does not request the Commission to review the legal sufficiency of a complaint within 21 days of notice, the case will be closed. Rule 2B-1.0025, F.A.C., also is amended to state that the complaint form, Confidential Complaint FEC 001, is amended and incorporated by reference to indicate that the Commission now has jurisdiction over violations of Section 98.122, F.S., dealing with the use of closed captioning and descriptive narrative in television broadcasts.

Rule 2B-1.0027, F.A.C., dealing with investigation of complaints is amended to provide: (1) that the Commission staff may investigate all violations specifically alleged in the complaint, including the violations that are listed on the complaint form and that arise from the facts set forth in the complaint, (2) that the respondent and complainant shall be permitted to attend the probable cause hearings, (3) that the respondent shall be permitted to make an oral statement at the probable cause hearing, and (4) before making a decision on probable cause, the Commission shall review the complaint, report of investigation, statement of findings, any written statements submitted by the respondent, and the oral statement made by the respondent at the hearing.

Rule 2B-1.003, F.A.C., dealing with minor violations is amended to conform to changes made by the 2004 Legislature. Rule 2B-1.003, F.A.C., (1) adds as a minor violation Section 106.143(1)(a), F.S., providing for a candidate disclaimer, (2) adds as a minor violation Section 106.1439(1), F.S., providing for an electioneering communications disclaimer, (2) strikes

Section 106.148, F.S., and (3) clarifies the language of the other minor violations enumerated in the rule to make the language more consistent with statutory language.

Rule 2B-1.004, F.A.C., dealing with hearings before the Commission is amended to state that the Pre-hearing Order Form, FEC 002, is amended and incorporated by reference to change the Commission’s address and update the format of the form.

Rule 2B-1.0045, F.A.C., is a new rule that establishes procedures for a provision passed by the 2004 Legislature providing attorney’s fees to a respondent if a person files a complaint with malicious intent to injure the reputation of the respondent. Rule 2B-1.0045, F.A.C., provides: (1) that the respondent shall file a petition within 30 days of dismissal of the complaint to claim costs and attorney’s fees, (2) at an informal hearing, the Commission shall determine the sufficiency of the petition, (3) that the parties to the claim are the respondent and the complainant, and (4) that the respondent must prove his claim by clear and convincing evidence.

Rule 2B-1.005, F.A.C., dealing with appeal of fines imposed by the filing officers is amended to provide that the Commission may reduce the fine for reasons other than the report was timely filed or there were unusual circumstances, and the Commission, without good cause, will not consider any document at the hearing unless it was filed with the Commission clerk at least ten days before the hearing.

Rule 2B-1.0052, F.A.C., dealing with when a report is timely filed provides that if the filing officer receives a report with an illegible postmark within five days of the due date and the report is delivered by the U. S. Postal Service, it is deemed timely filed.

Rule 2B-1.0055, F.A.C., dealing with unusual circumstances provides that the filing officer may notify the candidate or committee by e-mail that its report is late and eliminates the requirement that to claim lack of notice as an unusual circumstance the report must be filed within 13 days after it is due.

SUBJECT AREA TO BE ADDRESSED: The subject of the rules is procedures regarding complaints; investigation of complaints; minor violations of Chapter 106, F.S.; hearings held before the Commission; award of attorney’s fees; appeal of fines imposed by the filing officer for late filed reports, appeal of fines for timely filed reports; and appeal of fines for late filed reports where a candidate or committee claims unusual circumstances.

SPECIFIC AUTHORITY: 106.26, 106.26(12), 106.24(5) FS.

LAW IMPLEMENTED: 105.071, 106.04(8), 106.07(8), 106.24(5), 106.25, 106.26, 106.26(12), 106.26(1), 106.265(5) FS.

IF REQUESTED WITHIN 14 DAYS AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., October 4, 2004

PLACE: Florida Elections Commission Conference Room, 107 West Gaines Street, Suite 224, Collins Building, Tallahassee, FL 32399-1050

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Barbara M. Linthicum, Florida Elections Commission, Suite 224, Collins Building, 107 W. Gaines Street, Tallahassee, Florida 32399-1050, (850)922-4539

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2B-1.0025 Complaints.

(1) Any complaint ~~alleging~~ ~~of alleged~~ violations of the Florida Election Code over which the Florida Elections Commission has jurisdiction shall be filed with the Commission. A complaint form, Confidential Complaint, FEC 001, effective _____, ~~2-16-04~~, which is hereby adopted and incorporated by reference may be obtained by calling the Commission office during normal business hours or by writing to the Commission. The complaint form may also be obtained from the Commission's website www.fec.state.fl.us.

(2) Within five working days of receipt of a sworn complaint, the executive director shall send a copy of the complaint to the person against whom the complaint was made, the respondent.

(3) Upon receipt of a complaint, the executive director shall determine whether the complaint is legally sufficient, unless the executive director determines that the identity of the parties or witnesses or other factual or legal basis would prevent his or her determination due to an appearance of impropriety or a conflict as defined by Section 112.312(8), Florida Statutes. Upon the executive director's determination that he or she has a conflict or that action on the complaint would present an appearance of impropriety, the executive director shall refer the complaint to the Commission for a determination of legal sufficiency.

(4) A complaint is legally sufficient if it meets the following criteria.

(a) The complaint alleges a violation of Chapter 104 or 106 or Section 98.122 or 105.071, Florida Statutes;

(b) The complaint was made under oath in the presence of a notary public or other person authorized by law to administer oaths;

(c) The complaint contains the original signature of the complainant;

~~(d)(e)~~ The complaint contains specific facts upon which the complainant bases the allegation of a violation of law; and

~~(e)(d)~~ The complaint alleges a violation that occurred within two years of the date the complaint is filed with the Commission.

(5) A complaint is not required to list every section of the Election Code that a respondent could have violated or to specify facts that support every element of the violations alleged.

(6) If a person files a second complaint against the same person, the executive director shall determine that the second complaint is legally insufficient, if the second complaint alleges violations that are based upon the same facts or allegations that were raised or could have been raised in the first complaint.

~~(7)(6)~~ In determining the legal sufficiency of a complaint, the executive director shall consider any document referred to in the complaint and any material Commission staff has obtained in prior Commission investigations. In determining the legal sufficiency of a complaint alleging a violation of the campaign finance laws, the executive director shall also consider documents on file with the filing officer.

~~(8)(7)~~ When the executive director determines that a complaint is legally insufficient, the complainant and the respondent shall be notified. The notice shall include the reason the complaint is legally insufficient and notify the complainant that he has 14 days to correct the stated ground of insufficiency. If the complaint does not respond within 14 days, the executive director shall close the case. If the complainant responds but does not provide information that corrects the stated ground of insufficiency, the complainant and the respondent shall be notified of complainant's right to seek the Commission's review of the executive director's finding that the complaint is legally insufficient.

~~(9)(8)~~ A complainant seeking the Commission's review of the executive director's finding that the complaint is legally insufficient shall file a written request for review with the Commission clerk stating with specificity the reasons the complainant believes that the complaint is legally sufficient within 21 days of receipt of the notice. If a written request for review is not filed with the Commission clerk within 21 days of receipt of the notice, the executive director shall close the case the complaint will be dismissed.

~~(10)(9)~~ If the Commission finds the complaint legally sufficient, it shall direct the executive director to further investigate the complaint. If the Commission finds the complaint legally insufficient, it shall dismiss the complaint.

Specific Authority 106.26(1) FS. Law Implemented 105.071, 106.25 FS. History--New 2-17-91, Amended 11-14-93, 3-19-96, 8-19-96, Formerly 1D-1.0025, Amended 1-11-98, 1-2-02, 2-16-04, _____.

2B-1.0027 Investigation of Complaints; Statements of Findings; and Probable Cause Determinations.

(1) If a complaint is legally sufficient, it shall be investigated by Commission staff. The staff may investigate all violations specifically alleged in the sworn complaint.

including the alleged violations listed on the complaint form and the alleged violations that arise from the facts set forth in the complaint.

(2) A subpoena necessary to gather evidence during the investigation of a legally sufficient complaint shall be executed and issued by the executive director. The subpoena shall contain a notice that the person to whom the subpoena is directed may file a motion to quash or limit the subpoena with the Commission ~~commission~~ clerk and state the ground relied upon. At the request of any party, the Commission ~~commission~~ clerk shall schedule a motion hearing before a Commissioner designated by the Chairman to hear such non-dispositive matters. The filing of such a motion shall toll the time for responding to the subpoena. If the motion to quash is denied, the subpoena shall be complied with within five days of an oral or written ruling on the motion, whichever occurs first.

(3) The individual conducting the investigation shall prepare a report of the results of the investigation, including relevant documents or other evidence gathered during the investigation.

(4) Considering the report of investigation and relevant documents or other evidence gathered during the investigation, the general counsel or an assistant general counsel, shall prepare a statement of findings. The statement of findings shall set forth sufficient facts revealed during the investigation to support a recommendation to the Commission that there is probable cause or no probable cause to believe that the respondent violated a provision of The ~~the~~ Florida Election Code over which the Commission has jurisdiction.

(5) All statements of findings shall be reviewed and signed by the executive director and scheduled for review by the Commission ~~commission~~.

(6) The executive director shall ensure that legally sufficient complaints alleging a violation of Section 104.271(2), Florida Statutes, shall be given priority in the allocation of investigative and legal resources. Any request for hearing before the Commission shall be scheduled for its first available meeting.

(7) The respondent, the complainant, and their respective counsels shall be permitted to attend the hearing at which the Commission determines probable cause. Notice of the hearing shall be sent to the respondent and the complainant at least 14 days before the date of the hearing. The respondent and his or her counsel shall be permitted to make a brief oral statement in the nature of oral argument to the Commission before the Commission determines probable cause.

(8)(7) At the probable cause hearing, the ~~The~~ Commission shall review the complaint, report of investigation, all statements of findings submitted by the executive director, any written statements submitted by the respondent, and any oral statements made at the probable cause hearing and relevant documents or other evidence gathered during the investigation. The Commission shall then:

(a) Issue an order finding probable cause to believe that specific sections of the law have been violated;

(b) Issue an order finding no probable cause to believe a violation has occurred; or

(c) Return the matter to Commission staff for additional investigation or legal analysis.

(9)(8) The Commission ~~commission~~ clerk shall send a copy of the order determining probable cause or no probable cause, along with a copy of the statement of findings, to the complainant and the respondent.

(10)(9) An order of no probable cause shall constitute final agency action.

(11)(10) Any order of probable cause entered by the Commission shall advise the respondent of the right to a hearing pursuant to Chapter 120, Florida Statutes, and the provisions of Rule 2B-1.004, F.A.C., which allow the Commission to designate a Commissioner or Commissioners to hear formal and informal hearings.

Specific Authority 104.271(2), 106.26(1) FS. Law Implemented 104.271(2), 106.25, 106.26 FS. History—New 1-12-99, Amended _____.

2B-1.003 Minor Violations.

(1) The Commission shall consider a violation of Chapter 106, Florida Statutes, a minor violation under the following circumstances:

(a) The violation is one of those identified in this rule;

(b) The complaint alleging the violation contains no legally sufficient violation other than those identified in this rule;

(c) The respondent against whom the complaint was filed has not been notified of an allegation of the same violation before the conduct about which the complaint was filed;

(d) The respondent against whom the complaint was filed agrees to correct, if feasible, the conduct that resulted in a violation identified in this rule; and

(e) If the violation involves political advertising, the violation must have occurred more than 14 days before the election in which the candidate or committee named in the political advertising is participating and the person, candidate, or committee that paid for the political advertisement must be named in the political advertisement. If the violation occurred less than 14 days before the election, the complaint must not contain an allegation that the political advertising was either deceptive or influenced the outcome of the election.

(2) The following violations are minor violations so long as the requirements of subsection (1) of this rule have been met:

(a) Section 106.021(1)(b), Florida Statutes, failure of a candidate or political committee to properly designate a separate interest-bearing campaign account, so long as the account is identified as the campaign account of the candidate or political committee. A fine of \$100 shall be imposed for each violation;

(b) Section 106.023, Florida Statutes, failure of a candidate to file a statement with the filing officer that says he or she the candidate has read and understands the requirements of Chapter 106, within ten days after filing his or her appointment of campaign treasurer and designation of campaign depository form. A fine of \$100 shall be imposed for each violation.;

(c) Section 106.025(1)(c), Florida Statutes, failure of a person holding who holds a campaign fund raiser to mark include the statement required by this section on tickets or advertising for the fund raiser with the required disclaimers. A fine of \$250 shall be imposed for each violation.;

(d) Section 106.071(2)(+), Florida Statutes, failure of a person making an independent expenditure for a political advertisement to mark prominently the to include the proper disclaimer in a political advertisement with the required disclaimer paid for by an independent expenditure. A fine of \$250 shall be imposed for each violation.;

(e) Section 106.143(1)(a), Florida Statutes, failure of a candidate making an expenditure for a political advertisement to mark prominently the political advertisement with the required disclaimer. A fine of \$250 shall be imposed for each violation.;

(f)(e) Section 106.143(1)(b), Florida Statutes, failure of a person making an expenditure for a political advertisement to mark prominently the all political advertisements as a “pd. pol. adv.” or a “paid political advertisement” and or to identify the sponsor. A fine of \$200 shall be imposed for each violation.;

(g)(+) Section 106.143(2), Florida Statutes, failure of a candidate running for a partisan office person to mark his or her the political advertisement of a candidate running for partisan office with his or her the candidate’s political party affiliation or to indicate that he or she is running with no party affiliation. A fine of \$200 shall be imposed for each violation.;

(h)(e) Section 106.143(3), Florida Statutes, prohibiting a candidate or any person on behalf of a candidate from representing in a political advertisement that a person or an organization supports the candidate before obtaining the written approval of that person or organization. A fine of \$200 shall be imposed for each violation.;

(i)(+) Section 106.143(4)(a), Florida Statutes, failure of a person offering a political advertisement on behalf of a candidate to obtain approval from the candidate before circulating the advertisement. A fine of \$200 shall be imposed for each violation.;

(j)(+) Section 106.143(4)(a), Florida Statutes, failure of a candidate or a person on behalf of a candidate to state on the candidate’s political advertisement that the content of the advertisement was approved by the candidate and to or the identify identity of the person who paid for the advertisement. A fine of \$250 shall be imposed for each violation.;

(k)(+) Section 106.143(4)(a), Florida Statutes, failure of a candidate to provide the news media with a written statement authorizing the content of each political advertisement submitted to the media for distribution. A fine of \$250 shall be imposed for each violation.;

(l)(e) Section 106.143(4)(b), Florida Statutes, failure of a person making an independent expenditure for a political advertisement submitted to the news media for distribution to provide the media with a written statement that no candidate approved of the advertisement. A fine of \$200 shall be imposed for each violation.;

(m)(+) Section 106.143(4)(b), Florida Statutes, failure of a person making an independent expenditure for a political advertisement submitted to the news media for distribution to state on the advertisement that no candidate approved the advertisement. A fine of \$200 shall be imposed for each violation.;

(n)(+) Section 106.143(5), Florida Statutes, prohibiting a candidate person who is not the incumbent from using including the word “re-elect” in his or her a political advertisement. A fine of \$200 shall be imposed for each violation.;

(o)(+) Section 106.143(5), Florida Statutes, failure of a candidate person in a political advertisement of a candidate who is not the incumbent from including to use the word “for” in his or her political advertisement between his or her the candidate’s name and the office for which the he or she candidate is running, unless incumbency is implied. A fine of \$100 shall be imposed for each violation.;

(p)(e) Section 106.1435(3), Florida Statutes, prohibiting a person from placing or locating a political advertisement on or above any state or county road right-of-way. A fine of \$100 shall be imposed for each violation.;

(q)(+) Section 106.1437, Florida Statutes, failure of a person sponsoring a political advertisement intended to influence public policy or the vote of a public official to include a clearly readable statement of sponsorship. A fine of \$200 shall be imposed for each violation.;

(r) Section 106.1439(1), Florida Statutes, failure of a person making an expenditure for an electioneering communication to mark prominently the electioneering communication with the required disclaimer. A fine of \$250 shall be imposed for each violation.;

(s) Section 106.148, Florida Statutes, failure of a candidate, political party, political committee, or committee of continuous existence or an agent of a candidate, political party, political committee or committee of continuous existence to include a political disclaimer on a message placed on an information system accessible by computer by more than one person. A fine of \$200 shall be imposed for each violation; and

(s)(+) Section 106.19(1)(a), Florida Statutes, prohibiting a person from accepting a contribution in excess of the limits prescribed by Section 106.08, Florida Statutes, if the excessive contribution is returned to the donor within 14 days of receipt. A fine of \$200 shall be imposed for each violation.

(3) Upon the executive director's determination that an alleged violation is a minor violation as defined by this rule, the executive director shall offer the respondent an opportunity to enter into a consent order to pay the fine or fines designated above. The consent order shall provide that the respondent neither admits nor denies the allegations.

(4) The Commission shall approve the consent order unless it determines that the requirements of this rule have not been met.

Specific Authority 106.26(12) FS. Law Implemented 106.26(12) FS. History--New 1-11-99, Amended 2-14-00, 1-2-02, _____.

2B-1.004 Hearings Before the Commission.

(1) If a respondent who is entitled to a formal hearing does not elect to proceed before the Division of Administrative Hearings, and the Commission does not refer the case to Division of Administrative Hearings, the executive director shall schedule the formal hearing before the Commission.

(2) At the time the hearing is scheduled, the Chairman shall issue a pre-hearing order form, Pre-hearing Order ~~Form~~, FEC 002, effective _____, ~~1-11-99~~, which is hereby adopted and incorporated by reference. The order shall require the parties to file a joint pre-hearing statement at least five working days before the scheduled hearing date. The pre-hearing order shall provide the date of the hearing and the date the pre-hearing statement must be filed. The pre-hearing order shall require the parties to confer and file a joint pre-hearing statement that provides the following information:

- (a) The name, address and telephone number of each person intended to be called as a witness by either party.
- (b) A stipulation by the parties setting forth:
 1. The facts that are not in dispute;
 2. The facts that are in dispute;
 3. A list of all exhibits that the parties agree should be admitted into evidence;
 4. A list of exhibits to which either party objects, the nature of the objection and a response to the objection; and
 5. An estimate of the time that each party believes shall be necessary to present the formal hearing to the Commission.

(c) Should the parties fail to reach a joint pre-hearing statement, each party shall be required to file a unilateral pre-hearing statement that also included the reasons that a joint pre-hearing statement was not filed.

(3) When necessary to expedite the processing of agency matters on behalf of the public, the Chairman shall designate one or more Commissioners to hear any motion filed by a party that is not dispositive of the case pending before the Commission.

(4) Upon the request of any party, the Commission clerk shall schedule a motion hearing on any pending motion, so long as the motion is not dispositive of the matter pending before the Commission, a designated Commissioner may ~~is available to~~ hear the motion, and adequate notice and opportunity to appear in person or by telephone can be provided to the parties.

(5) When necessary to secure the just, speedy, and inexpensive determination of a case, the Chairman shall direct that one or more Commissioners hear any formal hearing, informal hearing, or dispositive motion hearing.

(a) Designation of the specific Commissioner or Commissioners to hear a formal hearing, informal hearing or dispositive motion shall be made only by a majority of the Commissioners voting.

(b) The Commission ~~commission~~ clerk shall notify the parties of the designation of a Commissioner or Commissioners and shall notice the hearing.

(c) The designated Commissioner or Commissioners shall hear the evidence and argument presented by the parties during a formal hearing, informal hearing or dispositive motion hearing.

(d) The designated Commissioner or Commissioners hearing the case shall file a report with the Commission clerk within 30 days of receiving any post hearing submissions from the parties. The report shall contain a recommended order that includes findings of fact, conclusions of law, a recommended disposition or penalty, if applicable, and any exceptions and responses filed by the parties. The report shall be served upon the parties.

(e) The Commission shall review the report, deliberate and reach a decision in the case. The designated Commissioner or Commissioners hearing the case shall not participate in the deliberation or vote of the Commission.

(6) Upon the Commission's determination of the outcome of a case after formal hearing or after reviewing the report of the designated Commissioner or Commissioners, the Commission's counsel shall prepare a proposed final order.

(7) A clerical mistake in a final order arising from oversight or omission may be corrected by the Commission at any time on its own initiative or on the motion of any party.

Specific Authority 106.24(5), 106.26 FS. Law Implemented 106.24(5), 106.26 FS. History--New 1-11-99, Amended 1-2-02, _____.

2B-1.0045 Award of Attorney's Fees.

(1) If the Commission determines that a complainant has filed a complaint against a respondent with a malicious intent to injure the reputation of such respondent by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation Chapter 104 or 106, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense

of the complainant, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

(2) To claim costs and attorney's fees, the respondent shall file a petition with the Commission clerk within 30 days following dismissal of the complaint. The petition shall state with particularity the facts and grounds that prove entitlement to costs and attorney's fees. The Commission clerk shall forward a copy of the petition to the complainant by certified mail at the most recent address on file with the Commission.

(3) At an informal hearing, the Commission shall determine whether the petition contains sufficient facts and grounds to support a claim for cost and attorney's fees. If the petition does not contain sufficient facts and grounds to support such a claim, the Commission shall dismiss the petition. If the petition contains sufficient facts and grounds to support such a claim, the Commission shall order a formal hearing be held before the Commission or a Commissioner or Commissioners designated by the Commission, or refer the petition to the Division of Administrative Hearings for a formal hearing.

(4) The parties to the claim shall be the respondent and the complainant. The respondent shall prove by clear and convincing evidence that he or she is entitled to an award of costs and attorney's fees. The Commission shall review the recommended order of the designated Commissioner or Commissioners or the administrative law judge and the parties' exceptions before entering a final order.

Specific Authority 106.24(5), 106.26 FS. Law Implemented 106.265(5) FS. History--New _____.

2B-1.005 Appeal of Fines Imposed by Filing Officers.

(1) To appeal a fine imposed pursuant to Section 106.04(8) or 106.07(8), Florida Statutes, the candidate, chairman of a political committee, or treasurer of a committee of continuous existence shall file a notice of appeal. The notice of appeal shall be filed with the ~~Commission~~ commission clerk, and a copy filed with the filing officer, within 20 days of the appealing party's receipt of notice that a fine is being imposed. The notice of appeal shall contain:

- (a) The name, address and telephone number of the appealing party;
- (b) A copy of the notice of imposition of fine issued by the filing officer; and
- (c) A request for hearing if a personal appearance before the Commission is desired. If no hearing request is made, the appeal shall be decided solely on the documents submitted by the appealing party and Commission staff.

(2) Failure to timely file a notice of appeal shall result in waiver of the right to appeal the fine and a final order upholding the fine shall be entered by the Chairman of the Commission without further notice.

(3) Upon receipt of a timely notice of appeal, the Commission staff shall notify the appealing party that the appeal has been accepted. The appealing party shall have 20 days from acceptance of the appeal to submit any documents supporting the appeal.

(4) The Commission shall uphold the fine imposed by the filing officer unless the appealing party presents credible evidence that the report was timely filed or credible evidence that there were ~~that~~ unusual or other such circumstances ~~that~~ caused the report to be filed late. Credible evidence is evidence that is from a credible source and is so natural, reasonable and probable as to make it easy to believe. The Commission shall give greater weight to a written statement that is certified to have been made under oath in the presence of a notary or other person authorized by law to administer oaths.

(5) If a hearing has been requested, the Commission clerk shall notify the appealing party of the date and location of the hearing. Convenience of location of the hearing shall not be a basis for continuing the hearing. The Commission is not required to provide notice of its consideration of the appeal if the appealing party did not request a hearing.

(6) Unless good cause is shown, the Commission will not consider at the hearing any written document unless the party offering the document has filed it with the Commission clerk at least ten days before the hearing.

Specific Authority Ch. 97-13, Sec. 52, Laws of Florida. Law Implemented 106.04(8), 106.07(8) FS. History--New 9-14-86, Amended 10-19-86, Formerly 1D-1.005, Amended 1-12-98, _____.

2B-1.0052 Fine imposed; Timely Filed Reports.

(1) Campaign treasurer's reports are required to be filed in the office of the filing officer by 5 p.m. on the due date. A report is deemed timely filed if it is postmarked before midnight on the due date.

(2) If a report is received by the filing officer without a postmark or with an illegible postmark within five days of the due date and it is delivered to the filing officer by the United States Postal Service, it shall be deemed timely filed.

(3)(2) If a report is received by the filing officer without a postmark or with an illegible postmark more than five days after the due date or it is delivered to the filing officer by a mail delivery service other than the United States Postal Service and there is no postmark or the postmark is illegible, it shall not be deemed timely filed unless the appealing party submits a copy of a proof of mailing or at a hearing before the Commission, presents the oral testimony of the person who timely mailed the report. The proof of mailing submitted shall reflect that it was obtained from the United States Postal Service or other mail delivery service at the time of mailing and shall reflect that the report was mailed before midnight on the due date. The testimony presented shall indicate that the report was mailed so that it would have received a postmark or a legible postmark on the report's due date but for the failure of the United States Postal Service to properly mark the report.

(3) A metered postage mark does not constitute a postmark or a proof of mailing.

Specific Authority 106.26(1) FS., Ch. 97-13, Sec. 52, Laws of Florida. Law Implemented 106.04(8), 106.07(8) FS. History--New 1-12-98, Amended 1-2-02, _____.

2B-1.0055 Late-filed Reports; Unusual Circumstances.

(1) Unusual circumstances mean uncommon, rare or sudden events over which the actor has no control and which directly result in the failure to act according to the filing requirements. Unusual circumstances must occur within a time period that would clearly prevent the person legally responsible for filing the report from doing so in a timely manner.

(a) Unusual circumstances shall not include the failure of the United States Postal Service or other mail delivery service to postmark an envelope, legibly postmark an envelope, or timely deliver mail.

(b) Unusual circumstances shall not include the failure of the sender to affix sufficient postage to a report that is being mailed.

(2) The following events shall constitute unusual circumstances so long as the events clearly interfered with filing the report.

(a) Natural disaster or other emergency that prevented timely filing. Evidence submitted shall include copies of newspaper reports or other documents from an independent and reliable source that documents the nature, date, and location of the natural disaster or emergency.

(b) Death of the candidate or campaign treasurer or an immediate family member of the candidate or campaign treasurer. Evidence submitted shall include a copy of the death certificate, newspaper obituary, or funeral program or notice.

(c) Serious illness, disability or non-elective surgery of the candidate or campaign treasurer. Evidence submitted shall include a physician's certification on professional letterhead stationery that includes the dates of the illness, disability, or surgery; a statement regarding the period of time that the patient was incapacitated; and a statement that surgery, if any, was not elective. The period of incapacitation may also be shown by copies of hospital records reflecting the dates of hospitalization.

(d) Serious illness, disability or non-elective surgery of the candidate's or campaign treasurer's immediate family member. Evidence submitted shall include evidence of the candidate's or treasurer's relationship to the family member, the location of the family member, and the reason the candidate or campaign treasurer's presence was required. Evidence submitted shall also include a physician's certification on professional letterhead stationery that includes the dates of the illness, disability, or surgery; a statement regarding the period of time that the patient was incapacitated; a statement that surgery, if any, was not elective; and a statement that the patient required the care of a family member.

(e) Computer or equipment failure caused by events that could not have been anticipated and that made timely filing of the report impossible. Power outages or program failure does not constitute unusual circumstances unless it is established that reasonable precautions to assure the safety of the equipment or the ability of the program to perform as anticipated were taken before the events causing failure of the equipment or program.

(f) The abrupt and unexpected loss of the campaign treasurer, over which the appealing party had no control. The loss of the campaign treasurer shall not constitute unusual circumstances if the appealing party failed to monitor the campaign treasurer's performance before his or her departure or if the appealing party failed to assure prompt preparation of the report after the treasurer's departure.

(g) Failure of the filing officer to e-mail, telephone, or mail a letter to the candidate, chairman of a political committee, or treasurer of a committee of continuous existence that a report is late no later than seven days after the report was due shall constitute unusual circumstances if ~~the report was filed more than 13 days after it was due~~ and the appealing party establishes that lack of notice clearly interfered with the timely filing of the report. The fine imposed by the filing officer shall be reduced to the amount that would have been imposed had the report been filed 13 days late.

Specific Authority 106.26(1) FS., Ch. 97-13, Sec. 52, Laws of Florida. Law Implemented 106.04(8), 106.07(8) FS. History--New 1-12-98, Amended _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: _____ RULE NO.: _____

Application Information 6A-4.0012

PURPOSE AND EFFECT: The purpose of the rule amendment is to revise the certification application process to incorporate a 2004 legislative change authorizing the acceptance of an affidavit with an original signature in lieu of a notarized signature. The effect is a more streamlined application form and process.

SUBJECT AREA TO BE ADDRESSED: Certification application procedures.

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56, 1012.586, 1012.59 FS.

LAW IMPLEMENTED: 943.0585, 943.059, 1012.32, 1012.54, 1012.55, 1012.56, 1012.586, 1012.59, 1012.798 FS.

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

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Beverly Gregory, Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-4.0012 Application Information.

(1) Application process. To apply for a Florida Educator’s Certificate, an individual shall submit to the Bureau of Educator Certification the following:

(a) A completed Form CG-10 and a nonrefundable application fee. Form CG-10, Application for Florida Educator’s Certificate, effective ~~December 2004~~ ~~September 2004~~, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or may be submitted online via the Department of Education, Educator Certification website. The nonrefundable application fee is prescribed below:

1. Request for a professional certificate – \$56.00,
2. Request for a temporary certificate – \$56.00,
3. Request for an addition of a coverage or endorsement to a valid certificate – \$56.00,
4. Request for a name change only – \$20.00,
5. Request for a duplicate certificate/subject deletion – \$20.00; or

(b) A completed Form CG-10R and a nonrefundable application fee. Form CG-10R, Application for Renewal or Reinstatement of a Professional Florida Educator’s Certificate effective ~~December 2004~~ ~~September 2004~~, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or may be submitted online via the Department of Education, Educator Certification website. The nonrefundable application fee is \$56.00. An application for renewal of a professional certificate that is received by the Bureau of Educator Certification or by a district school board office after the expiration of the professional certificate as specified in Rule 6A-4.0051, F.A.C., shall be submitted with a \$30.00 late fee in addition to the nonrefundable application fee.

Specific Authority 1001.02, 1012.55, 1012.56, 1012.586, 1012.59 FS. Law Implemented 943.0585, 943.059, 1012.32, 1012.54, 1012.55, 1012.56, 1012.586, 1012.59, and 1012.798 FS. History—New 7-6-82, Amended 9-27-83, Formerly 6A-4.012, Amended 12-25-86, 10-26-88, 5-2-90, 4-24-91, 7-7-92, 5-3-94, 7-18-95, 9-17-01, 11-25-03, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Routine Mail
RULE NO.: 33-210.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that inmates are not permitted to use postage stamps to pay for goods or services.

SUBJECT AREA TO BE ADDRESSED: Routine Mail.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.101 Routine Mail.

(1) through (21) No change.

(22) Inmates shall not use postage stamps as currency to pay for products or services. Postage stamps placed in outgoing mail for this purpose will be deemed contraband. Incoming mail that solicits inmates to purchase products or services and allows payment with postage stamps will be rejected.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended 12-4-02, 8-5-03, 10-27-03, 9-20-04, _____.

DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify requirements for carrying semi-automatic pistols and reloading devices, update training and qualification requirements, and delete unnecessary and obsolete language.

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

SPECIFIC AUTHORITY: 20.315, 790.06, 944.09 FS.

LAW IMPLEMENTED: 20.315, 790.06, 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.104 Correctional Probation Officers Carrying Firearms.

(1) No change.

(2) Definitions.

(a) through (b) No change.

(c) "~~Weapon Firearm~~ card" means the document issued by the department pursuant to this rule to a correctional probation officer who has been authorized by the department to carry a firearm while on duty.

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

~~1. Circuit Administrators are the reviewing authority for Correctional Probation Officers up to the level of Deputy Circuit Administrator.~~

~~2. Regional Directors of probation and parole are the reviewing authority for Circuit Administrators and Deputy Regional Directors of probation and parole.~~

~~3. The Director of Community Operations or the Assistant Secretary for probation and parole is the reviewing authority for the Regional Directors of probation and parole.~~

(3) Authorization Procedures.

(a) In addition to the requirements of this rule, correctional probation officers who elect to carry firearms shall also be required to comply with ~~Chapter Rule 33-209-103, F.A.C.~~

(b) Any correctional probation officer who elects to carry a firearm while on duty shall obtain authorization through the circuit administrator. Any circuit administrator or deputy regional director of probation and parole who elects to carry a firearm while on duty shall obtain authorization from the regional director of probation and parole. A regional director of probation and parole who elects to carry a firearm while on duty shall obtain authorization from the deputy assistant secretary of

probation and parole. A director of community operations or deputy assistant secretary of probation and parole who elects to carry a firearm while on duty shall obtain authorization from the assistant secretary of probation and parole. The written request shall contain documentation that the individual has complied with the required training and qualification requirements provided in Chapter 33-209, F.A.C set forth in paragraph (c) below.

~~(c) Correctional probation officers who elect to carry firearms while on duty shall complete training and qualification requirements pursuant to Rule 33-209-103, F.A.C.~~ Correctional probation officers shall not be allowed to carry a firearm on duty until firearms qualification is successfully completed and the weapon firearm card has been issued. Initial ~~q~~Qualification, annual ~~re~~-qualification and training shall be completed using the specific weapon that the officer will be using on duty and any type of ammunition approved by the local training center. Documentation of the model, make, and serial number of the weapon used, proof of ownership, and firearm inspection by a certified gunsmith or law enforcement armorer shall be submitted along with the documentation of training and qualification in the request for authority to carry the firearm.

(d) If an officer temporarily or permanently replaces the firearm used for qualification, the officer shall notify the department of the replacement and provide the model, make and serial number of the replacement firearm. If the officer chooses to replace a revolver with a 9 millimeter semi-automatic firearm, the officer shall complete the department-approved 9mm transition course. The officer shall ~~re~~-qualify with the replacement weapon and provide proof of ownership and inspection to the reviewing authority. Correctional probation officers shall not be authorized to carry more than one firearm at a time.

(e) Prior to approving a request to carry a firearm, the reviewing authority shall review the request, the documentation of training and qualification pursuant to Chapter Rule 33-209-103, F.A.C., and shall complete a Florida Crime Information Center/National Crime Information Center (FCIC/NCIC) check on the firearm by serial number, and an FCIC/NCIC check on the applicant. Upon approval, the reviewing authority shall issue a weapon firearm card which establishes that the officer has been authorized to carry a specific firearm while on duty.

(f) The weapon firearm card shall expire twelve months after the initial qualification the following year, on the last day of the month the firearms card was issued unless written documentation of annual ~~re~~-qualification is submitted to the authorizing entity prior to the expiration of the weapon firearms card. The officer shall be required to successfully ~~re~~-qualify within twelve months after initial qualification and

~~every each~~ year thereafter pursuant to Chapter Rule 33-209.103, F.A.C., and this rule in order to remain qualified to carry a firearm.

(g) Annual Re-qualification must occur prior to the employee's weapon firearm card expiration date. The new weapon firearm card will be issued effective the date of annual re-qualification. The weapon firearm card will expire twelve months after the initial qualification and every twelve months thereafter the following year, on the last day of the month the firearms card was issued.

(h) The reviewing authority shall immediately suspend authorization to carry a firearm, except for firearm training purposes, and shall secure the weapon firearm card from any officer who has failed to re-qualify as of the card expiration date. Suspension of the weapon card removes the officer's authority to carry a firearm while on duty. A correctional probation officer who attempts to re-qualify and fails shall be provided the opportunity to participate in remedial firearm training as specified in Chapter 33-209, F.A.C. at a time approved by the reviewing authority.

(i) No change.

(4) Carrying a Firearm While on Duty.

(a) The firearm shall be carried by those the officers who elect to carry in accordance with department standards and requirements only while on duty conducting field supervision and investigation. The firearm shall be carried in a holster about the waist or under the shoulder. All holsters that secure the firearm about the waist or under the shoulder shall be of a type which secures the firearm with a thumb break retainer. Only the authorized firearm may be carried.

(b) No change.

(c) Each probation office shall have a designated secure space containing a secure locker for storage of firearms, ~~ammunition, and reloading devices.~~ Officers shall place their ~~holstered~~ firearms in the secure locker immediately upon entering the office. The firearm shall be removed from the locker at the conclusion of the duty day. No firearm shall be left in the probation office overnight.

(d) Any officer authorized to carry a firearm while on duty shall carry a Department of Corrections identification card and weapon firearm authorization card while carrying the firearm on duty. If the officer is carrying a firearm on duty, he or she shall display the Department of Corrections issued badge in plain view.

(5) No change.

(6) Firearm Type and Ammunition.

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

(b) Correctional probation officers shall only be authorized to carry ammunition and reloading devices approved by the department for each respective weapon. All ammunition used for training, qualification, or annual re-qualification, must be approved by the range facility for use.

(c) Correctional probation officers are authorized to carry no more than two department approved reloading devices while carrying a firearm. ~~These reloading devices and all accompanying ammunition shall be stored in the same secure locker as the officer's firearm immediately upon entering the office.~~ Only that ammunition stored in a firearm or reloading device may be brought into an office.

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

(a) In accordance with firearms training, the firearm is to remain in a holster at all times except:

1. If the officer believes that use of the firearm is necessary to prevent imminent death or great bodily harm;

2. For training purposes, ~~or~~

3. To secure the firearm prior to entering a location when removal of the firearm is required;

4.3- When assistance is requested by law enforcement; or

5.4- For cleaning and inspection.

(b) through (e) No change.

(8) No change.

(9) Removal of Authorization to Carry a Firearm.

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

1. The correctional probation officer has exhibited behavior that indicates that the carrying of a firearm by this officer could present a threat to the security of other staff, offenders, or the general public, or the correctional probation officer notifies the department of physical or pharmacological conditions that could affect his or her ability to carry a firearm safely;

2. The correctional probation officer has demonstrated an inability to properly care, maintain, handle or secure the firearm;

3. The correctional probation officer is found to have been negligent by failure to comply with those standards and procedures provided in the training required by Chapter 33-209, F.A.C. or and the standards set forth in this rule in the case of loss or theft of the firearm while on duty shall have the authorization to carry the firearm removed and shall be subject to disciplinary action in accordance with Chapter 33-208, F.A.C.

4. The correctional probation officer fails to complete annual re-qualification, ~~or~~

~~5. The correctional probation officer notifies the department of physical or pharmacological conditions that could affect his or her ability to carry a firearm or other weapon safely.~~

(10) Care and Maintenance of Firearm.

(a) No change.

(b) Officers shall not work on or modify their approved firearms. Only gunsmiths or armors employed by a Florida law enforcement agency, certified by the manufacturer to repair that specific firearm, ~~or armors employed by a Florida law enforcement agency~~ shall be used to make repairs on authorized firearms.

(c) through (e) No change.

(11) No change.

Specific Authority 20.315, 790.06, 944.09 FS. Law Implemented 20.315, 790.06, 944.09 FS. History—New 5-28-86, Amended 7-7-92, 12-20-92, 03-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-5-01, 8-13-03, 6-24-04, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Probation and Parole – Use of Force

RULE NO.: 33-302.105

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language and clarify requirements for the use of handcuffs.

SUBJECT AREA TO BE ADDRESSED: Use of force in community corrections.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.35 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.105 Probation and Parole – Use of Force.

(1) through (2) No change.

(3) Whenever force is used, the highest ranking official involved or the most senior highest ranking official shall inform the circuit administrator immediately. Whenever force is used, except as provided in paragraph (5)(f), a detailed written report of force used shall be prepared, dated and signed by the initial employee using force. This report shall be completed within one working day (Monday through Friday) of the incident. ~~Form DC3-210, Community Corrections Report of Force Used, shall be used for this purpose. If more than one employee was involved in the initial use of force, the~~

~~highest ranking official involved or the most senior highest ranking official involved shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC3-210 part I shall prepare a Community Corrections Report of Force Used Staff Supplement, Form DC3-211, within one working day (Monday through Friday) of the incident. The report shall describe in detail the type and amount of force used by him or her. Any additional employee who does not agree with the facts and circumstances as reported in Form DC3-210 part I shall prepare a separate Form DC3-210, Community Corrections Report of Force Used within one working day (Monday through Friday) of the incident. Any employee who witnesses the use of force, but was not directly or physically involved in the use of force, shall complete Form DC3-225, Community Corrections Incident Report, within one working day (Monday through Friday) of the incident. Forms DC3-210, DC3-211 and DC3-225 shall be submitted to the circuit administrator upon completion. Forms DC3-210, DC3-211 and DC3-225 are hereby incorporated by reference. Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is 2-19-03.~~

(4) Use of Handcuffs.

(a) Officers are authorized to shall use handcuffs on offenders in the following situations: in accordance with subsection (1) of this rule.

1. When there is imminent danger to any individual or the public in general if the offender is not detained immediately;

2. Prior to conducting a search;

3. When law enforcement personnel request assistance in the performance of their duties; or

4. In any other situation that appears to warrant the use of handcuffs if approved by the supervisor prior to the use of handcuffs.

(b) Handcuffs shall be used only by persons authorized by the department and shall only be used for purposes as outlined in this rule. Officers shall receive handcuff training yearly. ~~Training documentation shall be maintained in the staff training and record system that is maintained by the department.~~

~~(b) A minimum of one set of handcuffs shall be maintained by the supervisor in an accessible location in the office.~~

(c) No change.

(d) In any case in which handcuffs are used with force applied, except for training purposes, an accurate record shall be maintained by the circuit administrator as to the location and reason for use, and a factual description of the circumstances and the incident. ~~This information shall be reflected on the Community Corrections Report of Force Used, Form DC3-210. The officer who used the handcuffs shall~~

~~complete the report after the incident. Any additional officer(s) physically involved in the handcuffing who agrees with the facts and circumstances as reported on the DC3-210, shall prepare a Community Corrections Report of Force Used—Staff Supplement, DC3-211.~~

~~(e) When handcuffs are used without resistance, the officer applying the handcuffs shall document the use of handcuffs (without resistance) in the electronic case notes. If handcuffs are used without resistance during a search, the officer shall document the use of handcuffs (without resistance) on a record documenting the results of the search and document the use of handcuffs in the electronic case notes.~~

(5) Use of chemical agents.

(a) No change.

(b) Chemical agents shall be used only by persons trained by instructors certified by the Florida Department of Law Enforcement, and shall be used only for authorized purposes as outlined in this rule. Officers shall receive training within 6 months after hire and shall receive retraining yearly. Training shall include decontamination procedures. ~~Training documentation shall be maintained in the employee's personnel file. Chemical agents shall be used only according to the principles taught by FDLE and only in situations authorized in this rule.~~

(c) ~~Only those chemical agents containing oleoresin capsicum and that are non-flammable shall be approved for use. Chemical agents may be issued to correctional probation staff including clerical support staff who have received training pursuant to paragraph (5)(b). Trained support staff are authorized to be issued a chemical agent with not more than two (2) ounces. The Receipt of Chemical Agents, Form DC3-254, will be utilized to document the issuance, testing, and return of chemical agents. The Chemical Agent Inventory, Form DC3-253, is utilized by the circuit office to maintain control of the chemical agents issued, stored, returned, and disposed of within the circuit. Forms DC3-253 and DC3-254 are hereby incorporated by reference. Copies of Form DC3-254 and DC3-253 may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is 10-2-01. Staff who have received training may carry chemical agents upon their persons during working hours. Nothing in this rule authorizes staff to carry department issued chemical agents while off duty. Support staff must store chemical agents safely and securely in the office after working hours. If an employee has a question regarding chemical agents, he or she shall refer to the manufacturer's instructions or shall contact his or her supervisor.~~

(d) ~~As soon as possible, consistent with continuing efforts to restore control of the situation, decontamination procedures will be initiated, in accordance with measures provided during chemical agent training.~~

~~(e) Local law enforcement shall be notified immediately following the use of chemical agents if assistance is needed in gaining control of the situation and in decontamination procedures.~~

~~(d)(f) Use of chemical agents on animals shall be limited to those situations in which the officer is in danger of an immediate attack from the animal. Following use of chemical agents, the officer shall immediately remove himself from the area, contact local animal control officers or local law enforcement if there is no local animal control office, and make a formal complaint regarding the attack. Under no circumstances shall chemical agents be used on animals that are not posing an immediate threat to the officer.~~

~~(e)(g) In any case in which chemical agents are used, except for training or testing purposes, an accurate record shall be maintained as to what type was used, how much was used, and the location and reason for use, and a factual description of the circumstances and the incident. When chemical agents are used on a person, this information shall be reflected on the Community Corrections Report of Force Used, Form DC3-210. When chemical agents are used on an animal, this information shall be reflected on the Community Corrections Incident Report, Form DC3-225. The employee who used the chemical agent shall complete the report after the incident.~~

(6) Staff or Offender Injury Sustained During Use of Force Incident.

(a) through (b) No change.

(c) When the offender has not been taken into custody after a use of force incident, the correctional probation officer shall advise the offender that he or she must be examined by a health care provider. When there is noticeable physical injury and the extent of the noticeable injury indicates that the offender needs emergency medical services, the correctional probation officer shall call emergency services for the offender as soon as the emergency has been resolved to an extent which allows the officer to leave the scene. Documentation of notification to the offender that a medical examination is required, any express refusal of medical care, and all contacts for medical services by the correctional probation officer shall be included in the written report ~~Community Corrections Report of Force Used, Form DC3-210.~~

(7) Report of Suspected Offender Abuse

(a) Any employee who witnesses, or has reasonable cause to suspect, that an offender has been unlawfully abused will immediately prepare an independent report (~~not a Community Corrections Report of Force Used form~~) pursuant to Section 944.35(3)(d), F.S.

(b) through (c) No change.

Specific Authority 944.09 FS. Law Implemented 944.35 FS. History—New 5-28-86, Amended 8-6-90, 2-15-98, Formerly 33-24.017, Amended 10-2-01, 2-19-03, 8-13-03, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Visiting – Definitions
 RULE NO.: 33-601.713
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify which department staff are authorized to approve inmate visitors.
 SUBJECT AREA TO BE ADDRESSED: Inmate Visiting.
 SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.
 LAW IMPLEMENTED: 944.09, 944.23 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.713 Inmate Visiting – Definitions.

(1) through (9) No change.

(10) “Approved Visitor” refers to any person who is approved by the assigned institutional classification officer, warden or duty warden to visit an inmate and whose approval is documented in the automated visiting record.

(11) through (16) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Amended 5-27-02, 9-29-03, 3-7-04_____.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Water Shortage Plan	40B-21
RULE TITLES:	RULE NOS.:
Policy and Purpose	40B-21.001
Elements of the Plan	40B-21.031
Definitions	40B-21.051
Monitoring Conditions	40B-21.211
Evaluating Water Conditions	40B-21.221
Declaring a Water Shortage	40B-21.231
Water Shortage Phases	40B-21.251
Implementing a Water Shortage Declaration	40B-21.275
Variances	40B-21.291
Declaring a Water Shortage Emergency	40B-21.331
Water Use Restrictions in a Water Shortage Emergency	40B-21.371
Implementing a Water Shortage Emergency Declaration	40B-21.391
Enforcement	40B-21.421
General	40B-21.511

Source Classifications	40B-21.531
Use Classifications	40B-21.541
Method of Withdrawal Classifications	40B-21.571
General	40B-21.601
Phase I: Moderate Water Shortage	40B-21.621
Phase II: Severe Water Shortage	40B-21.631
Phase III: Extreme Water Shortage	40B-21.641
Phase IV: Critical Water Shortage	40B-21.651

PURPOSE AND EFFECT: The purpose of the rule development is to codify a water shortage plan for the Suwannee River Water Management District as required by Section 373.246, F.S. The effect will be to protect water resources from significant harm during drought conditions through an equitable distribution of water use restrictions.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will establish a water shortage plan for the Suwannee River Water Management District as required by Section 373.246, F.S. The water shortage plan details how the District declares and implements a water shortage in order to protect water resources from significant harm during drought conditions. The water shortage plan includes a system for classifying water sources, uses, and withdrawal methods, includes four phases of water shortage, provides specific restrictions for water uses for each phase of water shortage, and provides enforcement and variance procedures.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.119, 373.129, 373.136, 373.175, 373.246, 373.603, 373.609 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE, IF AVAILABLE, IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only)

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Use of Whips
 RULE NO.: 61D-13.006
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to the control, supervision and direction of all permittees and licensees holding, conducting and operating of horserace tracks, horserace meets and horse races conducted in this state.

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

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

LAW IMPLEMENTED: 550.0251, 550.1155 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – Noon, October 15, 2004

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: Board Approval of Continuing Education Providers **RULE NO.:** 61G10-18.002

PURPOSE AND EFFECT: The Board proposes to review the existing rule to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Board Approval of Continuing Education Providers.

SPECIFIC AUTHORITY: 455.2124, 455.2179, 481.306, 481.313 FS.

LAW IMPLEMENTED: 455.2179, 481.313, 553.841 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE CHAPTER TITLE: Discipline **RULE CHAPTER NO.:** 61G16-9

PURPOSE AND EFFECT: The Board proposes to develop a new rule chapter to set disciplinary guidelines for Professional Geologists.

SUBJECT AREA TO BE ADDRESSED: Discipline.

SPECIFIC AUTHORITY: 492.112 FS.

LAW IMPLEMENTED: 492.112 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Knap, Executive Director, Board of Professional Geologists, 1940 N. Monroe Street, Tallahassee, FL 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLES:	RULE NOS.:
Generally Accepted Accounting Principles	61H1-20.007
Generally Accepted Auditing Standards	61H1-20.008
Standards for Accounting and Review	61H1-20.009
Governmental Accounting Standards	61H1-20.0091
Governmental Auditing Standards	61H1-20.0092
Standards for Local Governmental	61H1-20.0093
Standards for Prospective Financial Statements	61H1-20.0094
Standards for Management Advisory Services	61H1-20.0095
Standards for Tax Practice	61H1-20.0096
Standards for Personal Financial Planning	61H1-20.0097
Standards for Business Valuations	61H1-20.0098
Standards for Attestation Engagements	61H1-20.0099

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Bonds

RULE CHAPTER TITLE: Practitioner Profile
RULE CHAPTER NO.: 64B-2

PURPOSE AND EFFECT: The Department proposes to review the existing language in the entirety of this chapter to determine if amendments and/or new rules are necessary.

SUBJECT AREA TO BE ADDRESSED: Practitioner profile, information required upon renewal and form.

SPECIFIC AUTHORITY: 456.004, 456.044 FS.

LAW IMPLEMENTED: 456.039, 456.0391, 456.041, 456.042, 456.043, 456.044, 456.045, 456.046, 458.319, 459.008, 460.407, 461.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stephanie J. Dixon, DOH/MQA Bureau of Operations, 4052 Bald Cypress Way, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE CHAPTER TITLE: Fees
RULE CHAPTER NO.: 64B-4

PURPOSE AND EFFECT: The Department proposes to review the existing language in the entirety of this chapter to determine if amendments and/or new rules are necessary.

SUBJECT AREA TO BE ADDRESSED: Certification of public records fee rule, office surgery inspection fee and office surgery registration requirements, fees.

SPECIFIC AUTHORITY: 456.004, 456.004(6), 456.025(8), 458.309(3), 459.005(2) FS.

LAW IMPLEMENTED: 456.025(8), 458.309(3), 459.005(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director or Crystal List, Program Operations Administrator, 4052 Bald Cypress Way, Bin #A06, Tallahassee, Florida 32399, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE TITLE: Fees
RULE NO.: 64B33-3.001

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

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.025, 468.705, 468.709 FS.

LAW IMPLEMENTED: 456.025, 456.036, 468.709 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE TITLES: Citations
RULE NOS.: 64B33-5.003
Mediation 64B33-5.004

PURPOSE AND EFFECT: The Board proposes to review the existing language in Rule 64B33-5.003, F.A.C., to determine if amendments are necessary and promulgate new rule concerning mediation.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.025, 468.705, 468.709 FS.

LAW IMPLEMENTED: 456.025, 456.036, 468.709 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way Bin #C08, Tallahassee, Florida 32399-3258
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-25.002
Issuance of Revenue Bonds	67-25.003
Security for Repayment of Bonds	67-25.004
Notice of Program and Invitation and Application to Participate	67-25.005
Program Documents	67-25.006
Allocation of Proceeds	67-25.007
Program Fees	67-25.008
Commitment and Origination Periods	67-25.009
Builders Commitments	67-25.010
Loan Processing	67-25.011
Eligible Persons	67-25.012
Transfer of Single-Family Residence by Eligible Borrower	67-25.013
Rental of Bond Financed Residences	67-25.014
Interest Rate on Program Loans and Financing Programs	67-25.015
Private Mortgage Insurance	67-25.0155
Waiver of Repayment Terms under Mortgage	67-25.016
Rating of Bonds	67-25.017
Appeals	67-25.020

PURPOSE AND EFFECT: This rule is being amended to add updates and deletions to the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to amendments to the Single Family Mortgage Revenue Bond Program.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.502, 420.507, 420.508, 420.509 FS.

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

TIME AND DATE: 10:00 a.m., October 1, 2004

PLACE: Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact David Draper at the address below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David Draper, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-32.002
Notice of Fund Availability	67-32.003
General Program Restrictions	67-32.004
Application Procedures	67-32.005
Terms and Conditions of Loan	67-32.006
Scoring, Ranking, and Funding Guidelines	67-32.007
Selection for Participation in Program	67-32.008
EHCL Credit Underwriting Procedures	67-32.009
Right to Inspect and Monitor Funded Developments	67-32.010
Fees	67-32.011

PURPOSE AND EFFECT: Pursuant to Section 420.5087(3)(d), Florida Statutes, the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low income elderly households. Chapter 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshops will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-32, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 FS.

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

TIME AND DATE: 9:00 a.m., October 11, 2004

PLACE: Florida Housing Finance Corporation, Seltzer Room, Sixth Floor, 227 North Bronough Street, Tallahassee, Florida 32301

Any person requiring special accommodations at this workshop because of a disability or physical impairment should contact: Darlene Raker, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert Dearduff, EHCL Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING FINANCE CORPORATION'S WEB SITE, www.floridahousing.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING FINANCE CORPORATION'S WEB SITE AT www.floridahousing.org

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-37.002
Local Housing Assistance Plans	67-37.005
Review of Local Housing Assistance Plans and Amendments	67-37.006
Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans	67-37.007
Local Housing Assistance Trust Fund	67-37.008
Local Affordable Housing Incentive Strategies	67-37.010
Interlocal Entities	67-37.011

PURPOSE AND EFFECT: This Rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the State Housing Initiatives Partnership (SHIP) Program which provides funds to local governments as an incentive to create partnerships to produce and preserve affordable housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshops will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-37, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.907 FS.

LAW IMPLEMENTED: 420.9071, 420.9072, 420.9073, 420.9075, 420.9076, 420.9078, 420.9079 FS.

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

TIME AND DATE: 9:00 a.m., October 11, 2004

PLACE: Florida Housing Finance Corporation, Seltzer Room, Sixth Floor, 227 North Bronough Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert Dearduff, SHIP Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

Any person requiring special accommodations at this workshop because of a disability or physical impairment should contact: Darlene Raker, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-38.002
Application Submission Procedures	67-38.003
Incomplete Applications and Rejection Criteria	67-38.004
Application Evaluation and Award Guidelines	67-38.005
Terms and Conditions of the Loan	67-38.007
Eligible Uses for the Loan	67-38.008
Credit Underwriting Procedures	67-38.010
Fees	67-38.011
Disbursement Procedures	67-38.014
Application Procedures for Applicants Participating Under 1998 Cycles I and II	67-38.017

PURPOSE AND EFFECT: The purpose of Rule Section 67-38, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall administer and implement the Predevelopment Loan Program which provides technical assistance and funding for predevelopment expenses to non-profit developers of affordable housing for low to moderate income households.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to general program requirements, application procedures and loan terms for the Predevelopment Loan Program, as specified in Rule Chapter 67-38, F.A.C.

SPECIFIC AUTHORITY: 420.528 FS.

LAW IMPLEMENTED: 420.507, 420.521-420.529 FS.

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

TIME AND DATE: 11:00 a.m., October 11, 2004

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Keantha Belton, Special Programs Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197. Please confirm attendance of the workshop by COB October 8, 2004. Please note that if no interest is indicated, the workshop will not be held.

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact Donna Light at the Florida Housing Finance Corporation at (850)488-4197 at least five days prior to the workshop. If you are hearing or speech impaired, please contact the Florida

Housing Finance Corporation using the Florida Dual Party Relay System which can be reached at (800)955-8770 (voice) or (800)955-9711 (TDD).

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-45.001
Notice of Funding Availability	67-45.002
General Program Restrictions	67-45.003
Application Procedures	67-45.004
Terms and Conditions of Loans	67-45.005
Loan Processing	67-45.006
Fees	67-45.007

PURPOSE AND EFFECT: This rule is being amended to add updates and deletions to the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to amendments to the Florida Home Ownership Assistance Programs/Down Payment Assistance Loan Program.

SPECIFIC AUTHORITY: 420.5088 FS.

LAW IMPLEMENTED: 420.507 FS.

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

TIME AND DATE: 11:00 a.m., October 1, 2004

PLACE: Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact David Draper at the address below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David Draper, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-51.001
Notice of Funding Availability	67-51.002
General Program Restrictions	67-51.003
Application Procedures	67-51.004
Terms and Conditions of Loans	67-51.005
Loan Processing	67-51.006
Fees	67-51.007

PURPOSE AND EFFECT: This rule is being amended to add updates and deletions to the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to amendments to the Homeownership Assistance for Moderate Income Loan Program.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.509 FS.

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

TIME AND DATE: 9:00 a.m., October 1, 2004

PLACE: Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact David Draper at the address below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David Draper, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Uniform Firesafety Standards for Educational Facilities	69A-58

RULE TITLES:	RULE NOS.:
Administration and General Requirements	69A-58.001
Scope	69A-58.002
Definitions	69A-58.003
Firesafety Inspections	69A-58.004
Serious Life Safety Hazards	69A-58.005
Inspections In General	69A-58.006

Counties, Municipalities, and Special Districts Having Firesafety Responsibilities, Without Firesafety Inspectors	69A-58.007
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Standards and Requirements for Buildings	69A-58.008
Egress Requirements for Buildings	69A-58.0081
Fire Protection	69A-58.0082
Special Provisions	69A-58.0083
Building Services	69A-58.0084
Relocatable Buildings	69A-58.0085
Seclusion Time-Out Rooms	69A-58.0086
Florida Firesafety School Evaluation System	69A-58.009
Other Applicable Codes and Standards	69A-58.010

PURPOSE AND EFFECT: The purpose of the rule development proceedings is to update the firesafety codes and standards for educational facilities after experience in administering the rules currently in existence and after

extensive and continued consultation with the Department of Education and representatives from various school boards. In addition, these rulemaking proceedings repeal Rule 69A-58.008, F.A.C., providing for codes and standards applicable to educational facilities, and also include a substantial re-write of 69A-58.008, F.A.C., in new Sections 69A-58.0081 through 69A-58.0086, F.A.C., to provide better organization and more clarity to the rule subjects. The effect of the rule development proceedings will be to adopt changes which will result in the administration of Sections 633.01(7), 633.022 and 1013.12, Florida Statutes, relating to educational facilities, in a more efficient and economic manner.

SUBJECT AREA TO BE ADDRESSED: Firesafety in educational facilities.

SPECIFIC AUTHORITY: 633.01(7), 633.022, 1013.12 FS.

LAW IMPLEMENTED: 633.01(7), 633.022, 1013.12 FS.

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

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

PLACE: Mounts Botanical Gardens, Exhibit Hall A, 559 North Military Trail, West Palm Beach, Florida (DIRECTIONS TO MOUNTS BOTANICAL GARDENS: From Florida's Turnpike Take Okeechobee Blvd. exit East to Military Trail, then go South on Military Trail 1 1/4 miles to Mounts Botanical Garden (1/4 mile South of Belvedere on the right, across from Palm Beach International Airport).

From I-95 Take Southern Blvd. exit West to Military Trail, then go North on Military Trail 1/2 mile to Mounts Botanical Garden (on the left, across from Palm Beach International Airport.)

TIME AND DATE: 10:00 a.m., October 13, 2004

PLACE: Main Auditorium, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, F.S., any person requiring special accommodations to participate in this program please advise the department at least 5 calendar days before the program by contacting: Millicent King, (850)413-3619, Fax (850)922-2553.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3171, Fax (850)922-2553, e-mail: goodloej@dfs.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-58.001 Administration and General Requirements.

No change.

Specific Authority 633.01(7), 633.022, 1013.12 FS. Law Implemented 633.01(7), 633.022, 1013.12 FS. History--New 2-18-03, Formerly 4A-58.001.

69A-58.002 Scope: ~~Existing Facilities.~~

(1) This rule chapter establishes uniform requirements to provide a reasonable degree of safety from fire in new and existing facilities and buildings located in:

(a) Educational ~~educational~~ facilities, educational plants, ancillary plants, and auxiliary facilities under the jurisdiction of a school board.

(b) A community college under the jurisdiction of a community college board of trustees, which shall comply with the occupancy classifications provided in subdivision 15.1.1.2 of NFPA 101, the edition as adopted in Rule 69A-60.004, F.A.C., and the requirements contained therein.

(c) Each vocational and technical education center under the jurisdiction of a school board with no more than 20% of its student body under dual enrollment in grades 9-12, which shall comply with the occupancy classifications provided in subdivision 15.1.1.2 of NFPA 101, the edition as adopted in Rule 69A-60.004, F.A.C., and the requirements contained therein. Each vocational and technical education center under the jurisdiction of a school board with more than 20% of its student body under dual enrollment in grades 9-12 shall comply with this rule chapter in the same manner as any other educational facility, educational plant, ancillary plant, and auxiliary facility under the jurisdiction of a school board.

(2) through (3) No change.

(4) These rules apply to charter schools built on school district property and to charter schools electing to be constructed to State Requirements for Educational Facilities, or Florida Building Code, Section 423 Standards. Charter schools that are not located on school district property and elect not to be constructed under State Requirements for Educational Facilities, or Florida Building Code, Section 423 Standards, shall meet the firesafety standards set forth in NFPA 1 and NFPA 101, the editions as adopted in Rule 69A-60.004 ~~69A-3-012~~, F.A.C.

(5) Existing educational and ancillary facilities shall comply with NFPA 101, the edition adopted in Rule 69A-60.004 ~~69A-3-012~~, F.A.C., except as modified by Chapter 1013, F.S., and this rule chapter.

Exception: NFPA 101, horizontal exits, which are referred to in subdivision 15-2.2.5, and exit passageways, which are referred to in subdivision 15-2.2.7, are not permitted.

(6) Any time NFPA 101 refers to any other NFPA standard, the referenced standard shall be the edition adopted in Rule 69A-60.003, F.A.C., if the standard referenced is NFPA 1, or Rule 69A-60.005 ~~69A-3-012~~, F.A.C., if any other NFPA standard is referenced.

(7) These rules do not apply to any state-owned building including, but not limited to, buildings owned by a state university or the state university system.

Specific Authority 633.01(7), 633.022, 1013.12 FS. Law Implemented 633.01(7), 633.022, 1013.12 FS. History--New 2-18-03, Formerly 4A-58.002, Amended.

69A-58.003 Definitions.

As used in this rule chapter, the following definitions apply:

(1) through (9) No change.

(10) "Florida Fire Prevention Code" means the Florida Fire Prevention Code as adopted in Rule Chapter 69A-60.000 ~~69A-3.012~~, F.A.C.

(11) through (12) No change.

(13) "NFPA 101" means National Fire Protection Association Code 101, the Life Safety Code, the edition as adopted in Rule 69A-60.004 ~~69A-3.012~~, F.A.C.

(14) No change.

(15) "Student-occupied space" means any area planned primarily for use by six or more students.

~~(16)~~(15) The definitions in Section 1013.01, F.S., of words and terms found in Section 1013.12, F.S., or of words or terms found in this rule chapter apply to this rule chapter.

Specific Authority 633.01(7), 633.022, 1013.12 FS. Law Implemented 633.01(7), 633.022, 1013.12 FS. History--New 2-18-03, Formerly 4A-58.003, Amended _____.

69A-58.004 Firesafety Inspections.

(1) No change.

(2) The inspections in subsection (1):

(a) through (b) No change.

(c) Shall be performed in accordance with any applicable code or standard, such as NFPA 101, the edition as adopted in Rule 69A-60.004 ~~69A-3.012~~, F.A.C., or any other applicable code or standard which has been adopted in this rule chapter; and

(d) Are not applicable to new construction or new buildings. New construction and new buildings are subject to and controlled by the Florida Version of NFPA 1, 2003 edition, relating to "Educational occupancies" and the Florida Version of NFPA 101, 2003 edition, Chapter 14, "New educational occupancies," except where specifically otherwise provided in this rule chapter Section 1013.38, F.S.; Notwithstanding any rule or adopted code or standard in conflict herewith, the following procedures apply with respect to new construction and new buildings:

1. Prior to commencement of any new construction or renovation, the authority having jurisdiction shall review the plans, drawings, designs, proposals, blueprints, and other construction or renovation documents and evaluate the same for complete compliance with the Florida Fire Prevention Code.

2.a. At least one time during construction as well as immediately prior to the issuance of a certificate of occupancy by the entity authorized to issue the certificate of occupancy, for any new construction or renovation the authority having jurisdiction shall inspect the structure for complete compliance with the Florida Fire Prevention Code.

b. The authority having jurisdiction may perform an inspection of new construction or renovation as many times as he or she deems necessary to insure compliance with the Florida Fire Prevention Code.

c. A certificate of occupancy shall not be issued until the authority having jurisdiction has determined that the building or structure complies with the Florida Fire Prevention Code.

3. If any dispute arises between the authority having jurisdiction and the school board, such dispute shall be resolved in accordance with Rule 69A-60.007, F.A.C.

(3) through (4) No change.

(5) Each inspection report and plan of correction shall contain, at a minimum, the following information:

(a) through (h) No change.

(i) Each violation or deficiency noted during the inspection. Each violation or deficiency report shall contain:

1. through 2. No change.

3. The specific rule or code section violated;

~~4.3.~~ The number of times this violation or deficiency has been cited, if applicable;

5.4. The ~~established~~ estimated correction date;

~~6.5.~~ The total number of violations or deficiencies cited not involving serious life safety hazards;

7.6. The total number of violations or deficiencies cited involving serious life safety hazards;

8.7. The date of the scheduled reinspection;

9.8. A statement that the district has or has not complied with Section 1013.12(1)(c), F.S.;

~~10.9.~~ A statement that the local authority having jurisdiction has or has not complied with Section 1013.12(2)(c), F.S.;

~~11.40.~~ Verification that the required fire drills have been completed; and

~~12.44.~~ The signature of the district inspector if the inspection was made by a district ~~the special~~ inspector, or the signature of the local fire official if the inspection was made by the local fire official. If the inspection was made by both the district special firesafety inspector and the local fire official, each one must sign.

(6) through (7) No change.

(8) The fire official may charge fees for plans reviews and inspections of educational facilities, pursuant to the authority in Section 633.081, Florida Statutes, but if any fee is charged, such fee must either be

(a) Governed by and made in accordance with Section 633.081, Florida Statutes, or

(b) In an amount or rate agreed upon between the local fire official and the local school board.

Specific Authority 633.01(7), 633.022, 1013.12 FS. Law Implemented 633.01(7), 633.022, 1013.12 FS. History--New 2-18-03, Formerly 4A-58.004, Amended _____.

69A-58.005 Serious Life Safety Hazards.

No change.

Specific Authority 633.01(7), 633.022, 1013.12 FS. Law Implemented 633.01(7), 633.022, 1013.12 FS. History—New 2-18-03, Formerly 4A-58.005.

69A-58.006 Inspections in General.

(1) Each building inspected shall be accounted for on an ~~the~~ inspection report.

(2) through (6) No change.

(7) Corrective Action.

(a) Upon failure of the board to take corrective action within the time designated in the plan of action, and upon the local fire official's determination that intervention from the division is required, the local fire official shall complete and submit to the Division a "Public School Fire Safety Inspection Report," Form # DFS-XXX, which is hereby adopted and incorporated by reference, and which may be obtained by contacting the Department of Financial Services, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, or which may be obtained on the Division website at <http://www.fldfs.com/SFM/>.

(b) A separate form shall be completed and submitted for each educational and ancillary plant or educational facility being referred to the division. All spaces must be completed or marked as "Not Applicable" or "N/A".

(c) The signature or electronic acknowledgement by the local fire official is required for each report prior to submission to the division.

Specific Authority 633.01(7), 633.022, 1013.12 FS. Law Implemented 633.01(7), 633.022, 1013.12 FS. History—New 2-18-03, Formerly 4A-58.006, Amended _____.

69A-58.007 Counties, Municipalities, and Special Districts Having Firesafety Responsibilities, Without Firesafety Inspectors.

(1) through (3) No change.

(4) No county, municipality, or special district having firesafety enforcement responsibilities which employs or contracts with a firesafety inspector as of the effective date of Section 1013.12, F.S., is authorized to request that the division State Fire Marshal perform the inspections referred to in this section, and the division State Fire Marshal shall not perform any inspection for such county, municipality, or special district having firesafety responsibilities.

Specific Authority 633.01(7), 633.022, 1013.12 FS. Law Implemented 633.01(7), 633.022, 1013.12 FS. History—New 2-18-03, Formerly 4A-58.007, Amended _____.

69A-58.008 Standards and Requirements for Buildings.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History—New 2-18-03, Formerly 4A-58.008, Repealed _____.

69A-58.0081 Egress Requirements for Buildings.

(1) Door stops or other unprotected openings in interior corridor walls are prohibited.

(2) If an existing interior classroom is surrounded by existing corridors, in lieu of a full fire sprinkler system such classroom is permitted to have 2 doors at opposite ends of each classroom exiting into separate smoke compartments of a smoke-proof corridor.

(3) Each opposite swinging smoke stop door in smoke partitions within the corridor shall meet the smoke compartment separation requirements.

(4) An open mezzanine is permitted to exit to the exterior from within the space below.

(5) Each corridor, aisle, balcony, and other means of egress to an exit and an exit discharge shall comply with the following:

(a) Each hallway width in each office or service area shall be not less than 44 inches in width.

(b) Each interior corridor, including each contiguous dead-end and cross corridor, shall be divided by smoke stop doors into sections which shall not exceed 300 feet in length.

(c) The minimum clear width of each exterior corridor and balcony shall be maintained at no less than 60 inches of clear width.

(d) Each corridor shall be arranged so that each end of such corridor leads to an exit and shall be without pockets or dead ends more than 20 feet in length.

(e) In schools serving grades kindergarten through grade five, a guard designed in accordance with subdivision 7.2.2.4, of NFPA 101, the edition adopted in Rule 69A-60.004, F.A.C., shall be provided at each open side of the means of egress that exceeds 18 inches above the floor or grade below.

(f) Each floor of each balcony, each exterior corridor, and each stairway shall be solid and without openings.

(6) Each Balcony shall have guardrails or balustrades with balusters spaced not more than 4 inches apart.

Exception: In facilities occupied prior to October 18, 1994, the maximum spacing of balusters may not be greater than 6 inches apart.

(7) Interior Stairs, Exterior Stairs, and Smoke-Proof Towers.

(a) Any difference in floor elevations that require fewer than 3 risers shall be ramped.

(b) The minimum clear width of stairways serving as a required means of egress shall be maintained at a minimum of 44 inches.

(c) Each interior stairway shall be enclosed in accordance with subdivision 7.2.2.5 of NFPA 101, the edition as adopted in Rule 69A-60.004, F.A.C.

Exception: A stairway need not be enclosed when:

1. It serves only one adjacent floor and the stairway is not connected to a corridor or other stairways serving other floors; or

2. A stairway leads directly to an open mezzanine.

(8) An open space beneath a required stairway shall not be used as a closet, for storage, or any other purpose.

(9) Exterior (open) stairs and ramps serving as required means of egress shall be enclosed only by a handrail or balustrade.

(10) For existing facilities constructed after April 28, 1997, exterior stairs shall be protected along the adjacent walls extending 10 feet horizontally and vertically.

Exception: For any facility constructed prior to April 28, 1997, any opening within 15 feet of the stairway shall be protected by fire doors, fire-rated glazing, or fixed labeled wire glass.

(11) Each fire escape stairway, where existing, shall not constitute more than 50 percent of the required exit capacity.

(12) Each interior corridor and stairwell shall be free of a piping system for flammable liquids or gases.

(13) Egress and Exit Doors.

(a) In buildings occupied prior to October 18, 1994, egress doors and gates, regardless of use or location, shall swing in the direction of exit travel.

Exception: Rooms designed to be occupied by fewer than 20 persons.

(b) In buildings occupied after October 18, 1994, each student occupied room with an occupant load of 6 or more shall have doors which swing in the direction of exit travel.

(c) Each doorway providing access and egress for the physically disabled shall be not less than 32 inches in width and not less than 6 feet 8 inches in height.

(d) Any door used as a secondary means of egress shall have a readily visible sign adjacent to the opening in letters not less than 1 inch high on a contrasting background that reads "EMERGENCY ESCAPE."

(e) When a pair of fire-rated doors is located within a corridor, each one shall:

1. Swing in the direction of egress and have a fixed center jamb; or

2. Be equipped with a coordinator and an overlapping astragal.

(14) Carpet shall not extend through fire-rated doorways and shall be separated by a non-combustible threshold.

(a) Class I or II carpet may be installed under 20 minute, Class C or Class B labeled door assemblies.

1. Carpet installed under a fire-rated door shall be separated by a flat non-combustible threshold.

2. Class I and Class II carpet may run continuously through all openings except Class A (3-hour) fire-rated openings.

(b) The original carpet certification shall be on file and shall be available for inspection.

(15) Smoke Stop Doors:

(a) May be used to divide corridors into segments not to exceed 300 feet in aggregate length.

(b) Shall have door frames without center mullions.

(c) Shall not have any locking devices and is permitted to be held in the open position only in accordance with subdivision 7.2.1.8 of NFPA 101, the edition as adopted in Rule 69A-60.004, F.A.C., and

(d) Shall be protected so that the free edge of each smoke stop door, when in an open position, cannot be accidentally closed by hand.

(16) No special function door is permitted to be used as a means of egress, and each special function door shall comply with all applicable requirements of NFPA 101, the edition as adopted in Rule 69A-60.004, F.A.C., and the following:

(a) Each revolving door shall have a side-hinged exit door within 10 feet and within the same wall or an emergency break-away feature:

(b) When used, each turnstile shall be placed to allow free access through a means of egress or have an emergency break-away feature; and

(c) Where permanently mounted folding or movable partitions are used to divide a room into smaller spaces capable of being occupied by six (6) or more persons, a separate exit from each space or a permanent full height 5 foot wide opening between the spaces shall be provided.

Exception: This requirement applies to spaces occupied by 10 or more persons for buildings occupied prior to October 18, 1994.

(17) Shutters and Roll-Up Doors.

(a) Each fire-resistance rated shutter, and each roll-up door in each fire-resistance rated wall, shall be equipped with fusible links and an automatic self-closing device.

(b) In a building occupied on or after October 18, 1994, such doors shall be also equipped with a bottom sensing edge that will stop and reverse the door's travel when meeting an obstruction.

(18) Darkrooms. In darkrooms with a capacity of 10 or more persons, a revolving darkroom door, if used, shall have a pop-out safety feature and the darkroom shall be equipped with a remotely located side-hinged door for secondary egress.

(a) In each darkroom with a capacity of fewer than 10 people, a revolving darkroom door with a pop-out safety feature is permitted to be used as the primary means of egress.

(b) Each revolving darkroom door with a pop-out safety feature shall be conspicuously labeled.

(c) In buildings occupied on or after October 18, 1994, the requirements of this section apply to darkrooms with an occupancy of 6 or more persons.

(19) Each vault door shall be equipped with emergency release hardware to allow egress from the inside at all times.

(20) Panic release hardware shall be installed on exit doors serving spaces containing or designed to contain 100 or more persons.

(21) Emergency Egress and Escape Windows. Each window used for emergency access, emergency rescue, and secondary means of egress shall be maintained in its original operating condition.

(22) Each Emergency Rescue Opening shall comply with the requirements of subdivision 15.2.11.1 of NFPA 101, the edition adopted in Rule 69A-60.004, F.A.C.

(23) When a security screen or grill is installed on a window or panel, it shall be operable from the inside by a single operation and without the use of any tool. The release device shall be readily identifiable and accessible.

(24) A graphic diagram of primary and secondary evacuation routes shall be posted adjacent to the primary exit door from each student-occupied space. The diagram shall clearly indicate, by contrasting color and number, the primary and secondary route of evacuation.

Exception: when an exit door from a self-contained classroom opens directly to the exterior.

(25) Each classroom or "student-occupied space" and all group toilet rooms shall be equipped with emergency lighting. Exception: Classrooms and spaces used for student occupancy that meet the natural lighting requirements of the Florida Building Code.

Specific Authority 633.01(7), 633.022, 1013.12 FS. Law Implemented 633.01(7), 633.022, 1013.12 FS. History—New _____.

69A-58.0082 Fire Protection.

(1) Fire Alarm Systems.

(a) Each fire alarm system shall be installed, inspected, and tested in accordance with Rule Chapter 69A-48, F.A.C., as required by NFPA 72, the edition as adopted in Rule 69A-60.005, F.A.C.

(b) Fire alarm components including heat or smoke detectors shall be maintained in an operational condition at all times in accordance with NFPA 72, the edition as adopted in Rule 69A-60.005, F.A.C.

(c) Each manual pull station located inside student-occupied spaces shall have a permanently affixed sign reading, "FIRE ALARM PULL STATION INSIDE" placed outside that space, adjacent to the door.

(d) The door to the occupied space shall be unlocked at any time the facility is occupied.

(e) Each relocatable building, other student-occupied space, and each multi-classroom unit shall be provided with such an approved fire alarm device or devices which comply with the requirements for existing educational buildings as required by this rule chapter.

(f) Each fire alarm in the permanent facility shall be audible from inside any relocatable building located within 60 feet of a permanent building.

(g) Each relocatable building shall be sited for access to a manual pull station within 100 feet.

(h) In Type V construction, heat or smoke detectors connected to the building's fire alarm system shall be installed in each classroom, unsupervised space, storage space, and custodial closet.

(i) In Type IV (non-combustible) construction, each heat or smoke detector connected to each building's fire alarm system shall be installed in storage and custodial closets.

(2) Storage.

(a) Each area above or below any exit stair and ramp, whether interior or exterior, shall be free of any storage rooms or closets and shall not be used for storage of any kind.

(b) Each general storage area shall be kept separated from mechanical spaces and shall be equipped with shelving, racks, bins, or other devices necessary to protect the stored materials, supplies, equipment, and books.

(c) Each room and cabinet used for the storage, handling, and disposal of chemicals and hazardous materials shall:

1. Be lockable;
2. Be vented to the exterior;
3. Have shelves with not less than a 1/2 inch lip; and
4. Have door locks which are operable at all times from the inside of the room.

Specific Authority 633.01(7), 633.022, 1013.12 FS. Law Implemented 633.01(7), 633.022, 1013.12 FS. History—New _____.

69A-58.0083 Special Provisions.

(1) Site Accessibility for Fire Fighting.

(a) Access Roads

1. Site access shall consist of a primary road and a secondary emergency means of access.

2. Each stabilized and unobstructed wide shoulder of each primary road shall comply with the requirement for secondary emergency means of access when so designated.

(b) Fire fighting and other emergency equipment shall have free access to any part of the educational site.

(c) Fencing with gates must be at least 16 feet wide and must allow for the entry of fire fighting and emergency equipment.

(d) Each instructional and assembly space with a capacity of 50 or more persons shall have the occupant load posted in a conspicuous place adjacent to the main entrance door. For assembly spaces using different seating arrangements, the

maximum capacity for each seating arrangement or combination seating arrangement shall also be posted in a conspicuous place adjacent to the main entrance.

1. In spaces that normally house pre-kindergarten through grade three, including auxiliary spaces used by these students, occupant capacity signs shall be mounted at a maximum height of 42 inches above finished floor on the wall adjacent to the latch side of the door.

2. Each sign shall legibly state as a minimum:

OCCUPANCY BY MORE THAN _____ PERSONS IS DANGEROUS AND UNLAWFUL.

/S/ _____ FIRE OFFICIAL; _____ AHJ

DATE _____

(2) Grandstands and Bleachers.

(a) Each bleacher and grandstand shall comply with Chapter 25 of NFPA 1, the edition as adopted in Rule 69A-60.003, F.A.C., and subdivision 13.4.8 of NFPA 101, the edition as adopted in Rule 69A-60.004, F.A.C. Each aisle serving grandstand and bleacher seating shall be marked with a contrasting stripe on each tread at the nosing or leading edge so that the location of the tread is readily apparent when viewed in descent.

(b) Board staff shall perform each annual inspection.

(c) Each biennial inspection shall be performed by a structural engineer in accordance with these requirements and NFPA 102, Grandstands and Bleachers, the edition as adopted in Rule 69A-60.005, F.A.C.

(d) A Certificate of Inspection provided to the district by a structural engineer of all concrete, structural members, stadiums and bleachers, masonry, masonry veneers, metals, structural steel, and parking structures shall be on file in the district office, and shall be made available to the fire official upon request.

(e) Railings at least 42 inches high shall be provided at the top and sides of bleachers and grandstands

(3) All existing buildings more than 4 stories or 45 feet in height shall be equipped with an automatic fire sprinkler system.

(4) Kilns and kiln rooms.

(a) Each kiln room and area shall be provided with sufficient exhaust to generate six air changes per hour.

(b) Each kiln shall not be located within the normal path of any egress or exit.

(c) Each kiln shall be located in a separate room when serving students from kindergarten through grade three.

(d) Each kiln room shall be provided with smoke or heat detectors.

(5) Each laboratory and shop shall comply with the following:

(a) A master control valve or switch shall be provided in each laboratory type space and each shop type space that is equipped with unprotected gas cocks, compressed air valves,

water service, and electric service that is accessible to students. Such lab space includes but is not limited to chemistry, physics, and home economics labs. Such shop spaces include but are not limited to automobile, woodworking, and welding shops.

1. Each laboratory space which has electrical receptacles at student work stations shall have an unobstructed emergency shut-off switch within 15 feet of the instructor's work station.

2. Every shop space which has power machinery accessible to students shall have two unobstructed emergency shut-off switches that shall shut off power to student accessible machines and student accessible receptacles in the shop.

3. One emergency shut-off switch shall be located near the machinery and one emergency shut-off switch shall be located in a supervised location that provides a clear view of the entire shop area.

(b) An emergency shut-off is not required for ordinary office machines, non-hazardous machines, and domestic sewing machines.

(c) Each master control valve and switch shall be clearly labeled and located in a non-lockable space accessible at the instructor's station to allow for emergency termination of services and shall be in addition to the regular main gas supply cut-off.

(d) Each valve shall be completely shut-off with a 1/4 turn.

(e) The main supply cut-off shall shut down upon activation of the fire alarm system.

(6)(a) Each chemistry laboratory shall be provided with a

1. High capacity emergency exhaust system,

2. Source of positive ventilation,

3. Sign providing instructions permanently installed at the emergency exhaust system fan switch, and

4. Fume hood and supply fans that shall automatically shut down when the emergency exhaust fan is started.

(b) Woodworking areas shall have dust collectors and exhaust systems.

(c) Welding shops shall have fume removal and exhaust systems.

(7) Hazardous work areas, storage areas, and any other hazardous areas shall be marked with a warning sign.

(8) Each abandoned or stored facility returned to use shall be inspected and certified as meeting the standards for existing buildings prior to occupancy.

(9) Each shade house and each greenhouse shall comply with the general requirements of Chapter 11 of NFPA 101, the edition as adopted in Rule 69A-60.004, F.A.C., and the specific requirements of this section.

(a) Each shade house or greenhouse with no fuel fired heaters shall be located a minimum of 60 feet from all surrounding permanent buildings.

(b) Each shade house or greenhouse with fuel fired heaters shall be located not less than 100 feet from all surrounding permanent buildings.

(c) Each shade house or greenhouse shall be separated from each other shade house or greenhouse by a minimum of 15 feet.

(d) A minimum of two remotely located side hinged doors that swing in the direction of travel shall be provided from each shade house or greenhouse.

(e) The exterior siding shall consist of breakaway type panels constructed of material other than glass, such as tear-away fabric, which is securely fastened to the structural frame.

(f) A minimum of one type 2-A rate fire extinguisher shall be provided for each 3,000 square feet of space in each shade house or greenhouse.

(g) Fire alarm pull stations shall be located within 200 feet of any shade house or greenhouse.

(h) Fire alarm horns shall be permanently mounted and shall be audible inside the shade house or greenhouse.

(i) Space heaters, when provided, shall be mounted at least 6 feet, 8 inches above finished floor.

(10) Each stage, including all props and equipment, in grades pre-kindergarten through grade 12 and within community college educational facilities shall conform to the specific requirements of this section.

(a) All curtains and flies on stages shall have attached labels verifying their flame resistance.

(b) All scenery and stage props shall be free of any foam plastics.

(c) All working stages shall comply with the following:

1. Each stage vent shall be operable from the stage floor and provide for both opening and closing the vent door or doors for periodic testing.

2. All testing controls shall be located on the back wall of the stage no more than 6 feet above finished floor.

3. A hand winch may be employed to facilitate manual operation of the vents, including standpipes, located on each side of the stage, shall be readily accessible and kept operational at all times.

(11) Each door to a walk-in cooler and freezer shall be operable from the inside at all times.

Specific Authority 633.01(7), 633.022, 1013.12 FS. Law Implemented 633.01(7), 633.022, 1013.12 FS. History—New _____.

69A-58.0084 Building Services.

(1) Equipment shall meet the following minimum requirements for safety and operational features, including relocatable buildings, as applicable. Portable fire extinguishers shall be required in all storage and mechanical spaces and spaces designated for occupancy in accordance with NFPA 10, the edition as adopted in Rule 69A-60.005, F.A.C.

(a) A fire extinguisher is permitted to be located inside student-occupied spaces provided:

1. The fire extinguisher is located adjacent to the primary exit door;

2. The door remains unlocked when the facility is occupied; and

3. A permanently affixed sign, with a red background and white letters reading, "FIRE EXTINGUISHER INSIDE" is placed adjacent to the door outside the room where the fire extinguisher is located.

(b) Fire blankets shall be located in each laboratory, shop and kitchen.

(2) Fire Protection Cabinets. Each fire hose, fire blanket, and fire extinguisher cabinet when installed with glazed panels shall be panels of tempered glass, safety glass, or safety plastic. Exception: Glazing in lockable Fire Protection Cabinets shall be tempered glass.

(3) Boiler Rooms.

(a) Each boiler room wall, floor, and ceiling shall be of solid construction and shall be equipped with heat detectors connected to the fire alarm system.

(b) through (c) No change.

(d) A valid boiler inspection certificate of compliance shall be displayed and clearly visible.

(4) Each child care and day care facility located on board-owned property shall comply with the requirements of Chapter 69A-36, F.A.C., and the specific requirements of this subsection.

(a) Cooking appliances are not required to comply with NFPA 96 when only a residential-type range appliance with a hood vented to the outside is used and fire extinguishers are located in accordance with NFPA 10, the edition as adopted in Rule 69A-60.005, F.A.C., and the space is not used as a place of assembly.

(b) Each area designated for children's sleeping mats, cots, or cribs shall include a clearly marked exit passageway.

(5) Kitchen and Food Service. Each range hood, duct system, grease removal device, and automatic fire extinguishing piece of equipment shall be provided in each food service kitchen and instructional kitchen utilizing commercial-scale equipment. Each fire extinguishing system shall be serviced in accordance with Rule Chapter 69A-21, F.A.C.

(a) The activation of the automatic extinguishing system shall also activate the school fire alarm.

(b) Each home economics instructional space, faculty lounge, and similar area containing residential style ranges shall be exempt from NFPA 96 requirements provided all of the following requirements are met:

1. The space contains only residential-type ranges vented to the outside, and

2. All fire extinguishers are installed in accordance with NFPA 10, and

3. The space containing the residential style range is not classified as an assembly occupancy.

(6) Each paint spray booth and room shall comply with Chapter 43 of NFPA 1, the edition adopted in 69A-60.003, F.A.C.

Specific Authority 633.01(7), 633.022, 1013.12 FS. Law Implemented 633.01(7), 633.022, 1013.12 FS. History--New _____.

69A-58.0085 Relocatable Buildings.

(1) Each relocatable building shall comply with this rule chapter and the specific criteria below.

(a) A Local Agency Inspection Report shall be provided from the local fire official indicating that the local fire official has inspected each relocatable building and has found that no serious life safety hazard exists which would preclude continued occupancy.

(b) The Inspection Report identifying each relocatable building by district inventory identification nomenclature shall be conspicuously posted within the building.

(2) Separation of Units.

(a) Each relocatable building of Type V that is sited on or after February 18, 2003, shall be separated from each other relocatable building and from any permanent building by not less than 20 feet in each direction for any wall with unprotected openings, and by not less than 6 feet in each direction for walls rated at 1 hour or more.

(b) Each Type IV (noncombustible) relocatable building shall be separated as required by the Florida Building Code.

(c) Each relocatable building shall be separated from each other relocatable building and from any permanent building by sufficient distance in each direction to prevent the spread of fire and to allow access by emergency vehicles, as determined jointly by the local fire fighting authority that services the site and district policy.

(d) Each relocatable building shall be located to allow access by emergency vehicles as approved by the local fire fighting authority that services the site.

Exception to (2)(a) through (2)(d): Emergency vehicle access may be achieved for a cluster of relocatable buildings designed in accordance with the following. Vehicle access shall be provided to within 200 feet of the entrance of the most remote relocatable unit and an independent fire alarm system shall be permitted, provided that a manual pull station is located within 100' of each egress door and provided all of the following conditions are met:

1. Maximum conditioned gross area of the units in a cluster is 12,000 square feet.

2. Minimum separation between individual units is 20 feet.

3. Nearest permanent building or adjacent cluster is 60 feet.

4. Maximum of 20% unprotected openings between adjacent wall spaces.

5. Minimum overhead open space within the perimeter of the cluster is 50 percent, and

6. Minimum setback for Type IV (non-combustible) relocatable buildings shall be as required by local zoning.

(3) Required fire lanes shall be provided in accordance with Chapter 18 of NFPA 1, the edition adopted in 69A-60.003, F.A.C. Fire lanes shall not completely encircle an educational plant.

(4) Egress doors in relocatable buildings shall be provided as follows:

(a) Each standard classroom unit of Type V construction shall have 2 remotely located doors opening directly to the outside.

(b) Each multi-classroom unit of Type IV (non-combustible) construction shall have a primary exit door and an emergency rescue opening in each space occupied by 6 or more students.

Exception: This requirement applies to spaces occupied by 10 or more persons for buildings designed prior to October 18, 1994.

(c) An emergency rescue opening is not required when a door opens directly to the outside.

(d) Interior and exterior doors shall be not less than 3 feet wide and not less than 6 feet inches high.

(e) Each exit door shall swing in the direction of exit travel.

(5)(a) Each exit door shall be equipped with approved hardware complying with the following:

1. A lockset, which shall be readily opened from the side from which egress is to be made;

2. A maximum 1/2 inch high threshold;

3. An automatic door closer.

(b) Each exit door shall have an exit discharge complying with the following:

1. Each exterior door shall open onto a minimum 5 feet by 5 feet platform.

2. Each egress platform shall be level with the interior floor and

3. Each egress platform shall connect with an accessible ramp or steps equipped with handrails.

(6) Each classroom unit shall have operable windows in at least one wall equal to at least 5 percent of the floor area of the classroom.

(7) Each multi-classroom unit of Type IV (non-combustible) construction shall have an operable single-action window available for emergency rescue from each classroom or student-occupied space.

(a) Each emergency rescue window shall be openable from the inside without the use of tools, and shall provide a clear opening of not less than 20 inches (51 cm) in width, 24 inches (61 cm) in height, and 5.7 square feet (0.53 sq. m) in area.

(b) The bottom of each window shall be not more than 44 inches (112 cm) above the floor, and any latching device shall be capable of being operated from not more than 54 inches (137 cm) above the finished floor.

(8) Each standard classroom unit housing children from birth to age 3, including units used for Teenage Parent Programs (TAP), shall not exceed 2,000 gross square feet.

Specific Authority 633.01(7), 633.022, 633.01(7), 633.022, 1013.12 FS. Law Implemented 633.01(7), 633.022, 633.01(7), 633.022, 1013.12 FS. History—New _____.

69A-58.0086 Seclusion Time-Out Rooms.

(1) Secured seclusion time-out rooms, when provided, shall be equipped with doors which allow egress at all times in the event of an emergency.

(2) Locking devices on secured seclusion time-out rooms are prohibited; provided that the division may approve the use of locking devices on secured seclusion time-out rooms if such locking devices meet the following criteria:

(a) The use of a secured seclusion time-out room must be explicitly stated in the student's exceptional student educational (ESE) records and shall include parental consent for the use of a secured seclusion time-out room. The use of secured seclusion time-out rooms by the district must be expressly permitted by the action of the school board. Compliance with this section shall be certified by the school administrator or his or her designee.

(b) Locking Device. An electro-magnetic locking device is the only approved device to secure a secured seclusion time-out room. The lock shall remain engaged only when the human hand continuously depresses a push button mounted outside the secured seclusion time-out room within 12 inches of the doorframe.

1. Upon release of pressure, the door shall unlock. The locking device shall be designed so that it cannot be engaged by leverage of an inanimate object or in any manner except by constant human contact.

2. The push button shall be recessed from the face of the unit housing, or in some other way designed to prevent taping or wedging the button in the engaged mode.

3. The device shall have an interface with the fire alarm system and shall automatically release and disengage upon activation of the fire alarm. The locking device shall automatically release and disengage in the event of power failure.

4. A timer shall not be used on the locking device.

(c) Door Requirements. The door shall have only a push panel exposed on the interior of the room. A vision panel shall be provided in the door, and it shall be no larger than 12" x 12"

(144) square inches. The view panel shall consist of clear one-quarter (1/4) inch thick unbreakable plastic panel, flush with the face of the door on the inside. The view panel shall be positioned in the door so that a staff member continuously keeps the student under observation. The view panel shall not be covered with any material.

(d) Finishes and materials. The ceiling, floor, and walls must be free of any loose, torn or potentially hazardous materials. All surfaces must be kept smooth and free of any hooks, outlets, switches or similar items. Construction materials shall meet all applicable provisions of the Florida Fire Prevention Code and the Florida Building Code. Each secured seclusion time-out room must be identified with a permanently mounted room number.

(e) All secured seclusion time-out rooms must have natural or mechanical ventilation.

(f) Students in a secured seclusion time-out room must be observed continuously by a teacher or trained staff member.

(g) Written records must be kept of each occasion when a secured seclusion time-out room is used and shall include date, time of occurrence, description of event, duration, and who placed and who observed the student while in the secured seclusion time-out room. Such records must be readily available for review and inspection.

(h) The division and the local fire official may conduct unannounced inspections of all secured seclusion time-out rooms to ensure compliance with this rule chapter. A written record of each inspection must be made and a copy must be provided to the school administrator or designee.

(i) During each unannounced inspection, the fire official may review logs, observe secured seclusion time-out rooms for compliance, interview teachers, review staff development activities, and conduct other activities as deemed appropriate to ensure compliance with this rule chapter.

(j) Permit Required.

(I) Any secured seclusion time-out room which is constructed following the effective date of this rule shall be allowed to become operational only after the issuance of a permit.

(II) Any secured seclusion time-out room which is in operation upon the effective date of this rule shall be allowed to continue in use provided a secured seclusion time-out room operational permit has been issued by the division or the local fire official.

(III) Each district or school wishing to use a secured seclusion time-out room shall apply to the local fire official for a permit to operate a secured seclusion time-out room.

(IV) All secured seclusion time-out rooms must be constructed and operated in accordance with this rule chapter.

(V) A permit shall be issued only after an inspection by the local fire official has determined that such secured seclusion time-out room has been designed and constructed in accordance with this rule chapter.

(VI) Application for a permit need not be on any specific form and may be in the form of a letter, a memorandum, or a similar document; however, the application must be signed by the school administrator or his or her designee and must include the district's name, the school's name, the school's address, and contact information which must designate the name and phone number of the contact person at the school who may be the school administrator or anyone designated by the school administrator. For the school's convenience, a form for an application for the operation of a secured seclusion time-out room which may, but is not required to, be used may be obtained electronically from the web site www.fldfs.com/SFM/ or by contacting the local fire official.

(VII) If during any fire safety inspection, a secured seclusion time-out room is found in violation of this rule chapter, the local fire official shall immediately report the deficiency to the division in accordance with subsection 1013.12(5), Florida Statutes, and such violation shall be considered an immediate life threatening deficiency, and the secured seclusion time-out room shall be immediately withdrawn from use.

(VIII) Each permit shall be valid for a period of one year from the date of issue.

(IX) There shall be no fee for the issuance of the permit.

Specific Authority 633.01(7), 633.022, 1013.12 FS. Law Implemented 633.01(7), 633.022, 1013.12 FS. History—New

69A-58.009 Florida Firesafety School Evaluation System.

Specific Authority 633.01(7), 633.022, 1013.12 FS. Law Implemented 633.01(7), 633.022, 1013.12 FS. History—New 2-18-03, Formerly 4A-58.009.

69A-58.010 Other Applicable Codes and Standards.

No change.

Specific Authority 633.01(7), 633.022, 1013.12 FS. Law Implemented 633.01(7), 633.022, 1013.12 FS. History—New 2-18-03, Formerly 4A-58.010.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE TITLE: Conduct of Public Adjusters
 RULE NO.: 69B-220.051
 PURPOSE AND EFFECT: Rule 69B-220.051, F.A.C., sets forth Department policy as to certain matters generally affecting public adjusters. New language will prohibit compensation for referrals. The rule also requires public adjuster contracts to be in writing, to be signed by the public adjuster, to identify the public adjuster, the insured, the loss, the insurer, policy number, date signed, and compensation structure. The rule also requires disclosure of a right to an attorney, and to choose contractors. Additionally, the rule requires the public adjuster the use quotes from only licensed contractors when formulating estimates. Rule 69B-220.201, F.A.C., is being amended to prohibit incompetence, conflict of interest, and deceptive disparagement of insurers or company adjusters. The rule also creates a 3-day recession period for

public adjuster contracts. The rule also prohibits the public adjuster from accepting a power of attorney from an insured. Also several clarifications and technical adjustments are made to the existing language.

SUBJECT AREA TO BE ADDRESSED: Conduct of Public Adjusters.

SPECIFIC AUTHORITY: 624.308, 626.878, 626.9611 FS.

LAW IMPLEMENTED: 624.307(1), 626.611, 626.621, 626.865(2), 626.878, 626.9541(1)(i) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., October 12, 2004

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jerry Whitmore, Chief of Agent and Agency Investigation, Division of Agent and Agency Services, Bureau of Investigation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-5601

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-220.051 Conduct of Public Adjusters.

(1) No change.

(2) Definitions. The following definitions shall apply for purposes of this rule.

(a) No change.

(b) “Department” means Florida Department of Financial Services. “Office” means the Department of Insurance Regulation.

(c) through (e) No change.

(3) Communications Concerning Public Adjuster Services.

(a) through (b) No change.

(c) Referrals.

1. A public adjuster shall not accept referrals of business from any person with whom the public adjuster conducts business where there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster.

2. Except as between licensed public adjusters, or licensed public adjusters and members of the Florida Bar, no public adjuster shall compensate any person, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.

(4) through (5) No change.

(6) Required Contract Terms. Public adjusters shall ensure that all contracts for their services are in writing, and contain the following terms:

(a) The contract shall legibly state the full name as specified in Department records of the public adjuster signing the contract.

(b) The contract shall be signed by the public adjuster who solicited the contract. If the public adjuster is licensed by the Department as an emergency public adjuster, the contract shall show the public adjuster's:

1. Permanent home address and home phone number;
2. Permanent home state business address and phone number; and
3. Florida Department license number.

(c) The contract shall show:

1. The insured's full name and street address;
2. Address of loss;
3. A brief description of the loss;
4. The insured's insurance company name and policy number, if available.

(d) The contract shall show the date the contract with the public adjuster was actually signed by the insured or claimant.

(e)1. The full compensation to the public adjuster shall be stated in the contract.

2. If the compensation is based on a share of the insurance settlement, the exact percentage shall be specified.

3. Any costs to be reimbursed to the public adjuster out of the proceeds shall be specified by type, with dollar estimates set forth in the contract.

(7) Required Disclosures.

(a) The public adjuster shall advise insureds and claimants of their right to choice of counsel to represent the insured or claimant, and that the choice is to be made solely by the insured or claimant.

(b)1. The insured or claimant shall be notified in advance of the name and location of any proposed contractor, architect, engineer, or similar profession before any bid or proposal by any of these persons is used by the public adjuster in estimating the loss or negotiating settlement.

2. The insured or claimant shall have veto power over the employment or use of any of these persons, in which case that person shall not be used in estimating costs.

(c) The public adjuster shall ensure that if a contractor, architect, engineer, or other licensed professional is used in formulating estimates or otherwise participates in the

adjustment of the claim, the professional shall be licensed by the Florida Department of Business and Professional Regulation, if subject to that agency's licensing authority.

(6) through (7) renumbered (8) through (9) No change.

Specific Authority 624.308(1), 626.9611 FS. Law Implemented 624.307(1), 626.112(1), 626.865(2), 626.874, 626.9541(1)(b), (i) FS. History--New 4-26-94, Amended 12-18-01,_____.

69B-220.201 Ethical Requirements.

~~(1) Purpose. This rule sets forth the various ethical considerations and constraints for various classes of insurance adjusters.~~

~~(1)(2) Definitions. The following definitions shall apply for purposes of this rule:-~~

~~(a) "Adjuster," when used without further specification, refers to and includes all types and classes of insurance adjusters, (company, independent, and public), subject to Chapter 626, Florida Statutes, and regardless of whether resident or nonresident, and whether permanent, temporary, or emergency licensees.~~

~~(b) "Client" refers to and includes both clients and potential clients; and means any person who consults with or hires an adjuster to provide adjusting services.~~

(c) through (d) No change.

(3) Violation.

~~(a) Violation of any provision of this rule shall constitute grounds for administrative action against the licensee, upon grounds, that include but are not limited to, that the violation demonstrates a lack of fitness to engage in the business of insurance.~~

~~(b) Additionally, A~~ breach of any provision of this rule constitutes an unfair claims settlement practice.

(4) Code of Ethics. The work of adjusting insurance claims engages the public trust. An adjuster ~~shall~~ ~~must~~ put the duty for fair and honest treatment of the claimant above the adjuster's own interests; in every instance. The following are standards of conduct that define ethical behavior:-

(a) The following code of ethics shall be binding on all adjusters:

~~(b)(a)~~ An adjuster shall disclose all financial interest in any direct or indirect aspect of an adjusting transaction. This includes the following For example: an adjuster shall not directly or indirectly refer or steer any claimant needing repairs or other services in connection with a loss to any person with whom the adjuster has an undisclosed financial interest, or who which person will or is reasonably anticipated to provide the adjuster any direct or indirect compensation for the referral or for any resulting business.

~~(c)(b)~~ An adjuster shall treat all claimants equally.

1. An adjuster shall not provide favored treatment to any claimant.

2. An adjuster shall adjust all claims strictly in accordance with the insurance contract.

~~(d)~~~~(e)~~ An adjuster shall ~~not never~~ approach investigations, adjustments, and settlements in a manner prejudicial to the insured.

~~(e)~~~~(f)~~ An adjuster shall make truthful and unbiased reports of the facts after making a complete investigation.

~~(f)~~~~(g)~~ An adjuster shall handle every adjustment and settlement with honesty and integrity, and allow a fair adjustment or settlement to all parties without any remuneration to himself except that to which he is legally entitled.

~~(g)~~~~(h)~~ An adjuster, upon undertaking the handling of a claim, shall act with dispatch and due diligence in achieving a proper disposition of the claim thereof.

~~(h)~~~~(i)~~ An adjuster shall promptly report to the Department any conduct by any licensed insurance representative of this state, which ~~conduct~~ violates any provision of the Insurance Code insurance law or Department rule or order.

~~(i)~~~~(j)~~ An adjuster shall exercise extraordinary care when dealing with elderly clients; to assure that they are not disadvantaged in their claims transactions by failing memory or impaired cognitive processes.

~~(j)~~~~(k)~~1. An adjuster shall not negotiate or effect settlement directly or indirectly with any third-party claimant represented by an attorney, if the said adjuster has knowledge of such representation, except with the consent of the attorney.

2. For purposes of this subsection, the term "third-party claimant" does not include the insured or the insured's resident relatives.

~~(k)~~~~(l)~~1. An adjuster is permitted to interview any witness, or prospective witness, without the consent of opposing counsel or party. In doing so, however, the adjuster shall scrupulously avoid any suggestion calculated to induce a witness to suppress or deviate from the truth, or in any degree affect the witness's ~~their~~ appearance or testimony at the trial or on the witness stand.

2. If any witness making or giving a signed or recorded statement so requests, the witness shall be given a copy of the statement thereof.

~~(l)~~~~(m)~~ An adjuster shall not advise a claimant to refrain from seeking legal advice, nor advise against the retention of counsel to protect the claimant's interest.

~~(m)~~~~(n)~~1. An adjuster shall not attempt to negotiate with or obtain any statement from a claimant or witness at a time that the claimant or witness is, or would reasonably be expected to be, in shock or serious mental or emotional distress as a result of physical, mental, or emotional trauma associated with a loss.

2. ~~Further,~~ The adjuster shall not conclude a settlement when the such settlement would be disadvantageous to, or to the detriment of, a claimant who is in the traumatic or distressed state described above.

~~(n)~~~~(m)~~1. An adjuster shall not knowingly fail to advise a claimant of the claimant's ~~their~~ claim rights in accordance with the terms and conditions of the contract and of the applicable laws of this state.

2. An adjuster shall exercise care not to engage in the unlicensed practice of law as prescribed by the Florida Bar.

~~(o)~~1. A company or independent adjuster shall not draft, ~~unless approved in writing in advance by the insurer and such written communication can be demonstrated to the department,~~ special releases called for by the unusual circumstances of any settlement or otherwise draft any form of release, ~~unless advance written approval by the insurer can be demonstrated to the Department.~~

2. Except as provided above, a company or independent adjuster is ~~only~~ permitted only to fill in the blanks in a release form approved by the insurer they represent.

~~(p)~~ An adjuster shall not undertake the adjustment of any claim concerning which the adjuster is not currently competent and knowledgeable as to the terms and conditions of the insurance coverage, or which otherwise exceeds the adjuster's current expertise.

~~(q)~~1. No person shall, as a public adjuster, represent any person or entity whose claim the adjuster has previously adjusted while acting as an adjuster representing any insurer or independent adjusting firm.

2. No person shall, as a company or independent adjuster, represent him- or herself or any insurer or independent adjusting firm against any person or entity that the adjuster previously represented as a public adjuster.

~~(r)~~1. A public adjuster shall not represent or imply to any client or potential client that insurers, company adjusters, or independent adjusters routinely attempt to, or do in fact, deprive claimants of their full rights under an insurance policy.

2. No insurer, independent adjuster, or company adjuster shall represent or imply to any claimant that public adjusters are unscrupulous, or that engaging a public adjuster will delay or have other adverse effect upon the settlement of a claim.

~~(s)~~1. No public adjuster, while so licensed in the Department's records, may represent or act as a company adjuster, independent adjuster, or general lines agent.

2. No independent adjuster or company adjuster, while so licensed in the Department's records, may represent or act as a public adjuster.

(5) Public Adjusters, Other Ethical Constraints. In addition to considerations set out above for adjusters, the following ethical considerations are specific to public adjusters and shall be binding upon public adjusters:-

(a) A public adjuster shall advise the insured and claimant in advance of the insured or claimant's ~~their~~ right to choice of counsel to represent the insured or claimant, and that such choice is to be made solely by the insured or claimant.

(b)1. The public adjuster shall notify the insured or claimant in advance of the name and location of any proposed contractor, architect, engineer, or similar professional, before any bid or proposal by any of these persons may be used by the public adjuster in estimating the loss or negotiating settlement.

2. ~~and~~ The insured or claimant may exercise veto power of any of these persons, in which case that person shall not be used in estimating costs.

(c) The public adjuster shall ensure that if a contractor, architect, engineer, or other licensed professional is used in formulating estimates or otherwise participates in the adjustment of the claim, the professional shall ~~must~~ be licensed by the Florida Department of Business and Professional Regulation.

(d) A public adjuster shall not prevent, or attempt to dissuade or prevent, a claimant from speaking privately with the insurer, company or independent adjuster, attorney, or any other person, regarding the settlement of the claim.

(e) A public adjuster shall not acquire any interest in salvaged property, except with the written consent and permission of the insured.

(f)1. A public adjuster shall not accept referrals of business from any person with whom the public adjuster may conduct business where there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster.

2. Except as between licensed public adjusters, or licensed public adjusters and members of the Florida Bar, no public adjuster shall ~~may~~ compensate any person, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.

(g)1. A public adjuster's contract with a client shall be revocable or cancellable by the insured or claimant, without penalty or obligation, for at least 3 business days after the contract is entered into, should the insured elect to settle the claim directly with an adjuster representing the insurer.

2. The public adjuster shall disclose to the insured that the insured has the right to cancel with prompt notice within the revocation period.

3. If the insured elects to cancel the contract, prompt notice shall be provided to the adjuster.

4. Nothing in the provision shall be construed to prevent an insured from pursuing any civil remedy after the 3 day cancellation period.

(h) A public adjuster shall not enter into a contract or accept a power of attorney which vests in the public adjuster the effective authority to choose the persons who shall perform repair work.

(i) A public adjuster shall ensure that all contracts for the public adjuster's services are in writing and set forth all terms and conditions of the engagement.

Specific Authority 624.308, 626.878, 626.9611 FS. Law Implemented 624.307(1), 626.611, 626.621, 626.865(2), 626.878, 626.9541(1)(i) FS. History--New 6-2-93, Amended 12-18-01, _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Fraud

RULE TITLES:	RULE NOS.:
Purpose and Scope	69D-1.001
Application Process	69D-1.002
Review Process and Reward Criteria	69D-1.003
Reward Disbursement	69D-1.004

PURPOSE AND EFFECT: The proposed rule sets forth the application, approval, and disbursement procedures for the Anti-Fraud Reward Program.

SUBJECT AREA TO BE ADDRESSED: The Anti-Fraud Reward Program.

SPECIFIC AUTHORITY: 624.308, 626.9892, 626.9892(4) FS.

LAW IMPLEMENTED: 119.07, 624.305, 624.307, 626.989, 626.9892 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Serica Johnson, (850)922-3100, Ext. 4216.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charles L. Gowland, Jr., Division of Insurance Fraud, Department of Financial Services

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

ANTI-FRAUD REWARD PROGRAM

69D-1.001 Purpose and Scope.

The purpose of this rule chapter is to implement the provisions of Section 626.9892, F.S., establishing procedures for application, approval, and disbursement of rewards for the Anti-Fraud Reward Program.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History--New _____.

69D-1.002 Application Process.

(1) Intake Documentation. "Anti-Fraud Reward Applicants" are people who write to or call the Division of Insurance Fraud with information related to an alleged crime involving or relating to insurance fraud. Department of Financial Services employees and individuals or entities

required to report suspected insurance fraud to the Division of Insurance Fraud pursuant to Section 626.989(6), F.S., are not eligible to be Anti-Fraud Reward Applicants.

(a) An employee of the Division of Insurance Fraud shall be designated by the Director of the Division to be responsible for taking the pertinent information from Anti-Fraud Reward Applicants and documenting that information. The designated employee will allow the Anti-Fraud Reward Applicant to remain anonymous if requested.

(b) The designated employee will assign a "Control Number" to each documentation and will enter the information into a database. The Control Number may be used for automatic retrieval of the information from the database.

(c) If an Anti-Fraud Reward Applicant wishes to remain anonymous, the designated employee will give the applicant a control number or code and instruct the applicant as to the dates that would be appropriate to call the case supervisor for information on the case status. This procedure will allow the applicant to anonymously monitor the case's progress up until final disposition.

(2) Case Evaluation and Tracking.

(a) A Division of Insurance Fraud field office Lieutenant will review information submitted by applicants and determine if the opening of a criminal case is warranted or if the information would be useful in an existing open criminal investigation.

(b) Information submitted by applicants will also be evaluated by the Lieutenant for the purpose of determining if the case fits the criteria for Major Case/Complex Case or Organized Crime as described in Rule 69D-1.003, F.A.C.

(c) The Lieutenant will document the results of these evaluations in the case-opening or case-closing documents for use in determining reward value, if any. The Lieutenant will also inform the designated employee of the results of these evaluations for documentation in the Reward Program database.

(3) Case Disposition.

A case that is declined at either the investigative or prosecutorial level will not be considered for a reward. A case that is accepted at both the investigative and prosecutorial levels will be considered for a reward only if it results in a conviction.

Specific Authority 624.308, 626.9892 FS. Law Implemented 119.07, 624.305, 624.307, 626.989, 626.9892 FS. History--New _____.

69D-1.003 Review Process and Reward Criteria.

(1) If information obtained from an applicant leads to an arrest, prosecution, and conviction, the corresponding case information shall be used to complete the Form DFS-L1-1474 (rev. 9/04) "Reward Application Summary," and such will be treated as an "Application for Reward". Form DFS-L1-1474

(rev. 9/04) Reward Application Summary is hereby adopted and incorporated by reference. This form may be obtained via the Department's web site at <http://www.fldfs.com>.

(2) Applications will be reviewed by a committee, consisting of each of the three chapter presidents of the Florida Association of Special Investigation Units or their designees, three regional supervisors of the Division of Insurance Fraud, the Director of Division of Insurance Fraud, and any person appointed by the Director.

(3) The committee will meet as needed to review the applications for reward, to determine whether or not a reward should be given, and to determine the amount of a reward.

(4) Only a single reward amount may be granted per investigation, but this amount may be divided among multiple Anti-Fraud Reward Applicants where applicable.

(5) A reward may only be given if information was submitted by an applicant to the Division of Insurance Fraud on or after October 1, 1999, and such information led to the arrest and conviction of a person who committed a complex or organized crime investigated by the Division arising from a violation Sections 440.105, 624.15, 626.9541, 626.989, or 817.234, F.S., and as set forth in subsections 69D-1.003(6), (7), and (8), F.A.C."

(6) Conviction as used in this rule means a judicial finding of guilt; a judicial finding of guilt in which adjudication is withheld; judicial acceptance of a negotiated plea; or judicial acceptance of a nolo contendere plea.

(7) A "Complex Case" for the purposes of this rule is defined as any case investigated by the Division of Insurance Fraud that involves one or more of the following characteristics:

(a) Multiple defendants – five or more.

(b) Criminal activity occurring in more than one jurisdiction, whether or not the case is accepted by the Statewide Prosecutor or U.S. Attorney.

(c) Aggregate value of loss over \$250,000.

(d) Records which require substantial analysis.

(e) Multiple victims or witnesses, including instances where investigators other than the lead investigator take witness statements.

(f) Specialized undercover investigations that take longer than one month.

(g) Task force activity involving other law enforcement agencies.

(h) Federal criminal charges.

(i) Insolvency investigation.

(j) Unauthorized entity investigation.

(8) "Organized Crime" for the purposes of this rule is defined as a systematic, on-going course of criminal conduct with intent to defraud one or more persons, and involving at least two incidents resulting in violations of the listed offenses in subsection 69D-1.003(8), F.A.C.

(9) Rewards shall be paid pursuant to the following schedule:

(a) A reward of up to \$25,000 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$1,000,000 or more.

(b) A reward of up to \$10,000 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$100,000 or more but less than \$1,000,000.

(c) A reward of up to \$5,000 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$20,000 or more but less than \$100,000.

(d) A reward of up to \$1,000 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$5,000 or more but less than \$20,000.

(e) A reward of up to \$500 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at less than \$5,000.

(f) \$250,000 has been allocated to pay rewards. In the event the allocated \$250,000 has been distributed no further rewards shall be granted.”

(10) Actual monetary loss in a case is not required for an applicant to receive a reward, but in such cases the appraised value of the property involved will be a relevant factor.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History—New _____.

69D-1.004 Reward Disbursement.

(1) When a decision regarding a reward has been made by the committee and approved by the Chief Financial Officer, the Anti-Fraud Reward Applicant will receive a check from the Department of Financial Services’ Revolving Travel Reimbursement Trust Fund. The reward will be presented by a regional supervisor and an investigator from the Division of Insurance Fraud. Upon receipt of the reward, the applicant will also be given a written notice explaining his or her responsibility to report this reward as income to the Internal Revenue Service.

(2) In the event that the applicant wishes to remain anonymous, a regional supervisor and an investigator from the Division of Insurance Fraud will take receipt of the check from the Department of Financial Services’ Revolving Travel Reimbursement Fund and will negotiate such for cash. The cash reward will then be paid by either of the Division employees to the anonymous applicant. Upon receipt of the reward, the anonymous applicant will also be given a written notice explaining his or her responsibility to report this reward as income to the Internal Revenue Service.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History—New _____.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

Commission for Independent Education

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

PURPOSE AND EFFECT: The Commission proposes the rule amendment to clarify admission standards and add guidance for licensees regarding special requirements or limitations of students.

SUMMARY: The proposed rule amendment adds guidance for licensees regarding special requirements or limitations of students and clarifies the admission standards.

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

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

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

LAW IMPLEMENTED: 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-1.0032 Fair Consumer Practices.

(1) through (5) No change.

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

(a) through (f) No change.

(g) Admissions: The institution shall disclose its method of assessing a student’s ability to ~~complete~~ successfully ~~complete~~ the course of study for which he or she has applied. The requirements for admission (~~such as high school diploma, general equivalency diploma, or its equivalent~~) and for graduation shall be disclosed. If the practice of a career has special requirements or limitations, such as certain physical or

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.0061 Actions Against a Licensee; Penalties.

(1) through (6) No change.

(7) Probable cause. Determinations of probable cause shall be made as provided in Section 1005.38, F.S. Probable cause panels shall be appointed to consider suspected violations of law and to make findings, which shall be reported to the full Commission. If the probable cause panel makes a determination of probable cause, the Commission shall issue an administrative complaint or notice of denial of licensure, and shall issue a cease and desist order as provided in Section 1005.38, F.S., if necessary to stop the violations. Probable cause panels shall be appointed and shall serve as follows:

(a) through (c) No change.

(8) through (10) No change.

Specific Authority 1005.22(1)(e)1, 1005.32(7), 1005.38 FS. Law Implemented 1005.32(7), 1005.34(3), 1005.38 FS. History--New 10-13-83, Formerly 6E-2.061, Amended 5-20-87, 11-27-88, 11-29-89, 12-10-90, 10-19-93, 1-7-03, 7-20-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent Education

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2004

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification of Criminal Justice

RULE CHAPTER NO.:

Training Instructors 11B-20

RULE TITLES: RULE NOS.:

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

Denial and Revocation of Instructor Certification 11B-20.0012

Commission Instructor Certification Categories 11B-20.0013

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

Inspection of Instructor Certification Applications 11B-20.0016

Maintenance and Duration of Instructor Certifications 11B-20.0017

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

SUMMARY: Creates and revises Commission forms; incorporates the new CMS Curriculum for certification of instructors; creates requirements for regulation of in-service instructors pursuant to the 2004 Legislation; revises rule definitions; revises the process for denying and revoking instructor certifications; revises instructor certification categories; revises the minimum requirements for high-liability and specialized topics instructor certifications; revises the instructor certification application process; and revises the process for maintenance and duration of instructor certifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

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

TIME AND DATE: 1:00 p.m., October 15, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD Number (850)656-9597

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) Definitions:

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

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

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

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

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

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

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

(2) Instructor applicants applying for instructor certification shall:

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

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

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

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

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

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

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

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

1.(a) Instructor applicants shall successfully complete Successful completion of the Traditional 80-hour Instructor Techniques Course (Retired 6/30/2004) delivered through a training school or complete completion of equivalent instructor training. The training center director is authorized to have instructor applicants complete only those portions of the Traditional Instructor Techniques Course for which the

instructor applicant is deficient. Instructor applicants who apply for a General Instructor Certification shall have completed the required instructor training within four years of the date the instructor applicant applies for certification. Instructor applicants who apply after four years shall be required to complete the General Instructor Refresher Training Course.

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

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

a.1. Training liability.

b.2. Ethics.

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

d.4. Adult learning theory.

e.5. Communication skills.

f.6. Learning aids.

g.7. Principles of instruction.

h.8. Lesson plan preparation.

i.9. Evaluation and measurement.

j.10. Demonstration of instructional ability.

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

~~designated by the training center director shall review student evaluations with the instructor applicant and shall document the review on form CJSTC-81.~~

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

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

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

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

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

~~(e) Possess good moral character pursuant to subsection 11B 27.0011(4), F.A.C., as applied to instructor applicants and certified instructors. Instructor applicants requesting instructor certification shall:~~

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

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

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

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

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

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

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

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

a. Training liability.

b. Ethics.

c. Human diversity training required by Section 943.1758,

F.S.

d. Adult learning theory.

e. Communication skills.

f. Learning aids.

g. Principles of instruction.

h. Lesson plan preparation.

i. Evaluation and measurement.

j. Demonstration of instructional ability.

k. Group management.

l. Facilitation skills.

m. CMS Concepts.

5. Instructor Applicant Internship:

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

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

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

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

(4)(3) An instructor applicant shall be exempt from Traditional General Instructor Certification when the instructor applicant has complied with the following conditions,

documented on the Instructor Exemption Application, form CJSTC-82, revised ~~May 6, 2004, February 7, 2002~~, hereby incorporated by reference:

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

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

(c) The instructor applicant holds a current and valid instructor certification from another state or federal government, has completed three years of work experience in the specified subject matter to be instructed, and the instructor applicant completes an internship pursuant to subparagraph 11B-20.001(3)(a)4, paragraph 11B-20.001(2)(e), F.A.C. The training center director shall include a copy of the instructor applicant's out-of-state or federal government certification, document his or her qualifications based on training, education, experience, or professional credentials suitable to the topic of instruction to be taught, documentation describing the internship, and completion of the Instructor Competency Checklist form CJSTC-81; and the Instructor Exemption form CJSTC-82, which shall be maintained in the instructor's file at the training school; ~~or-~~

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

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

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

~~Application-Based Basic Recruit Training Curricula, CMS General Instructor Course, and CMS General Instructor Transition Course.~~

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

11B-20.0012 Denial and Revocation of Instructor Certification.

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

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

(a) No change.

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

(c) through (f) No change.

(3) No change.

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

(5) through (6) No change.

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

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

11B-20.0013 Commission Instructor Certification Categories.

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

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

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

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

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

- (a) Possess a Traditional General Instructor Certification or CMS General Instructor Certification, pursuant to Rule ~~11B-20.001~~, F.A.C., or have successfully completed the Traditional 80-hour Instructor Techniques Course, or CMS Instructor Techniques Course, or have on file at the training school a completed Instructor Exemption, form CJSTC-82. General, High-Liability, and Specialized Topics Instructor Certifications may be applied for at the same time.
- (b) Complete three years work experience as a certified criminal justice officer or three years experience in the topic of instruction for which certification is sought and meet any specific requirements set forth in subsection 11B-20.0014(3),

F.A.C. The instructor applicant shall document his or her instructor qualifications based on training, education, experience, or professional credentials, and proficiency skill standards suitable to the topic of instruction for which certification is sought. The training center director or agency administrator accepting the instructor's application for certification, shall review and maintain all documentation in the instructor's file ~~at the training school~~.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. through f. No change.

2. Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification at the BLS "Healthcare Provider Level" with the American Heart Association, "CPR for the Professional Rescuer" with the American Red Cross, and; American Safety and Health

Institute, or "Advanced First Aid and CPR" with the National Safety Council and are certified pursuant to Section 943.13, F.S. These individuals shall:

a. No change.

b. Have successfully completed the Medical First Responder Instructor Course (retired 6/30/2004) pursuant to paragraph 11B-35.0024(3)(f), F.A.C., or have successfully completed a U.S. Department of Transportation recognized ~~medical~~ first responder course;

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

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

(h) CMS First Aid ~~Medical First Responder~~ Instructor Certification. These individuals shall possess a valid CPR instructor certification, which is at minimum, at the BLS "Healthcare Provider Level," with the American Heart Association, "CPR for the Professional Rescuer" with the American Red Cross, and; American Safety and Health Institute, or "Advanced First Aid and CPR" with the National Safety Council. Instructor applicants who request to obtain certification to instruct the CMS First Aid for Criminal Justice Officers Course in Commission-approved Basic Recruit Training Programs, the CMS First Aid Instructor Course, and CMS First Aid Instructor Transition Course, Medical First Responder topics in the CMS Application-Based Basic Recruit Training Curriculum, CMS Medical First Responder Instructor Course, and CMS First Responder to Emergencies Instructor Transition Course, Unit 1: Medical First Responder, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph subsection 11B-20.001(3)(b)(4), F.A.C., prior to successfully completing the following training courses through a training school:

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

~~2.1-~~ Instructor applicants who are Traditional ~~Medical~~ First Responder Instructors, ~~pursuant to paragraph (3)(g) of this rule section~~ shall complete the CMS First Aid First Responder to Emergencies Instructor Transition Course, Unit 1: Medical First Responder.

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

~~Commission-certified CMS Medical First Responder Instructor who has been approved by the training center director.~~

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

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

1. Traditional Correctional Basic Recruit Training Program.

2. Traditional Correctional Probation Basic Recruit Training Program.

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

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

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

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

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

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

9. Law Enforcement Auxiliary Officer Basic Recruit Training Program.

10. Correctional Auxiliary Officer Basic Recruit Training Program.

11. Correctional Probation Auxiliary Officer Basic Recruit Training Program.

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

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

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

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

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

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

2. No change.

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

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

~~1. Basic Recruit Human Diversity Awareness Course;~~

~~24 hours.~~

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

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

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

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

a. Successfully complete the Breath Test Instructor Certification Course through a training school; and

b. No change.

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

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

11B-20.0016 Inspection of Instructor Certification Applications.

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

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

(b) No change.

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

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

(3) through (4) No change.

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

11B-20.0017 Maintenance and Duration of Instructor Certifications.

Documentation for instructors, ~~pursuant to this subsection,~~ shall be maintained in the instructor's file at the respective training school or agency. Additionally, the training school or

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

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

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

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

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

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

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

(c) No change.

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

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

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

(6) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, Telephone Number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

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

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification of Criminal Justice Training Schools

RULE CHAPTER NO.: 11B-21

RULE TITLES: Local Advisement and Definitions

RULE NOS.: 11B-21.001

Criminal Justice Training Schools' Request

for Certification, Expansion of

Certification, and Re-certification

11B-21.002

Criminal Justice Training School Requirements

for Certification and Re-certification

11B-21.005

Criminal Justice Training School Satellite

Facilities and Equipment Requirements

11B-21.0051

Criminal Justice Training School Disciplinary

Guidelines and Revocation of Certification

11B-21.018

Criminal Justice Training School Inspections

11B-21.019

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

SUMMARY: Revises Commission forms; updates rule sites; revises the requirements for conducting a training needs analysis to become a new training school; revises the satellite facility and equipment requirements; revises the training school staffing and facility requirements; and revises the training school certification and recertification requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

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

TIME AND DATE: 1:00 p.m., October 15, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD Number (850)656-9597

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, Telephone Number: (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-21.001 Local Advisement and Definitions.

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

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

(3) through (5) No change.

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

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

(1) No change.

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

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

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

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

(3) Request for Training School Initial Certification.

(a) No change.

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

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

(d) No change.

(4) No change.

(5) Request for Commission Re-certification.

(a) A training school that requests continued certification by the Commission shall submit a completed Criminal Justice Training School Certification, Re-certification or Expansion of Certification Application form CJSTC-29, to Commission staff no later than January 1st of the year the certification expires ~~of expiration of certification~~. Recertification dates for training schools shall be January 1, 2006, then January 1, 2010, and every five years thereafter.

(b) through (d) No change.

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

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

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

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

(1) through (2) No change.

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

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

(5) Comply with the defensive tactics equipment, facility, and instructor to student ~~to instructor~~ ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Defensive Tactics Facility and Equipment Requirements,

form CJSTC-203, revised ~~May 6, 2004, February 7, 2002~~, hereby incorporated by reference, when conducting Commission-approved defensive tactics training.

(6) Comply with the equipment, facility, and ~~instructor to student to instructor~~ ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Firing Range Facility and Equipment Requirements, form CJSTC-201, revised ~~May 6, 2004, February 7, 2002~~, hereby incorporated by reference, when conducting Commission-approved firearms training. Firearms training shall be supervised directly by a Commission-certified firearms instructor and the instructor shall have access to at least one firearms range designed for criminal justice firearms instruction.

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

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

(a) No change.

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

(c) No change.

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

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

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

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

(c) No change.

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

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

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

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

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

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

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

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

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

(a) No change.

(b) Identify active satellite locations by the type of facility and street address, and certify in writing to Commission staff prior to July 1 of each fiscal year that its designated satellite training facility complies with Rule 11B-21.005, F.A.C. Training schools shall notify Commission staff of any new satellite sites and the satellite site's compliance with the Commission's requirements, prior to delivering training, ~~or immediately upon scheduling the course when under thirty days. Prior to utilizing a satellite training facility, pursuant to Rule 11B-21.005, F.A.C., a driving range, firearms range, and~~

defensive tactics facility shall comply with the equipment and facility requirements, and shall not be used for Commission training until approved by Commission staff.

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

(d) No change.

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

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

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

(a) through (c) No change.

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

(e) No change.

(2) through (3) No change.

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

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

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

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

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

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

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

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

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

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

(b) through (c) No change.

(3) No change.

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

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

(6) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, Telephone Number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

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

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment or Appointment

RULE CHAPTER NO.: 11B-27

RULE TITLES: Moral Character

RULE NOS.: 11B-27.0011

Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers

11B-27.002

High School Graduation or Equivalent

11B-27.0021

Fingerprint Processing and Criminal Record Results

11B-27.00211

Maintenance of Officer Certification

11B-27.00212

Temporary Employment Authorization	11B-27.00213
Background Investigations	11B-27.0022
Controlled Substance Testing Procedures	11B-27.00225
Duty to Report, Investigations, Procedures	11B-27.003
Probable Cause Determination	11B-27.004
Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances	11B-27.005
Canine Team Certification	11B-27.013

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

SUMMARY: Creates and revises Commission forms; requires that a break-in-service of 4 to 8 years requires demonstration of proficiency in the high-liability courses; revises the process for fingerprinting officers; revises documentation requirements for proof of a high school diploma and acceptable documents in the absence of a high school diploma; revises the temporary employment or appointment authorization process; revises the background investigations process; revises the controlled substance testing procedures; revises the probable cause determination process; revises the letter of acknowledgment process; and revises the canine team certification process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.133(3), 943.1395 FS. **LAW IMPLEMENTED:** 943.12, 943.12(3), (17), 943.13, 943.13(3), (7), (11), 943.131, 943.133, 943.135, 943.139, 943.1395, 943.1395(3), (5), (7), (8), 943.17, 943.17(1)(a), 943.1701, 943.1715, 943.1716, 943.253 FS.

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

TIME AND DATE: 1:00 p.m., October 15, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD Number (850)656-9597

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-27.0011 Moral Character.

(1) through (3) No change.

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

(a) through (b) No change.

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

1. through 8. No change.

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

(d) No change.

(5) through (6) No change.

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

(a) through (b) No change.

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

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

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

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

(1) Certification or Reactivation of Certification. Prior to submitting an application for certification or reactivation of certification for a law enforcement, correctional, or correctional probation officer, the employing agency shall collect and verify documents establishing that an applicant has complied with the requirements of Section 943.13, F.S. Verified documents shall be maintained in the officer’s

~~training~~ file at the employing agency. The following documents are required for verification of an applicant's compliance with this rule section:

(a) through (b) No change.

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

(d) A Physician's Assessment, form CJSTC-75, revised ~~May 6, 2004, February 7, 2002,~~ hereby incorporated by reference, and ~~Patient Information, form CJSTC-75A, revised February 7, 2002, hereby incorporated by reference,~~ or an equivalent form signed by a physician, certified advanced registered nurse practitioner, or physician assistant licensed in the United States or its territories, verifying the applicant's fitness to perform the duties of an officer pursuant to Section 943.13(6), F.S. A copy of the officer's position description shall be reviewed by the physician to ensure that the applicant can meet the physical standards required of the position. A Patient Information, form CJSTC-75A, revised May 6, 2004, hereby incorporated by reference, may also be provided to the examining physician, certified advanced registered nurse practitioner, or physician assistant for reference. The completed and signed CJSTC-75 ~~form and 75A forms~~ or equivalent, shall be completed with each new employment or appointment of an officer, and shall not be completed more than one year prior to an officer's employment or appointment. A CJSTC-75 form prepared for a specific employing agency shall not be used by any other employing agency.

(e) No change.

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

(g) No change.

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

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

(a) through (b) No change.

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

(a) No change.

1. through 2. No change.

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

4. through 7. No change.

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

9. No change.

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

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

12. No change.

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

14. No change.

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

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

1. through 2. No change.

3. If the deficiency(s) noted in the officer's file remains unresolved, the Criminal Justice Standards and Training Commission Chairman shall notify the agency head, in writing, that the Registration of Employment Affidavit of Compliance; form CJSTC-60, that has been signed by the agency head or its designee, confirming agency compliance with Section

943.133(2), F.S., is in fact not in compliance, and as such, is in violation of subparagraph 11B-27.0011(4)(c)11., F.A.C., and Section 837.06, F.S.

4. No change.

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

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

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

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

(6) No change.

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

11B-27.0021 High School Graduation or Equivalent.

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

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

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

(b) A diploma issued by a private school.

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

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

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

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

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

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

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

- 1. At least 30 semester hours; or
- 2. 45 quarter hours of college work; or
- 3. An associate or higher degree.

(b) No change.

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

11B-27.00211 Fingerprint Processing and Criminal Record Results.

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

(1) The employing agency shall submit for processing an Applicant Fingerprint Card FD-258 to the Florida Department of Law Enforcement that bears the applicant's currently taken fingerprints. The submission shall include one of the following references: "Law Enforcement Officer Applicant, Section 943.13, F.S.," or "Correctional Officer Applicant, Section 943.13, F.S.," or "Correctional Probation Officer Applicant, Section 943.13, F.S.," in the "Reason Fingerprinted" block of the FBI Applicant Fingerprint Card. An Applicant Fingerprint Card shall be processed in conjunction with an officer's employment or appointment regardless if the officer has proof of the existence of a processed Applicant Fingerprint Card from a previous employment or appointment. The employing agency is also authorized to use a Live Scan device, if authorized by FDLE, for the submission of applicant fingerprints versus submitting an Applicant Fingerprint card.

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

(3) The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a Fingerprint Notification, form CJSTC-62, revised

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

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

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

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

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

(8) through (9) No change.

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

(11) No change.

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

11B-27.00212 Maintenance of Officer Certification.

(1) through (4) No change.

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

(a) No change.

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

(c) No change.

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

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

(7) through (8) No change.

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

(10) through (11) No change.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) through (e) No change.

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

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

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

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

1. Scenario-based Firearms Training.
2. Physiological Response Dynamics Training.
3. Use-of-Force Matrix and less-lethal force options available within the agency.
4. Agency policies on Use-of-Force training.
5. Legal aspects regarding Use-of-Force training.

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

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

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

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

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

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

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

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History--New 11-5-02, Amended 12-3-03,_____.

11B-27.00213 Temporary Employment Authorization.

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

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

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

1. Begin a Commission-approved Basic Recruit Training Program within 180 days of being placed on a TEA;
2. Successfully complete eight hours of firearms training, which shall include demonstration of proficiency in the presence of a Commission-certified firearms instructor.
3. Successfully complete a Commission-approved Basic Recruit Training Program within 18 months of beginning the training program.

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

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

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

1. Have completed a Commission-approved Basic Recruit Training Program and is waiting to take the next scheduled SOCE.
2. Have 180 days from the completion date of the Basic Recruit Training Program or commencement of employment, whichever is later, to achieve a passing score on the SOCE.

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

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

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

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

(a) No change.

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

(3) The Commission ~~Commission's ATMS~~ shall separate an officer from employment, through the Commission's ATMS, if the officer's TEA exceeds 180 days without enrollment in a Commission-approved Basic Recruit Training Program, fails to complete a Commission-approved Basic Recruit Training Program within 18 months, or the officer has failed to achieve a passing an acceptable score on the State Officer Certification Examination within 180 consecutive days after successful completion of a Basic Recruit Training Program.

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

(a) No change.

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

180 days of employment in the first training program offered in the geographic area, or in the first assigned state training program for a state officer.

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

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

11B-27.0022 Background Investigations.

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

(a) No change.

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

(c) through (d) No change.

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

(a) No change.

(b) Obtain previous employment data from prior employers. Criminal justice agencies conducting background investigations have the option of using the Authority for Release of Information, form CJSTC-58, revised May 6, 2004, effective August 9, 2001, pursuant to Sections 943.134(2) and (4), 943.13(4), (5) and (7), F.S., hereby incorporated by reference.

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

(d) through (e) No change.

(3) No change.

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

11B-27.00225 Controlled Substance Testing Procedures.

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

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

(a) through (c) No change.

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

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

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

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

(1) Pursuant to Section 943.1395(5), F.S., an employing agency shall conduct an investigation when having cause to suspect that an officer it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization (TEA) pursuant to Section 943.131, F.S., does not comply with Sections 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), F.A.C. An investigation shall be conducted and concluded when the employing agency has cause to suspect that an officer is in violation of Sections 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), 11B-27.002(9); F.A.C. The agency's investigation shall contain an official disposition, which ~~it~~ shall be reported to Commission staff pursuant to subsection (2) of this rule section, report to Commission staff as follows:

(2) Upon concluding the investigation:

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

(b) If the allegations are sustained, and are a violation of Sections 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), F.A.C., the employing agency shall forward to Commission

staff the complete investigative package, which shall include the following, no later than 45 days after the allegations are sustained:

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

2. through 7. No change.

(c) No change.

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

11B-27.004 Probable Cause Determination.

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

(1) through (6) No change.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(9) No change.~~

~~(10) In cases where the respondent has been terminated or disciplined and is seeking review of that termination or discipline through the administrative or judicial process, the respondent and employing agency shall notify Commission staff of such review, prior to the convening of the Probable Cause Panel. Pending final resolution, Commission staff shall hold such cases in abeyance. The respondent and employing agency shall also notify Commission staff of the final resolution of the administrative or judicial review. Such notification shall be done within fifteen days of the final resolution. When the administrative or judicial review is pending at the time of the Probable Cause Determination~~

~~Hearing, any findings of the Probable Cause Panel shall be conditional, except in cases where the respondent is statutorily ineligible to maintain certification, regardless of the outcome of the appeal. Pending final resolution Commission staff shall hold cases involving conditional finding in abeyance without further action.~~

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

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

~~(12)(a) In cases in which the facts presented to Commission staff are inconclusive, lack reliability, are insufficient to permit a reasonable determination of what occurred, or fail to demonstrate that the alleged misconduct meets the statutory criteria for Commission action, Commission staff is authorized to "no cause" the case. Commission staff is authorized to reopen a case that has been "no caused" if new evidence or witnesses become available to Commission staff. Commission staff's characterization of misconduct shall control processing under the rules of the Commission regardless of agency characterization.~~

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

~~(13) through (14) No change.~~

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

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

(1) through (3) No change.

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

(b) No change.

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

(a) No change.

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

Violation:	Recommended Penalty Range:
1. Assault (784.011, F.S.)	Suspension of certification
2. Battery (784.03, F.S.)	Suspension of certification
3. Petit theft (812.014, F.S.)	Suspension of certification to revocation
4. No change.	
5. Improper exhibition of a weapon (790.10, F.S.)	Probation of certification with training
6. Discharging a firearm in public (790.15, F.S.)	Suspension of certification
7. Passing a worthless check (832.05, F.S.)	Probation of certification
8. No change.	

9. Indecent exposure (800.03, F.S.)	Suspension of certification and probation with counseling, to revocation
10. Driving or boating under the influence (316.193 and 327.35, F.S.)	Probation of certification with substance abuse counseling
11. No change.	
12. Neglect or refusal to aid (843.06, F.S.)	Suspension of certification to revocation

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

<u>Violation:</u>	<u>Recommended Penalty Range:</u>
1. Excessive use of force, under the color of authority	Suspension of certification to revocation
2. Sexual harassment involving physical contact with or misuse of position	Probation of certification training to suspension
3. Misuse of official position	Suspension of certification
4. Engaging in sex while on duty, or at any time the officer is acting under the color of authority as a Commission-certified officer	Suspension of certification to revocation
5. No change.	
6. Other unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee	Probation of certification with training to suspension
7. False statements during the employment application process	Suspension of certification to revocation
8. No change.	
9. Subverting Commission-Approved training or employing agency promotional examination process	Suspension of certification to revocation
10. Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others	Suspension of certification to revocation or

- 11. Willful failure of the agency administrator to comply with Chapter 943, F.S., as it pertains to the Commission or Commission rules
Suspension of ~~certification~~ to revocation
- 12. Making a false statement(s) of fact, under oath, as to misconduct related to an agency duty, as defined in subparagraph 11B-27.0011(4)(c)12., F.A.C., with the intent to mislead or deceive
Suspension of ~~certification~~ to revocation
- 13. Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to paragraphs 11B-35.0011(1)(a)-(f)(e), F.A.C.
Revocation
- (d) No change.

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

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

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

11B-27.013 Canine Team Certification.

- (1) Definitions.
 - (a) No change.
 - (b) "Patrol canine evaluator" shall refer to a person who is authorized by the Commission to administer the Patrol Duty Canine Team Proficiency Examination to patrol duty canine teams and to attest to the proficiency of the team pursuant with the proficiency examination. The evaluator is also authorized to determine if training submitted by an agency that is requesting certification is equivalent to the Commission-approved ~~400 hour~~ Canine Team Training

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

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

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

- (a) A certificate issued to the canine team by a Commission-certified training school documenting successful completion of the Commission-approved ~~400 hour~~ Canine Team Training Course, which is a minimum of 400 hours; or
- (b) No change.
- (c) Documentation of successful completion of the Patrol Canine Team Proficiency Examination administered by two Commission-approved canine team evaluators, one of whom is not affiliated with the Commission-certified training school or the agency conducting the training, and one of whom is not affiliated with the agency employing the canine team. A Commission-approved canine team evaluator shall not administer a proficiency examination to a canine assigned to them as a work partner. The proficiency examination shall be documented on the Patrol Duty Canine Team Proficiency Examination and Equivalency, form CJSTC-83, revised May 6, 2004, February 7, 2002, hereby incorporated by reference.

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

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

(4) Equivalent Training ~~Equivalency of training~~. Equivalent training shall be reviewed and approved by a Commission-approved evaluator. Equivalent training for a canine team, with a handler who has never been certified, shall

comply with the objectives of the ~~400-hour~~ Canine Team Training Course, which is a minimum of 400 hours the exception of the administrative block of instruction. Equivalent training for a previously certified handler, who is assigned a new canine, shall comply with the objectives of the Canine Team Training Course with the exception of the administrative block of instruction. It is the responsibility of the employing agency submitting the Patrol Canine Team Certification Application; form CJSTC-70, ~~and the evaluator who completes form CJSTC-83,~~ to provide documentation of equivalent training to the Commission-approved evaluator for review and for approval as equivalent training by the evaluator.

(5) Renewal of Certification.

(a) No change.

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

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

(6) through (7) No change.

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

(a) No change.

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

(c) No change.

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

security number (optional), complete address, and documentation of compliance with the standards set forth in this rule section.

(e) No change.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

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

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
State Officer Certification Examination	11B-30
RULE TITLES:	RULE NOS.:
State Officer Certification Examination	
General Eligibility Requirements	11B-30.006
State Officer Certification Examination and	
Retake Eligibility Requirements	
for Individuals Completing a Basic	
Recruit Training Program	11B-30.0062
CMS Application-Based State Officer	
Certification Examination and Retake	
Eligibility Requirements	11B-30.0063

Application for the State Officer Certification Examination and Notification Process	11B-30.007
Examination Accommodations for Applicants with Disabilities	11B-30.0071
State Officer Certification Examination Site Administration	11B-30.008
Applicant Conduct at Test Site and Notice of Protection of Program Privileges	11B-30.009
Examination Scoring and Grade Notification	11B-30.011
Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key	11B-30.012

PURPOSE AND EFFECT: Creates and revises Commission forms and corresponding rule language, revises time frames for taking and passing the State Officer Certification Examination (SOCE), clarifies exemptions from basic recruit training, clarifies timelines for taking the SOCE, repeals obsolete rule language and transfers same language to new rules, clarifies special accommodations for taking the SOCE, and clarifies the SOCE review procedures.

SUMMARY: Creates and revises Commission forms; revises the time line for taking the SOCE; revises the SOCE test requirements for officers who have taken comparable basic recruit training programs; revises the SOCE eligibility requirements for inactive, out-of-state, military, and federal law enforcement officers; revises the special test accommodations for SOCE applicants; revises the SOCE examination review process; and implements the privacy act for review of examinations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

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

TIME AND DATE: 1:00 p.m., October 15, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD Number (850)656-9597

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

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

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

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

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

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

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

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

(e)(e) Individuals who have completed a comparable law enforcement basic recruit training program Basic Recruit Training Program in another state; or for the federal government, and have served as a full-time sworn officer in another state or for the federal government for at least one year; in the requested criminal justice discipline, and are approved for an exemption from completing a Commission-approved Basic Recruit Training Program, and have successfully demonstrated proficiency in the

High-Liability Basic Recruit Training Courses of vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.009, F.A.C.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~training school, or from the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attention: Certification Examination Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.~~

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

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

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

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

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

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

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

(a) Military orders. An applicant shall provide a copy of military orders or a letter from his or her commanding officer advising that he or she was unavailable on the testing date; or

~~Due to military service, an applicant shall provide a copy of military orders, or provide a letter from his or her commanding officer to Commission staff; or~~

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

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

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

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

11B-30.0071 Examination Accommodations for Applicants with Disabilities.

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

(2) An applicant requesting special accommodations shall submit an Application for Individuals Requesting Special Test Accommodations, form CJSTC-502, revised May 6, 2004, February 7, 2002, hereby incorporated by reference, which shall be submitted forty-five days prior to the requested State Officer Certification Examination (SOCE) date. The Application for Officer Certification Examination form CJSTC-500 shall be submitted according to the established deadline date for the requested SOCE. The individual shall provide documentation of the disability by an appropriate professional, pursuant to paragraph (6)(e) of this rule section, when the disability and the requested accommodations are not obvious. Forms CJSTC-500 and CJSTC-502 may be obtained

by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, FL 32302-1489, Attention: ADA Coordinator, or by calling (Voice) (850)410-8600, (TDD) TDD#: (850)656-9597.

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

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

(b) through (e) No change.

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

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

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

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

(a) through (d) No change.

(e) For purposes of this rule, "an appropriate professional" is a person licensed, pursuant to Chapters 460 (Chiropractic), 490 (Psychological Services), 458 (Medical Practice), 459 (Osteopathy), 461 (Podiatric Medicine), 463 (Optometry), 468, Part I (Speech-Language Pathology and Audiology), or 490 (Psychological Services or certified as a School Psychologist by the Florida Department of Education), Florida Statutes, or is licensed in the state in which the certification of disability was performed. Any certification, documentation, or recommendation relating to the individual's disability provided

by an appropriate professional, and, pursuant to the requirements of this rule, shall not be extended beyond the scope permitted by the law for that professional or that which the professional knows or has reason to know that he or she is not competent to perform.

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

11B-30.008 State Officer Certification Examination Site Administration.

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

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

(a) No change.

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

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

~~incorporated by reference, prior to the day of testing, or may present a copy of form CJSTC 76A to the examination administrator on the day of testing. Documentation of completed training is permitted to be submitted prior to the SOCE date pursuant to Rule 11B-30.007, F.A.C., or presented to the examination administrator on the day of testing.~~

(3) through (4) No change.

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

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

(1) through (5) No change.

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

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

11B-30.011 Examination Scoring and Grade Notification.

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

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

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

(1) Individuals who have ~~failed taken~~ the State Officer Certification Examination (SOCE) shall have the right to review their examination results by submitting a State Officer Certification Examination Grade Review Request, form CJSTC-510, revised February 7, 2002, hereby incorporated by reference. To be eligible to file a form CJSTC-510, pursuant to Rule 11B-30.013, F.A.C., the form shall be submitted to Commission staff within forty-five calendar days of the individual's SOCE date. Individuals who fail to meet the forty-five day deadline shall not be allowed to file a challenge, but may review the SOCE results.

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

(a) No change.

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

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

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

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

TIME AND DATE: 1:00 p.m., October 15, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615, (850)656-9597 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

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

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

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

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

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

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

- (a) Date(s) of course(s).
- (b) Location of course(s).
- (c) Title of course(s).

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

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

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

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

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

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

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

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

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

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

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

(7) Student performance in courses.

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

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

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

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

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

Course Number	Course Title	Course Hours
2. 1112	Canine Team Training Course	400
3. 1113	Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators	12
4. 1132	Parking Enforcement Specialist for Civilians	16
5. 1133	Selective Traffic Enforcement Program for Civilians	80

6. 732	Traffic Control Officer for Civilians	8
7. 851	Breath Test Operator Course	24
8. 951	Breath Test Operator Renewal Course	6
9. 850	Agency Inspector Course	24
10. 950	Agency Inspector Renewal Course	6
11. 1134	Criminal Justice Officer Ethics Course	8
12. 1135	Crimes Against Children	Open
13. 1136	Domestic Violence	Open
14. 1137	Violent Crime Investigator Training Course	Open

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

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

(9) Field-test of the CMS Application-Based Basic Recruit Training Program. The Criminal Justice Standards and Training Commission is currently developing and evaluating the CMS Application-Based Basic Recruit Training Programs for use as a basic recruit training program for criminal justice officers. These The CMS Application-Based Basic Recruit Training Programs are based on a statewide job-task analysis of each of the criminal justice disciplines, and provide an enhanced learning environment for the student, through lesson plans provided for each module, and ensure a "standardized delivery" of statewide training curricula. A CMS Field-Test field test utilizing a classroom environment with student participation is necessary to evaluate the program before certain course criteria can be established and final rules adopted. To accomplish these goals:

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

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

(c) Specific conditions for instructor certification and delivery of the CMS Curricula curricula are established consistent with the completed modules. Training schools shall adhere to the delivery specifications and the instructor requirements outlined in the modules. The Commission

exempts the training schools, academies, and colleges that participate in the CMS Field-Test pursuant to paragraph (9)(e) of this rule section, from the requirements of subsection 11B-35.001(7), F.A.C., General Training Programs; Requirements, and Specifications.

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

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

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

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

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

4. Florida Highway Patrol.

5. Polk Community College.

6. Lake County Vocational Technical School.

7. Tallahassee Community College.

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

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

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

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

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

1. Canine Team Training Course.

2. Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators.

3. Breath Test Operator Course.

4. Breath Test Operator Renewal Course.

5. Agency Inspector Course.

6. Agency Inspector Renewal Course.

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

1. Course outline(s) or schedule(s).

2. Course(s) name and contact person.

3. Date(s) of course(s).

4. Full legal name names of all attending students.

5. Test scores when and test materials, if tests are used. Test materials shall be made available for review by Commission staff upon request.

~~6.5-~~ The number of course electives ~~shall be included~~ for all courses delivered using Commission-approved Specialized Goals and Objectives.

~~7.6-~~ Applicable proficiency checklist and performance reports.

~~8.7-~~ Course instructors.

~~9.8-~~ Student attendance records.

~~10.9-~~ Training Report form CJSTC-67.

~~11.10-~~ For Basic Recruit Training Programs, proof of compliance with Sections 943.14(7) 943.14(8) and 943.17(1)(g), F.S.

~~12.11-~~ Attaining school re-examination policy and document justification for each student reexamination administered.

~~13.12-~~ A list of expenditures from the Criminal Justice Standards and Training Trust Fund Officer Training Monies for Commission-approved Advanced ~~shall be included for Advanced Training Courses~~ and Specialized Training Program Courses when Officer Training Monies are used to fund the course.

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

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

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

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

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

(a) A student shall achieve a passing score, pursuant to subsection 11B-35.007(1), F.A.C., on successfully complete all end-of-course examinations in a Commission-approved to be eligible to pass a Basic Recruit Training Program to

successfully complete a program. A student who has failed a cognitive end-of-course examination may be granted a re-examination by the training center director if:

1. There is technical difficulty in the administration of the test.

2. A condition of the student adversely impacts the student's ability to achieve a passing score on an end-of-course examination pass the test.

3. The end-of-course testing instrument is shown to be invalid.

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

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

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

~~(e) Each training school shall develop its own procedures for processing a student request for re-examination set forth in subsection (12) of this rule section. Training school procedures for processing student requests for re-examination shall be documented and maintained on file at the training school for review by Commission staff and the student.~~

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

(14) Proof of course completion. The training center director shall, within thirty days, following the completion of a Commission-approved Basic Recruit, Advanced, Training

~~Program, Advanced Training Course, or Specialized Training Program Course, provide to a student who has successfully completed the program, training course, a certificate, which shall contain at a minimum, the name of the training school, the student's name, the dates of the program or course, the number of program or course contact hours, the title of the Basic Recruit, Advanced Training Program, Advanced Training Course, or Specialized Training Program Course, and the current training center director's signature. Basic Recruit Training Completion Certificates shall contain the Curriculum Version Number for the course taught.~~

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

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

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

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

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

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

(f) Possession of altered BAT official documents including student performance reports.

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

- (a) Communication with any other applicant during the administration of the BAT.

(b) Copying answers from another applicant or intentionally allowing one's answers to be copied by another applicant during the administration of the BAT.

(c) Having in one's possession during the administration of the BAT, any books, notes, written, or printed materials or data of any kind.

(d) Failing to comply with the BAT administrator's instructions.

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

(a) Falsifying or misrepresenting information required for admission to the BAT.

(b) Impersonating an applicant.

(c) Having an impersonator take the BAT on one's behalf.

(d) Disrupting the test administration.

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

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

(a) Have their BAT declared invalid;

(b) Forfeit the application fee;

(c) Be ineligible to apply to take the BAT in any discipline for a period of five years;

(d) Be subject to denial of certification by the Commission pursuant to Rule 11B-27.007, F.A.C.;

(e) Be subject to disciplinary action taken against any currently held Commission certification;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) High-Liability Basic Recruit Training Courses, pursuant to Rule 11B-35.0024, F.A.C., successfully completed at a training school, shall be transferable from one training school to another, or from one Commission-approved Basic Recruit Training Program to another, pursuant to Rule 11B-35.0023, F.A.C. A basic recruit student who requests transfer of successfully completed High-Liability Basic Recruit Training Courses from the Traditional Basic Recruit Training Program to the CMS Application-Based Law

Enforcement Basic Recruit Training Program, shall complete high-liability training designated as "CMS New" in the CMS High-Liability Basic Recruit Training Course for which the training is requested.

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

(a) Traditional Law Enforcement Basic Recruit Training Program (Retired June 30, 2004):-
All law enforcement basic recruit training programs that begin on July 1, 2004, or thereafter, shall deliver the CMS Application-Based Law Enforcement Basic Recruit Training Program pursuant to paragraph (8)(d) of this rule section. Training schools are authorized to continue to deliver the Traditional courses in subparagraphs (8)(a)1.-12. of this rule section for Traditional Law Enforcement Basic Recruit Training Programs that begin prior to July 1, 2004. Training schools are authorized to deliver Traditional Law Enforcement Basic Recruit Training Program courses to students who qualify, pursuant to subsection 11B-35.002(2), F.A.C., and who have entered into but failed to graduate from a Traditional Law Enforcement Basic Recruit Training Program.

Course Name	Course Number	Course Hours
1. Criminal Justice Legal 1	CJD_760	46.0
2. Criminal Justice Legal 2	CJD_761	48.0
3. Criminal Justice Communications	CJD_762	56.0
4. Interpersonal Skills 1	CJD_763	66.0
5. Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJD_704	106.0
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJK_0050 or CJB_1050	64.0
7. Medical First Responder	CJK_0040 or CJB1040	

Course	Course	Course
(Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_254	48.0
8. Law Enforcement Legal 3	CJK_0030 or CJB_1030	32.0
9. Law Enforcement Patrol	CJD_730	64.0
10. Law Enforcement Traffic	CJD_731	46.0
11. Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_732	32.0
12. Law Enforcement Investigations	CJK_0020 or CJB_1020	64.0
	CJD_734	672.0
	TOTAL	

(b) Traditional Correctional Basic Recruit Training Program:-

Course Name	Course Number	Course Hours
1. Criminal Justice Legal 1	CJD_770	46.0
2. Criminal Justice Legal 2	CJD_771	22.0
3. Criminal Justice Communications	CJD_772	42.0
4. Interpersonal Skills 1	CJD_773	62.0
5. Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJD_704	106.0
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJK_0050 or CJB_1050	80.0
	CJD_705	64.0
	CJK_0040 or CJB_1040	80.0
7. CMS First Aid for Criminal Justice Officers	CJK_0030	40.0
Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_254	48.0
8. Interpersonal Skills 2	CJK_0030 or CJB_1030	50.0
9. Emergency Preparedness	CJD_750	26.0
10. Correctional Operations	CJD_741	64.0
11. CMS Criminal Justice Special Topics, Module 15	CJD_752	20.0
	CJK_0095	532.0
	TOTAL	530.0

(c) Combination Recruit Training Program

1. Criminal Justice Legal 1	CJD_710	54.0
2. Criminal Justice Legal 2	CJD_711	52.0
3. Criminal Justice Communications	CJD_712	62.0
4. Interpersonal Skills 1	CJD_713	66.0
5. Criminal Justice Defensive Tactics that includes the 38-hour	CJD_704	106.0

Preparation for Defensive Tactics Course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJK_0050 or CJB_1050	
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJD_705	64.0
7. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_254	48.0
8. Law Enforcement Legal 3	CJK_0030 or CJB_1030	
9. Law Enforcement Patrol	CJD_730	32.0
10. Law Enforcement Traffic	CJD_731	64.0
11. Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_732	46.0
13. Interpersonal Skills 2	CJD_723	32.0
Law Enforcement Investigations	CJK_0020 or CJB_1020	
14. Emergency Preparedness	CJD_750	50.012
15. Correctional Operations	CJD_734	64.0
	CJD_741	26.0
	CJD_752	64.0
	TOTAL	830.0

(d) Associates of Science Criminal Justice Combination Academy Track

1. Criminal Justice Legal 1	CJD_700	54.0
2. Criminal Justice Legal 2	CJD_701	52.0
3. Criminal Justice Communications	CJD_702	62.0
4. Interpersonal Skills 1	CJD_703	66.0
5. Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJD_704	106.0
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJK_0050 or CJB_1050	
7. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_705	64.0
8. Law Enforcement Legal 3	CJK_0040 or CJB_1040	
9. Law Enforcement Patrol	CJD_254	48.0
10. Law Enforcement Traffic	CJK_0030 or CJB_1030	
11. Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_720	32.0
12. Law Enforcement Investigations	CJD_721	64.0
13. Interpersonal Skills 2	CJD_722	46.0
14. Emergency Preparedness	CJD_723	32.0
15. Correctional Operations	CJK_0020 or CJB_1020	
	CJD_724	64.0
	CJD_740	50.0
	CJD_741	26.0
	CJD_742	64.0
	TOTAL	830.0

(c)(e) Traditional Correctional Probation Basic Recruit Training Program:-

Course Name	Course Number	Course Hours
1. Correctional Probation Legal Operations	CJD_790	60.0
2. Correctional Probation Interpersonal Skills	CJD_791	16.0
3. Correctional Probation Communication Skills	CJD_792	68.0
4. Correctional Probation Supervision	CJD_793	70.0
5. Correctional Probation Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJD_794	54.0
6. CMS Correctional Probation Firearms	CJD_704	106.0
7. CMS Correctional Probation Firearms	CJK_0050 or CJB_1050	80.0
8. CMS First Aid for Criminal Justice Officer	TBA	16.0
Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_795	16.0
9. Criminal Justice Special Topics, Module 15	CJK_0030	40.0
	CJK_0095	20.0
	TOTAL	424.0
		438.0

(5) CMS Application-Based Basic Recruit Training Programs:-

(a) CMS Application-Based Law Enforcement Officer Basic Recruit Training Program 672.0

(b) CMS Application-Based Correctional Officer Basic Recruit Training Program 530.0

(c) CMS Application-Based Correctional Probation Officer Basic Recruit Training Program 438.0

(d) CMS Application-Based Law Enforcement Basic Recruit Training Program:

1. Introduction and Law	CJK_0006	67.0
2. Human Issues	CJK_0010	50.0
3. Communications	CJK_0015	77.0
4. CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
5. CMS First Aid for Criminal Justice Officers	CJK_0030	40.0
6. CMS Criminal Justice Firearms	CJK_0040	80.0
7. CMS Criminal Justice Defensive Tactics	CJK_0050	80.0

8. Patrol	CJK_0060	57.0
9. Investigations	CJK_0070	53.0
10. Investigating Offenses	CJK_0075	40.0
11. Traffic Stops	CJK_0080	62.0
12. Traffic Crash Investigations	CJK_0085	32.0
13. Tactical Applications	CJK_0090	14.0
14. Criminal Justice		
Special Topics	CJK_0095	20.0
	TOTAL	760.0

(9) Commission-approved Basic Recruit Cross-Over Training Programs. The Commission has established basic recruit cross-over training programs to provide lateral movement of officers between criminal justice disciplines.

(a) Officers entering a basic recruit cross-over training program shall comply with the employment requirements of Section 943.1395(3), F.S., and subsections 11B-27.002(4) and 11B-35.002(2), F.A.C.; and

(b) An applicant requesting to attend a Commission-approved Basic Recruit Cross-Over Training Program shall:

1. Be an active certified officer in the discipline the officer is moving from; or

2. Have successfully completed a Commission-approved Basic Recruit Training Program and passed the State Officer Certification Examination (SOCE), within four years, for the discipline the officer is moving from.

(c) A Commission-approved Basic Recruit Cross-Over Training Program requires that an officer comply with Section 943.17(1)(g), F.S., successfully complete the required courses in the cross-over training program for the discipline in which cross-over certification is being requested, successfully complete the applicable high-liability training requirements pursuant to subsection (7) of this rule section, if applicable, and achieve a passing score on the applicable State Officer Certification Examination pursuant to Rule 11B-30.0062, F.A.C.

(d) Traditional Law Enforcement to Traditional Correctional Basic Recruit Cross-Over Training Program. A law enforcement officer shall complete the following courses to cross-over from the "Law Enforcement Discipline" to the "Correctional Officer Discipline":

Course Name	Course Number	Course Hours
1. Cross-Over Law Enforcement to Correctional	CJD_780	16.0
2. Interpersonal Skills 2	CJD_750	50.0
3. Emergency Preparedness	CJD_741	26.0
4. Correctional Operations	CJD_752	64.0
Total		156.0

(e) Traditional Law Enforcement to Traditional Correctional Probation Basic Recruit Cross-Over Training Program. A law enforcement officer shall complete the following courses to cross-over from the "Law Enforcement Discipline" to the "Correctional Probation Officer Discipline":

Course Name	Course Number	Course Hours
1. Cross-Over Law Enforcement to Correctional Probation 1	CJD_735	66.5
2. Cross-Over Law Enforcement to Correctional Probation 2	CJD_736	67.5
3. Correctional Probation Operations	CJD_791	16.0
Total		150.0

(f) Traditional Correctional to Traditional Law Enforcement Basic Recruit Cross-Over Training Program. A correctional officer shall complete the following courses to cross-over from the "Correctional Discipline" to the "Law Enforcement Discipline":

Course Name	Course Number	Course Hours
1. Cross-Over Correctional to Law Enforcement	CJD_781	48.0
2. Law Enforcement Legal 3	CJD_730	32.0
3. Law Enforcement Patrol	CJD_731	64.0
4. Law Enforcement Traffic	CJD_732	46.0
5. CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
6. Law Enforcement Investigations	CJD_734	64.0
Total		302.0

(g) Traditional Correctional to Traditional Correctional Probation Basic Recruit Cross-Over Training Program. A correctional officer shall complete the following courses to cross-over from the "Correctional Discipline" to the "Correctional Probation Discipline":

Course Name	Course Number	Course Hours
1. Cross-Over Correctional Legal to Correctional Probation	CJD_774	30.0
2. Cross-Over Correctional to Correctional Probation	CJD_775	26.0
3. Correctional Probation Communication Skills	CJD_793	70.0
4. Correctional Probation Supervision	CJD_794	54.0
Total		180.0

(h) Traditional Correctional Probation to Traditional Law Enforcement Basic Recruit Cross-Over Training Program. A correctional probation officer shall complete the following courses to cross-over from the "Correctional Probation Discipline" to the "Law Enforcement Discipline":

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
1. <u>Cross-Over Correctional Probation Legal to Law Enforcement</u>	CJD_796	46.0
2. <u>Cross-Over Correctional Probation to Law Enforcement</u>	CJD_797	64.0
3. <u>Law Enforcement Patrol</u>	CJD_731	64.0
4. <u>Law Enforcement Traffic</u>	CJD_732	46.0
5. <u>CMS Law Enforcement Vehicle Operations</u>	CJK_0020	48.0
6. <u>Law Enforcement Investigations</u>	CJD_734	64.0
7. <u>CMS Criminal Justice Firearms</u>	CJK_0040	80.0
	<u>Total</u>	<u>412.0</u>

(i) Traditional Correctional Probation to Traditional Correctional Basic Recruit Cross-Over Training Program. A correctional probation officer shall complete the following courses to cross-over from the "Correctional Probation Discipline" to the "Correctional Discipline":

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
1. <u>Cross-Over Correctional Probation to Correctional 1</u>	CJD_798	50.0
2. <u>Cross-Over Correctional Probation to Correctional 2</u>	CJD_799	36.0
3. <u>Emergency Preparedness</u>	CJD_741	26.0
4. <u>Correctional Operations</u>	CJD_752	64.0
5. <u>CMS Criminal Justice Firearms</u>	CJK_0040	80.0
	<u>Total</u>	<u>256.0</u>

Specific Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History--New 12-13-92, Amended 1-10-94, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

11B-35.0021 High-Liability Proficiency Courses for Basic Recruit Training and Instructor Training.

- (1) Basic Recruit High-Liability Training Courses:
 - (a) Traditional Basic Recruit Training Program:
 - 1. Criminal Justice Weapons Course.
 - 2. Law Enforcement Vehicle Operations Course.
 - 3. Criminal Justice Defensive Tactics Course.
 - 4. Medical First Responder Course.
 - (b) CMS Application-Based Basic Recruit Training Program:
 - (a)1- CMS Criminal Justice Firearms Course.
 - (b)2- CMS Law Enforcement Vehicle Operations Course.
 - (c)3- CMS Criminal Justice Defensive Tactics Course.

- (d)4- CMS First Aid for Criminal Justice Officers Course Responder to Emergencies, Unit 1: Medical First Responder.
- (2)(e) Instructor High-Liability Training Courses:
 - (a)1- Firearms Instructor Course. (Retired June 30, 2004)
 - (b)2- CMS Firearms Instructor Course.
 - (c)3- CMS Firearms Instructor Transition Course.
 - (d)4. Law Enforcement Vehicle Operations Instructor Course. (Retired June 30, 2004)
 - (e)5- CMS Law Enforcement Vehicle Operations Instructor Course.
 - (f)6- CMS Law Enforcement Vehicle Operations Instructor Transition Course.
 - (g)7- Defensive Tactics Instructor Course. (Retired June 30, 2004)
 - (h)8- CMS Defensive Tactics Instructor Course.
 - (i)9- CMS Defensive Tactics Instructor Transition Course.
 - (j)10- Medical First Responder Instructor Course. (Retired June 30, 2004)
 - (k)11- CMS Medical First Aid Responder Instructor Course.
 - (l)12- CMS First Aid Responder to Emergencies Instructor Transition Course, Unit 1: Medical First Responder.

(3)(d) Applicants shall complete the training requirements set forth in subsection 11B-20.0014(2)(4), F.A.C., to become certified by the Commission to instruct in the high-liability topics of firearms, vehicle operations, defensive tactics, and first aid areas.

(4)(2) Instructor to student Ratios for Instruction of proficiency skills in the High-Liability Basic Recruit Training Courses and instructor courses. Student to Instructor Ratios for Instruction of High-Liability Proficiency Training.

(a) For instruction of the CMS Criminal Justice Firearms Weapons Course, CMS or Firearms Instructor Course, or CMS Firearms Instructor Transition Course, there shall be no more than six students actively engaged on a firearms range for each Commission-certified firearms instructor actively engaged on a firearms range. Actively engaged is defined as "a student on the firing range handling a weapon."

(b) For instruction of the CMS Law Enforcement Vehicle Operations Course, CMS or Law Enforcement Vehicle Operations Instructor Course, or CMS Vehicle Operations Instructor Transition Course, there shall be at least one Commission-certified driving instructor for each vehicle actively engaged on a driving range. Actively engaged is defined as "a vehicle that is at the point between the start and end of an exercise." Returning from or being in route to a driving range or course shall not be considered as actively engaged.

(c) For instruction of the CMS Criminal Justice Defensive Tactics Course, CMS or Defensive Tactics Instructor Course, or CMS Defensive Tactics Instructor Transition Course, there shall be no more than ten ~~eight~~ students actively engaged in

defensive tactics for each Commission-certified defensive tactics instructor ~~while actively engaged in defensive tactics~~. Actively engaged is defined as “a student engaged in the practical performance of any one of the approved defensive tactics techniques.” ~~For instruction of the 38 Hour Preparation for Defensive Tactics Course in the Commission approved Traditional Basic Recruit Training Programs, the student to instructor ratio shall be two instructors for the first twenty students. Each additional twenty students, or any portion thereof, shall require an additional instructor.~~

(d) For instruction of the CMS Criminal Justice Firearms Course, CMS Firearms Instructor Course, CMS Firearms Instructor Transition Course, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Course or CMS Vehicle Operations Instructor Transition course, training courses for firearms and vehicle operations, in paragraphs (2)(a)-(b) of this rule section, one rangemaster shall supervise all range activity while training is actively engaged. The rangemaster shall be a Commission-certified instructor for the High-Liability Basic Recruit Training Course being trained, and shall not be included as an instructor to comply with the instructor to student or instructor to vehicle student to instructor ratio requirements.

(e) For instruction of the CMS First Aid for Criminal Justice Officers Course, Medical First Responder Course CMS First Aid Instructor Course, or Medical First Responder Instructor Course CMS First Aid Instructor Transition Course, at least one Commission-certified CMS First Aid Instructor Medical First Responder Instructor shall be required for every ~~ten~~ six students actively engaged in the practical and performance areas of the training portions of the training. Actively engaged is defined as “a student involved in the practical performance of any first aid skills training medical first responder skills training.” CPR Instructors, who possess a valid CPR Instructor Certification, which is at minimum the “Basic Life Support (BLS) Healthcare Provider Level” with the American Heart Association, “CPR for the Professional Rescuer” with the American Red Cross and American Safety and Health Institute, or “Advanced First Aid and CPR” with the National Safety Council, are permitted to instruct CPR in the CMS First Aid for Criminal Justice Officers Course or the CMS First Aid Instructor Course, or be used to meet the required instructor to student ratio for demonstration of proficiency in these courses. The instructor to student ratio shall match the prerequisites set forth in the approved CPR course certification requirements. A copy of the Instructor Exemption Application, form CJSTC-82, revised May 6, 2004, hereby incorporated by reference, and a copy of the instructor’s valid CPR Instructor Certification shall be maintained in the instructors file.

Specific Authority 943.03(4), 943.12(1),(2), 943.14(3), 943.17 FS. Law Implemented 943.12(5), 943.17 FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02.

11B-35.0023 Student Transfers within Basic Recruit Training Programs.

(1) Pursuant to subsection 11B-35.002(1), F.A.C., Commission-approved Basic Recruit Training Programs shall be offered only at training schools certified by the Criminal Justice Standards and Training Commission for the respective discipline.

(2) A student enrolled in a Commission-approved Basic Recruit Training Program may transfer courses to another training school, provided the courses have been successfully completed and Basic Recruit Training Courses that have been successfully completed at one training school, to another training school, if the student has exited the previous training school in “good standing,” pursuant to subsection (5) of this rule section. Courses completed in a Traditional Basic Recruit Training Program shall be recognized and transferable to a Traditional Basic Recruit Training Program of the same discipline in a different training school. Courses completed in a Commission approved CMS Application Based Basic Recruit Training Program shall be acceptable for transfer to a CMS Application Based Basic Recruit Training Program for the same discipline in a different training school.

(a) Courses completed in a Traditional Basic Recruit Training Program shall be recognized and transferable to a Traditional Basic Recruit Training Program in a different training school.

(b) Courses completed in the CMS Application-Based Law Enforcement Basic Recruit Training Program shall be transferable to a CMS Application-Based Law Enforcement Basic Recruit Training Program in a different training school.

(c) High-Liability Basic Recruit Training Courses successfully completed in a Traditional Law Enforcement Basic Recruit Training Program shall be transferable to the CMS Application-Based Law Enforcement Basic Recruit Training Program provided the student requesting the transfer has successfully completed the High-Liability Basic Recruit Training Course designated as “CMS New” for which the transfer is requested.

(3) Both the transferring student and the receiving training school shall request the transferring training school to complete and submit the appropriate student records. Upon receipt of such request, the transferring training school is responsible for submitting the transferring student’s records to the receiving training school.

(4) When a student has successfully completed courses included in a Commission-approved Basic Recruit Training Program at two or more training schools, and has met all requirements for completion of the program, as set forth in the requirements of this rule section, the training school where the student has successfully completed the greatest number of courses in that program, shall, upon receipt of the student records from the other training school(s), submit a Training Report form CJSTC-67 to Commission staff. The training

school submitting form CJSTC-67, may require the student to demonstrate the required high-liability proficiency skills in a High-Liability Basic Recruit Training Course(s) not completed at that school, pursuant to subsection 11B-35.0024(1), F.A.C. The training school submitting form CJSTC-67 shall provide to the student with written evidence of the student's successful completion of the Basic Recruit Training Program.

(5) Each training school shall establish written criteria that specify the conditions that constitute leaving a Commission-approved Basic Recruit Training Program in "good standing." For this purpose, "good standing" is defined as a student being eligible to continue at the previous training school without any special considerations. The written criteria shall be made available to students and Commission staff.

(6) Nothing in this rule section shall be construed to prevent a training school from admitting a student for the limited purpose of completing a course(s) required for completion of a Commission-approved Basic Recruit Training Program at another training school where the student is enrolled. However, if a student began the Commission's CMS Application-Based Law Enforcement Basic Recruit Training Program, the student shall continue in the same program CMS Basic Recruit Training. If the student began a Commission-approved Traditional Basic Recruit Training Program, the student shall continue in the same program Traditional Basic Recruit Training.

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

11B-35.0024 Student Performance in Commission-approved, High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses.

(1) Students enrolled in a Commission-approved Basic Recruit Training Program and a High-Liability Instructor Training Course shall qualify through demonstration of proficiency skills in the applicable High-Liability Basic Recruit Training Courses and instructor courses high-liability proficiency skills and a written examination.

(2) A basic recruit student shall be given the opportunity for one additional attempt at the required demonstration of high-liability proficiency skills, or one re-examination of required cognitive knowledge in each of the four high-liability topics training areas of firearms, vehicle operations, defensive tactics, and first aid, medical first responder. A student, who has failed to successfully demonstrate the cognitive knowledge or the required demonstration of the high-liability proficiency skills after a second attempt, shall be deemed to have failed the High-Liability Training Course.

(3) Completion of a high-liability course and demonstration of proficiency in the high-liability topics is required for each of the following courses: CMS Criminal Justice Defensive Tactics Course, CMS Defensive Tactics

Instructor Courses, CMS Criminal Justice Firearms Course, CMS Firearms Instructor Courses, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Courses, CMS First Aid for Criminal Justice Officers Course, and CMS First Aid Instructor Courses. The required Traditional High-Liability Training Courses and the required demonstration of the high liability proficiency skills are:

(a) CMS Criminal Justice Defensive Tactics Course.

1. The CMS Criminal Justice Defensive Tactics Course shall be delivered to is delivered to basic recruit students enrolled in a Commission-approved Traditional Basic Recruit Training Program.

2. A Basic Recruit Student Proficiency Demonstration. The basic recruit student shall demonstrate at 100% proficiency, defensive tactics skills taught by a training school, with the results recorded on the required CMS Defensive Tactics Performance Evaluation, form CJSTC-6 CMS, created May 6, 2004, Defensive Tactics Performance Evaluation, form CJSTC-6, revised February 7, 2002, hereby incorporated by reference.

3. The CMS Defensive Tactics Chemical Agent Exposure Training Evaluation, form CJSTC-6A CMS, created May 6, 2004, hereby incorporated by reference, is not a mandated evaluation form and shall only be completed if applicable.

(b) CMS Defensive Tactics Instructor Courses Criminal Justice Defensive Tactics Instructor Course.

1. An instructor student shall complete the CMS Defensive Tactics Instructor Course or the CMS Defensive Tactics Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS Criminal Justice Defensive Tactics Course in a Commission-approved Basic Recruit Training Program, or the CMS Defensive Tactics Instructor Course, or the CMS Defensive Tactics Instructor Transition Course. The Criminal Justice Defensive Tactics Instructor Course is required training for instructors who instruct defensive tactics in the Traditional Basic Recruit Training Program and Criminal Justice Defensive Tactics Instructor Course.

2. A defensive tactics instructor student shall demonstrate the Defensive Tactics High-Liability Proficiency Skills with the results recorded on the required CJSTC-6 CMS form. An instructor student shall demonstrate at 100% proficiency for all defensive tactics skills, with the results recorded on the required Defensive Tactics Performance Evaluation form CJSTC-6.

a. CMS Defensive Tactics Instructor Course. An instructor student shall demonstrate the required Defensive Tactics High-Liability Proficiency Skills at 100% for all proficiency skills.

b. CMS Defensive Tactics Instructor Transition Course. An instructor student shall demonstrate the required Defensive Tactics High-Liability Proficiency Skills at 100% for all proficiency skills designated as "New" in the course and on form CJSTC-6 CMS.

(c) CMS Criminal Justice Firearms Weapons Course.

1. The CMS Criminal Justice Firearms Weapons Course shall be delivered to basic recruit students enrolled in a Commission-approved Traditional Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required Firearms High-Liability Proficiency Skills at 80% or higher using a handgun (revolver or semi-automatic pistol for both daylight and night), with the results recorded on the required CMS Firearms Performance Evaluation form CJSTC-4 CMS, created May 6, 2004, hereby incorporated by reference. Handgun. The basic recruit student shall demonstrate high liability proficiency skills at 80% with a handgun on the Firearms Course of Fire.

3. A Shotgun. The basic recruit student shall complete receive instruction on the handling of a long gun (shotgun or rifle) shotgun and shall fire the long gun a-shotgun as prescribed in the course curriculum. There are no proficiency requirements for the long gun shotgun.

4. A basic recruit student shall demonstrate high liability proficiency skills with a handgun on all Firearms Courses of Fire, with the results recorded on the required Firearms Performance Evaluation, form CJSTC-4, revised February 7, 2002, hereby incorporated by reference. The Chemical Agent Exposure Training Evaluation, form CJSTC 4A, revised February 7, 2002, hereby incorporated by reference, shall be completed if applicable (optional is not a mandated evaluation form).

(d) CMS Firearms Instructor Courses Criminal Justice Firearms Instructor Course.

1. An instructor student shall complete the CMS Firearms Instructor Course or the CMS Firearms Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS Criminal Justice Firearms Course in a Commission-approved Basic Recruit Training Program, or the CMS Firearms Instructor Course, or the CMS Firearms Instructor Transition Course. The Criminal Justice Firearms Instructor Course is required training for instructors who instruct firearms in the Traditional Basic Recruit Training Program and Criminal Justice Firearms Instructor Course.

2. A firearms instructor student shall demonstrate the required Firearms High-Liability Proficiency Skills with the results recorded on the required CJSTC-4 CMS form. The instructor student shall demonstrate high liability proficiency skills at 80%, on the Firearms Course of Fire, using a handgun (revolver or semi-automatic pistol) and a shotgun, with the results recorded on the required Firearms Performance Evaluation form CJSTC 4.

a. CMS Firearms Instructor Course. An instructor student shall demonstrate the required Firearms High-Liability Proficiency Skills at 80% or higher using a handgun (revolver or semi-automatic pistol for daylight or night). There are no proficiency skills requirements for the long gun.

b. CMS Firearms Instructor Transition Course. There are no required proficiency skills requirements for the handgun or long gun.

(e) CMS First Aid for Criminal Justice Officers Course Medical First Responder Course.

1. The CMS First Aid for Criminal Justice Officers Medical First Responder Course shall be is delivered to basic recruit students enrolled in a Commission-approved the Traditional Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required First Aid High-Liability Proficiency Skills proficiency at 100%; with the results recorded on the required CMS First Aid Performance Evaluation, form CJSTC-5 CMS, created May 6, 2004, Medical First Responder Performance Evaluation, form CJSTC-5, revised February 7, 2002, hereby incorporated by reference.

(f) CMS First Aid Instructor Courses Medical First Responder Instructor Course.

1. An instructor student shall complete the CMS First Aid Instructor Course or the CMS First Aid Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS First Aid for Criminal Justice Officers Course in a Commission-approved Basic Recruit Training Program, or the CMS First Aid Instructor Course or the CMS First Aid Instructor Transition Course. The Medical First Responder Instructor Course is required training for instructors who instruct medical first responder in the Traditional Basic Recruit Training Program and Medical First Responder Instructor Course.

2. An instructor student shall demonstrate the required First Aid High-Liability Proficiency Skills with the results recorded on the required CJSTC-5 CMS form. The instructor student shall demonstrate proficiency at 100%, with the results recorded on the required Medical First Responder Performance Evaluation form CJSTC-5.

a. CMS First Aid Instructor Course. An instructor student shall demonstrate the required First Aid High-Liability Proficiency Skills at 100% for all proficiency skills.

b. CMS First Aid Instructor Transition Course. An instructor student shall demonstrate the required First Aid High-Liability Proficiency Skills at 100% for all proficiency skills designated as "New" in the course, and on the required CJSTC-5 CMS form.

(g) CMS Law Enforcement Vehicle Operations Course.

1. The CMS Law Enforcement Vehicle Operations Course shall be is delivered to basic recruit students enrolled in a Commission-approved Traditional Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required First Aid High-Liability Proficiency Skills, high-liability proficiency skill, with ~~four~~ three out of ~~five~~ four runs (80%) (75%) for each exercise, with the results recorded on the required CMS Vehicle Operations Performance Evaluation, form CJSTC-7 CMS, created May 6, 2004, Law Enforcement Vehicle Operations Performance Evaluation, form CJSTC-7, revised February 7, 2002, hereby incorporated by reference.

(h) CMS Vehicle Operations Instructor Courses, Law Enforcement Vehicle Operations Instructor Course:

1. An instructor student shall complete the CMS Vehicle Operations Instructor Course or the CMS Vehicle Operations Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS Law Enforcement Vehicle Operations Course in a Commission-approved Basic Recruit Training Program, or the CMS Vehicle Operations Instructor Course, or the CMS Vehicle Operations Instructor Transition Course. The Law Enforcement Vehicle Operations Instructor Course is required training for instructors who instruct vehicle operations in the Traditional Basic Recruit Training Program and Law Enforcement Vehicle Operations Instructor Course.

2. An instructor student shall demonstrate the required Vehicle Operations High-Liability Proficiency Skills high-liability proficiency skill, with four out of five runs (80%) for each exercise, with the results recorded on the required CJSTC-7 CMS form, Law Enforcement Vehicle Operations Performance Evaluation form.

a. CMS Vehicle Operations Instructor Course. An instructor student shall demonstrate the required Vehicle Operations High-Liability Proficiency Skills with four out of five runs (80%) for each exercise.

b. CMS Vehicle Operations Instructor Transition Course. An instructor student shall drive the course for the "New" vehicle operation techniques.

(4) The required CMS High Liability Training Courses shall be delivered in compliance with the requirements set forth in subsection 11B-35.001(9), F.A.C.

(5) Where night training or ambient lighting is designated, night or ambient light is defined as no earlier than thirty minutes after sunset and no later than thirty minutes prior to sunrise.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12, 943.17 FS. History—New 2-17-93, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

11B-35.003 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training.

(1) Commission-approved Auxiliary Basic Recruit Training Programs are created to train applicants for employment or appointment by criminal justice agencies, with or without compensation, to assist or aid full-time or part-time officers. Law Enforcement and Correctional Auxiliary Basic

~~Recruit Training Programs are created to train individuals who are applicants for employment or appointment by criminal justice agencies, with or without compensation, to assist or aid full-time or part-time officers.~~

(2) To become certified as an auxiliary officer, an applicant individual shall meet the requirements outlined in Sections 943.13(1)-(9) and (11) and 943.17(1)(g), F.S., successfully complete the Auxiliary Officer Basic Recruit Training Program requirements outlined in this rule section, complete the applicable Commission-approved CMS High-Liability Basic Recruit Training Courses for vehicle operations, defensive tactics, and firearms, and shall be taught by a Commission-certified high-liability instructor at a training school or agency. Prerequisite Course at a training school, and following applicable High-Liability Training Courses for which certification is being sought:

(a) ~~Criminal Justice Weapons or CMS Criminal Justice Firearms.~~

(b) ~~Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics Course, effective July 1, 1998, or CMS Criminal Justice Defensive Tactics.~~

(c) ~~Law Enforcement Vehicle Operations or CMS Law Enforcement Vehicle Operations (employing agency requirement).~~

(3) A training school shall submit form CJSTC-67 to Commission staff upon an individual's successful completion of a Law Enforcement or Correctional Auxiliary Officer Prerequisite Course. The training school or agency shall document the student's successful completion of the applicable High-Liability Basic Recruit Training Courses, pursuant to subsection 11B-35.0024(3), F.A.C. Regardless of where the High-Liability Basic Recruit Training Course is completed, the employing agency shall maintain the training documentation in the officer's file. High-Liability Training Courses shall be taught by a high liability instructor, pursuant to subsection 11B-20.0014(4), F.A.C., whether taught at a training school or criminal justice agency.

(4) Commission-approved High-Liability Basic Recruit Training Courses instructed at a Commission-certified training school shall be recognized by the Commission for applicants requesting certification as a law enforcement, correctional, or correctional probation officer, if the applicant has maintained active employment within a discipline as an auxiliary officer, or has completed training within the past four years pursuant to subsection 11B-35.002(2), F.A.C. Recognition of completed high-liability courses shall comply with subsection 11B-35.002(7), F.A.C. A training school shall submit a Training Report form CJSTC-67 to Commission staff upon an individual's completion of the Law Enforcement or Correctional Auxiliary Officer Prerequisite Course. In addition, the training school or criminal justice agency shall document a student's successful completion of the applicable high liability proficiency skill demonstration set forth in

~~subsection 11B-35.0024(3), F.A.C. Regardless of where the high liability training is completed the employing agency shall maintain the training documentation in the officer's training file.~~

~~(5) Law Enforcement Auxiliary Officer Basic Recruit Training Program requirements. The Auxiliary Basic Recruit Training Programs are:~~

~~(a) Law Enforcement Auxiliary Officer Prerequisite Course topics effective January 1, 1997:~~

<u>TOPICS:</u>	<u>Minimum</u>	<u>Hours:</u>
1. Administration	1	
2. Community Interaction	6	
3. Introduction to Basic Law	24	
4. Post Crime Considerations	6	
5. Introduction to Traffic	5	
6. Field Activities	12	
7. <u>CMS First Aid for Criminal Justice Officers Medical</u>		
First Responder	<u>CJK_0030</u>	<u>40 48</u>
Total Law Enforcement Auxiliary Officer Prerequisite Course Hours	<u>TOTAL HOURS</u>	<u>94 102</u>
<u>(b) CMS Criminal Justice Firearms</u>	<u>CJK_0040</u>	<u>80</u>
<u>(c) CMS Criminal Justice Defensive Tactics</u>	<u>CJK_0050</u>	<u>80</u>
<u>(d) CMS Law Enforcement Vehicle Operations</u>	<u>CJK_0020</u>	<u>48</u>
<u>(Optional: Based on employing agency requirements)</u>		
Total Law Enforcement Auxiliary Officer Program Hours	<u>TOTAL HOURS</u>	<u>302</u>

~~(6)(b) Correctional Auxiliary Officer Basic Recruit Training Program requirements.~~

~~(a) Correctional Auxiliary Officer Prerequisite Course topics effective January 1, 1997:~~

<u>TOPICS:</u>	<u>Minimum</u>	<u>Hours:</u>
1. Administration	1	
2. Legal	24	
3. Report Writing	4	
4. Safety Issues	4	
5. Interpersonal Skills	5	
6. Security Procedures and Inmate Supervision	4	
7. Equipment	2	
8. Facility Movement	4	
9. Correctional Operation and		

Intake Procedures		1
10. Inmate Property		2
11. Search Procedures		3
12. <u>CMS First Aid for Criminal Justice Officers Medical</u>		
First Responder	<u>CJK_0030</u>	<u>40 48</u>
Total Correctional Auxiliary Officer Prerequisite Course Hours	<u>TOTAL HOURS</u>	<u>94 102</u>
<u>(b) CMS Criminal Justice Firearms</u>	<u>CJK_0040</u>	<u>80</u>
<u>(c) CMS Criminal Justice Defensive Tactics</u>	<u>CJK_0050</u>	<u>80</u>
Total Correctional Auxiliary Officer Program Hours	<u>TOTAL HOURS</u>	<u>254</u>

~~(7) Correctional Probation Auxiliary Officer Basic Recruit Training Program. To become a Correctional Probation Auxiliary Officer an individual shall complete the Traditional Correctional Probation Officer Basic Recruit Training Program pursuant to paragraph 11B-35.002(8)(c), F.A.C.~~

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

~~11B-35.004 Traditional Basic Recruit Training Programs; Cross-Over Training for Law Enforcement, Correctional, and Correctional Probation Officers.~~

~~Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History--New 12-13-92, Amended 9-5-93, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, Repealed _____.~~

~~11B-35.006 Advanced Training Program.~~

~~(1) Commission-approved Advanced Training Program Courses were created to enhance an officer's knowledge, skills, and abilities for the job the officer performs and are used by an officer to satisfy mandatory retraining requirements or eligibility for salary incentive monies pursuant to Rule Chapter 11B-14, F.A.C. An officer may not receive both salary incentive credit and mandatory retraining credit for completion of an Advanced Training Program Course. Such courses shall include one major topic and be at least 40 hours long. Advanced training programs shall include specific courses that are offered by training schools, which have been approved by the Commission and taught by instructors.~~

~~(2) Advanced Training Courses shall include one major topic, shall be at least 40 hours long, and may be used by the officer to satisfy mandatory retraining requirements or eligibility for salary incentive payments when delivered through a training school. An officer may not receive both salary incentive credit and mandatory retraining credit for completion of an Advanced Training Course.~~

~~(2)~~(3) The following is a complete list of Advanced Training Program Courses:

<u>Course Number</u>	<u>Course Name</u>	<u>Course Hours</u>
006	Line Supervision	80 hours
007	Middle Management	80 hours
011	Developing and Maintaining a Sound Organization	40 hours
012	Planning the Effective Use of Financial Resources	40 hours
013	Building and Maintaining a Sound Behavioral Climate	40 hours
016	Narcotics Identification and Investigation	40 hours
019	Criminal Law	40 hours
020	Case Preparation and Court Presentation	40 hours
032	Special Tactical Problems	40 hours
033	Sex Crimes Investigation	40 hours
036	Injury and Death Investigation	40 hours
047	Interviews and Interrogations	40 hours
050	Stress Awareness and Resolution	40 hours
053	Crisis Intervention	40 hours
054	Organized Crime	40 hours
055	Radar Speed Measurement Training Course for Law Enforcement Officers	40 hours
057	Discipline and Special Confinement Techniques	40 hours
058	Youthful Offender Program	40 hours
068	Advanced Report Writing and Review	40 hours
072	Fire Fighting for Correctional Officers	40 hours
073	Human and Community Relations	40 hours
074	Drug Abuse Awareness and Education	40 hours
077	Underwater Police Science and Technology	80 hours
080	Computer Applications in Criminal Justice	40 hours
085	Emergency Preparedness for Correctional Officers	40 hours
087	Advanced Traffic Accident Investigations	80 hours
088	Traffic Accident Reconstruction	80 hours
090	School Resource Officer	40 hours
091	Domestic Intervention	40 hours
093	Hostage Negotiations	40 hours
094	Drug Abuse Resistanc Education (D.A.R.E.) – FDLE instructed only	80 hours

095 Laser Speed Measurement Operators ~~Training~~ Course for Law Enforcement Officers 40 hours

096 Drug Abuse Resistance Education (D.A.R.E.) 40 hours

094 & 097 Drug Abuse Resistance Education (D.A.R.E.) 40 hours

098 *Traffic Homicide Investigation 80 hours
~~*The previous Traffic Homicide Investigation course number 039 became inactive July 1, 1998.~~

100 Crimes Against the Elderly and Disabled 40 hours

809 *CMS Field Training Officer Program Course (This course is not mandated for field training officers) 40 hours

1100 *Field Training Officer Course for Correctional and Correctional Probation Officers 40 hours

*Officers who are currently receiving salary incentive payment for completion of the Field Training Officer Course number 051, are not eligible to receive additional salary incentive credit for course number 809 or 1100.

~~(3)~~(4) Course number 094, Drug Abuse Resistance Education (D.A.R.E.), may be offered only through the certified state D.A.R.E. training center. The Florida certified state D.A.R.E. training center is located within the Florida Department of Law Enforcement. D.A.R.E. course numbers are: Course #094 (80 hours), or #094 split with #097 (40 hours) for salary incentive, and #096 (40 hours) for mandatory retraining.

~~(4)~~(5) Only officers and support personnel who have written approval from their respective agency head or designee may attend Advanced Training Program Courses. Applicants shall submit evidence of their agency head’s approval in a format established and agreed upon by the Local Regional Training Council and training school.

~~(5)~~(6) To successfully complete an Advanced Training Program Course, a student shall comply with student attendance, performance, and course documentation requirements pursuant to Rule 11B-35.001, F.A.C.

(a) A Radar Operator Performance Report, form CJSTC-8, revised ~~May 6, 2004, February 7, 2002~~, hereby incorporated by reference, shall be completed for the Radar Speed Measurement Training Course for Law Enforcement Officers.

(b) A Laser Operator Performance Report, form CJSTC-9, revised ~~May 6, 2004, February 7, 2002~~, hereby incorporated by reference, shall be completed for the Laser Speed Measurement Operators ~~Training~~ Course for Law Enforcement Officers.

~~(7) Criminal Justice Standards and Training Trust Fund Officer Training Monies may be expended to conduct Advanced Training Courses pursuant to Rule Chapter 11B-18, F.A.C.~~

~~(6)(8) Training schools shall report the successful completion of Advanced Training Program Courses for officers pursuant to paragraph 11B-35.001(10)(b), F.A.C. who are eligible to receive salary incentive payment, pursuant to Section 943.22(2), F.S. A completed form CJSTC-67 shall be transmitted within thirty days of the course completion date through the Commission's ATMS.~~

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.17(1) FS. History—New 12-13-92, Amended 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

11B-35.007 Specialized Training Program.

(1) The Commission's Specialized Training Programs may be used by training schools and consist of the following Commission-approved:

- (a) Specialized Goals and Objectives;
- (b) Instructor Training Courses; and
- (c) Specialized Training Courses.

(2) Courses developed from the Specialized Goals and Objectives ~~that~~ have been designed to use Commission-established categories, topics, and objectives that encompass subject matter pertinent to training within the criminal justice profession. Such courses shall be developed using a "menu" approach to fulfill local criminal justice agency training needs.

(a) Commission-established categories for Specialized Goals and Objectives are:

- 1. Communication Skills.
- 2. Crime Prevention.
- 3. Health.
- 4. High-Liability.
- 5. Investigations.
- 6. Legal Issues.
- 7. Management and Supervision.
- 8. Science and Technology.
- 9. Inmate Supervision and Control.
- 10. Community Policing.

(b) A training school shall adhere to the following procedures to develop courses from the Specialized Goals and Objectives:

- 1. Determine local agency training needs and applicable course content.
- 2. Review the category list to determine the applicable category.
- 3. Refer to topic lists within the category(ies) chosen to determine the subject area(s) covered.
- 4. Write the student learning goal(s) for the course.
- 5. Select the relevant objective(s) from the chosen topic(s) to cover the specific subject matter.
- 6. Develop the lesson plan.
- 7. Maintain ~~Formulate~~ information required for the Specialized Training Program Course file pursuant to Rule 11B-35.001, F.A.C.

8. Combine categories, topics, and objectives to develop a Specialized Training Program Course. In addition, objectives may be extracted from the Advanced Training Program Course series to develop a Specialized Training Program Course. If a portion of an Advanced Training Program Course is used, the course number and objective number shall be identified.

9. Establish the number of hours of instruction according to local agency needs. A minimum of four ~~Four~~ hours of course instruction are required. A training school shall determine the number of objectives needed for each block of course instruction. To provide further flexibility, a maximum of four hours of electives may be used for each forty hours of course instruction.

10. Document the training by completing a Specialized Training Documentation, form, revised February 7, 2002, hereby incorporated by reference, and when applicable complete a Specialized Training Documentation Supplemental, form CJSTC-16A, revised May 6, 2004, ~~February 7, 2002~~, hereby incorporated by reference. Forms CJSTC-16 and CJSTC-16A shall be maintained in the student's class file at the training school.

(3) Specialized Instructor Ttraining Courses. Courses developed and approved by the Commission for instructor training shall be delivered in their entirety by a training school for an individual to qualify to apply as a Commission-certified instructor. Commission-approved Specialized Instructor Training Courses are: ~~for certification as an instructor~~.

Course Number	Course Names:	Course Hours:
(a) 1101	Traditional General Instructor Techniques Course (Retired 6/30/04)	80
(b) 1115	General Instructor Refresher Course	8
(c)(b) 1116	CMS General Instructor Techniques Course	80
(d)(e) 803	CMS General Instructor Transition Course	12 16
(e)(d) 1102	Law Enforcement Vehicle Operations Instructor Course (Retired 6/30/04)	40
(f)(e) 800	CMS Law Enforcement Vehicle Operations Instructor Course	40
(g)(f) 805	CMS Law Enforcement Vehicle Operations Instructor Transition Course	16 12
(h)(e) 1103	Criminal Justice Firearms Instructor Course (Retired 6/30/04)	44
(i)(h) 801	CMS Criminal Justice Firearms Instructor Course	44 FBA
(j)(i) 806	CMS Criminal Justice Firearms Instructor Transition Course	12
(k)(j) 1104	Defensive Tactics Instructor Course (Retired 6/30/04)	80
(l)(k) 802	CMS Defensive Tactics Instructor Course	80 FBA
(m)(l) 807	CMS Defensive Tactics Instructor Transition Course	32
(n)(m) 1105	Medical First Responder Instructor Course (Retired 6/30/04)	48
(o)(n) 1114	CMS Medical First Aid Responder Instructor Course	40 FBA
(p)(o) 804	CMS First Aid Instructor Transition Course	8
(p)	Medical First Responder, to Emergencies Instructor Transition Course Unit 1: Medical First Responder	
(p)	Human Diversity Train-the-Trainer Course	20
(q) 1107	Canine Team Training Instructor Course	40
(r) 1108	Radar Speed Measurement Instructors Training Course for Law Enforcement Officers	40
(s) 1109	Laser Speed Measurement Measuring Device (LSMD) Instructor Transition Instructors Course for Radar Instructors	24
(t) 1110	Breath Test Instructor Certification Course	40
(u) 1111	Breath Test Instructor Certification Renewal Course	8

(4) Commission-approved Specialized Training Program Courses developed and approved by the Commission that have not been designated as Commission-approved Advanced Training Program Courses:

Course Number	Course Names:	Course Hours:
(a) 1125	Contraband Forfeiture	40
(b) 1126	Human Diversity In-service Training for Professionalism and Ethics	4
(c) 1127	Human Diversity In-service Training for Interdependent Relationships	8
(d) 1128	Human Diversity In-service Training for Reducing Inter-group Conflict	4
(e) 1129	Human Diversity In-service Training for Sexual Harassment in the Workplace	4
(f) 1130	Human Diversity In-service Training for Specialized Topics in Diversity	4
(g) 1144	CMS Human Interaction Course	16
(h)(e) 1131	Human Diversity In-service Training for Discriminatory Profiling and Professional Traffic Stops	4
(i)(h) 1112	Canine Team Training Course	400
(j)(i) 1113	Laser Speed Measurement Measuring Device (LSMD) Transition Operators Course for Radar Operators	12
(k)(j) 1132	Parking Enforcement Specialist for Civilians	16
(l)(k) 1133	Selective Traffic Enforcement Program for Civilians	80
(m)(l) 732	Traffic Control Officer for Civilians	8
(n)(m) 851	Breath Test Operator Course	24
(o)(n) 951	Breath Test Operator Renewal Course	6
(p)(o) 850	Agency Inspector Course	24
(q)(p) 950	Agency Inspector Renewal Course	6
(r)(q) 1134	Criminal Justice Officer Ethics Course	8
(s)(r) 1135	Crimes Against Children	24 No hour requirement
(t)(s) 1136	Domestic Violence	8 No hour requirement
(u)(t) 1137	Violent Crime Investigator Training Course Courses	40 No hour requirement
(v) 808	CMS Field Training Officer Transition Course	8
(w) 1140	Basic Incident Command System (ICS) Course	6
(x) 1141	Intermediate Incident Command System (ICS) Course	21

(y) 1142	<u>Advanced Incident Command System (ICS) Course</u>	16
(z) 1145	<u>Mental Retardation Course</u>	1
(aa) 1146	<u>Mental Illness Course</u>	1
(bb) 1147	<u>Alcohol and Substance Abuse Course</u>	1
(cc) 1148	<u>Physical Disabilities Course</u>	1

(5) Successfully completed Commission-approved Specialized Training Program Courses may be credited toward an officer's mandatory retraining requirement pursuant to Rule 11B-27.00212, F.A.C. Documentation of such training shall be provided to students and shall include the name of the training school delivering the course, the course title or topics taught, course date(s), and course hours.

(6) Training schools shall report the satisfactory completion of training pursuant to paragraph 11B-35.001(10)(b), F.A.C., instructor courses by a criminal justice officer by transmitting a completed Training Report form CJSTC-67 within 30 days of course completion through the Commission's ATMS.

~~(7) Pursuant to Section 943.13, F.S., to maintain certification by the Commission, a certified officer shall, every four years, complete a minimum of eight hours of continuing training in the area of "interpersonal skills relating to human diversity." The mandated eight hours of continuing training for officers in the area of "interpersonal skills relating to human diversity" shall be satisfied by successfully completing the following training:~~

~~(a) Law enforcement officers. Four hours of Human Diversity In-Service Training for Discriminatory Profiling and Professional Traffic Stops, pursuant to paragraph (4)(g) of this rule section, and one or more of the Human Diversity In-Service Training Modules set forth in paragraphs (4)(b)-(f) for the additional four hours required to satisfy the 8 hour continuing training requirement every four years.~~

~~(b) Correctional and correctional probation officers. A compliment of eight hours of continuing training comprised of Human Diversity In-Service Training Courses set forth in paragraphs (4)(b)-(f) of this rule section.~~

~~(7)(8) Criminal Justice Standards and Training Trust Fund Officer Training Monies may be expended to conduct Commission-approved Specialized Training Program Courses pursuant to subsection 11B-35.007(1), F.A.C. Officer Training Monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C. Human Diversity In-Service Training set forth in paragraphs (4)(b)-(f) of this rule section, which are delivered through a training school using Criminal Justice Standards and Training Trust Fund Officer Training Monies, shall use a Human Diversity Instructor pursuant to paragraph 11B-20.001(5)(d), F.A.C.~~

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.175, 943.25 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

11B-35.0085 Criminal Justice Training School Requirements for Local Administration and Security of Examinations for Training Courses.

A training center director ~~designated by a training school~~ shall maintain the security and confidentiality of all examinations used in all Commission-approved courses in the following manner:

(1) Pursuant with Section 943.173(2), F.S., the Commission shall authorize the administration of examinations at training schools. Administration of examinations shall consist of the training center director or designee(s) developing examination items, maintaining examination item banks, preparing examination forms, administering examinations, retaining student examinations, proctoring, grading, and recording the results of the examinations.

(2) A training center director shall develop and maintain written procedures outlining the security of training school examinations to include preparation, administration, proctoring, storing, grading, disposal, and student review. The criminal justice training center director shall ensure that the security and confidentiality of examinations are maintained, and upon request shall make available examination materials for inspection by Commission staff.

(3) Written procedures, examinations and examination materials shall be made available for inspection by Commission staff.

(4) To maintain the security of the examinations outlined in this rule section, a training center director shall ensure that:

(a) The security and confidentiality of examinations and examination materials are maintained and obsolete examination materials are destroyed.

(b) Examination materials are secured and accessible only by training school staff approved by the training center director.

(c) Examination items are not reviewed with students prior to administration of the test.

(d) Student contact with examination materials is conducted in a controlled presentation to prohibit students from recording or transcribing test questions and answers.

~~(5)(3)~~ Examination materials, including the examination and individual answer forms for each training course, shall be retained for not less than two years after the date the examination is completed.

Specific Authority 943.12(1),(2) FS. Law Implemented 943.173 FS. History—New 7-7-99, Amended 11-5-02, _____.

11B-35.009 Exemption from Basic Recruit Training.

(1) Definitions. For the purpose of this rule section, the following definitions shall apply:

(a) "Employing agency" means any agency authorized by law to employ or appoint officers pursuant to Section 943.10(4), F.S.

(b) "Comparable basic recruit training program in another state or for the federal government," means any successfully completed sworn officer training course or courses, irrespective of the completion date, which when viewed together include all the primary training topics pursuant to subsection (3) of this rule section, Rule 11B-35.009, F.A.C., for the discipline in which the applicant is seeking an exemption, pursuant to Section 943.13(2), F.S. Commission-approved Basic Recruit Training Courses may be substituted for courses not included in basic level training.

(c) "Another state" means one or more of the United States or its territories, or any combination thereof, with the exception of the State of Florida.

(d) "Federal Government" means any agency of the United States government that employs or appoints sworn officers, a Native American Indian tribe or band that employs or appoints sworn officers, or any branch or entity of the United States Armed Forces or any combination thereof.

(e) "Full time" means any employed or appointed status in which a normal work week consists of forty or more on-duty hours, exclusive of overtime, holidays, regular days off, leave, or other authorized or ordered absence from work.

(f) "Sworn officer" means an individual whose work experience, as required in this rule section, meets the definition of a law enforcement, correctional, and correctional probation officer pursuant to Section 943.10(1)-(3), F.S. any officer defined in Section 943.10, F.S.

(g) "At least one year" means a time period of twelve months sworn experience that shall have occurred at no more than two criminal justice agencies over a period not to exceed eighteen months as a full-time sworn officer in a specified discipline, excluding periods during which an individual was enrolled in or attending basic recruit training.

(h) Pursuant to Section 943.1395(3), F.S., and subsection 11B-27.00212(11), HB-27-00201(9), F.A.C., an "Inactive Florida Officer" means an individual who has met the certification and employment requirements of Section 943.13, F.S., and has not been employed as an officer in the discipline for which the individual was a Florida certified officer for a period of four to eight or more years.

(2) An individual who applies for certification as a Florida officer shall qualify is qualified for exemption from completing a Commission-approved Basic Recruit Training Program if the applicant has:

(a) Successfully completed basic recruit training comparable in content to the Basic Recruit Training Program for the discipline for which the individual claims exemption; and

(b) Prior service as a full-time sworn officer in another state or the Federal Government for at least one year, pursuant to paragraph (1)(g) of this rule section, in the criminal justice discipline for which the individual is requesting an exemption. There shall be no more than an 8-year break in employment,

which is measured from the separation date of the most recent qualifying employment to the time a complete application is submitted for an exemption under this rule section. The twelve months sworn experience shall have occurred at no more than two criminal justice agencies over a period not to exceed eighteen months as a full-time sworn officer in the discipline for which an exemption is being requested.

(3) For individuals who request an exemption from a Commission-approved Basic Recruit Training Program, the employing agency or Criminal Justice Selection Center shall:

(a) Verify that the applicant's law enforcement training is comparable to the Commission's CMS Application-Based Law Enforcement Officer Basic Recruit Training Program for which the exemption is requested, and at a minimum reflects successful completion of training for the topics of Law Enforcement, Constitutional Law and Legal Issues, Report Writing, Interpersonal Skills, Firearms, Criminal Justice Weapons, Criminal Justice Defensive Tactics, First Aid Medical First Responder or equivalent, Vehicle Operations, Law Enforcement Patrol, Criminal Investigations, Traffic Crash Investigations, and Traffic Control and Stops.

(b) Verify that the applicant's correctional officer training is comparable to the Commission's Traditional Correctional Officer Basic Recruit Training Program whenever an exemption is requested, and at a minimum reflects successful completion of training for the topics of Correctional Legal Issues, Report Writing, Interpersonal Skills, Firearms, Criminal Justice Weapons, Criminal Justice Defensive Tactics, First Aid Medical First Responder or equivalent, and Correctional Facility Operations.

(c) Verify that the applicant's correctional probation officer training is comparable to the Commission's Traditional Correctional Probation Officer Basic Recruit Training Program whenever an exemption is requested, and at a minimum reflects successful completion of training for the topics of Correctional Probation Officer Legal Issues, Report Writing, Interpersonal Skills, Criminal Justice Defensive Tactics, First Aid Medical First Responder or equivalent, Probationer Supervision, and firearms Criminal Justice Weapons.

(d) Verify the required training and the authenticity of documents submitted by an individual through telephone or written confirmation of documents such as, criminal justice agency training records, training school records, official transcripts, curricula or curricula summaries, certificates of completion, or other such documents that verify the applicant's successful completion of comparable basic recruit training in another state or for the federal government, and affidavits executed by a custodian or custodians of such records or other persons with direct knowledge that support the individual's successful completion of comparable basic recruit training.

(e) Verify that the individual has met the required prior sworn experience by obtaining copies of one or more of the following:

1. Agency employee payroll record;
2. Agency employment record;
3. Employment verification by an authorized representative of the individual's previous employer or employers; and
4. Other documentation that confirms the applicant's previous experience and employment as an officer for at least one year.

(4) Inactive Florida officers who have been separated from employment for a period of four ~~to eight or more~~ years, may apply for exemption from re-taking the Basic Recruit Training Program for which the officer has been previously certified as a sworn officer. The employing agency or Criminal Justice Selection Center shall verify that the applicant has:

(a) Successfully completed the Basic Recruit Training Program for the discipline for which re-activation of certification is requested; and

(b) ~~Been Has been~~ employed as a criminal justice officer in Florida in the discipline for which reactivation or certification is requested.

(5) Documentation requirements for out-of-state, federal, and inactive Florida Officers. Upon verification of an individual's request for exemption of training certification, pursuant to this rule section, an employing agency or Criminal Justice Selection Center shall submit to Commission staff a completed Equivalency-of-Training, form CJSTC-76, revised May 6, 2004, February 7, 2002, hereby incorporated by reference, for out-of-state, federal, and inactive Florida Officers. Supporting documentation verifying the individual's compliance with comparable basic recruit training and sworn criminal justice experience pursuant to this rule section shall be maintained on file by the employing agency or Criminal Justice Selection Center and submitted to Commission staff for review. The agency shall be notified of the approval or denial of the requested exemption of certification in writing within 30 working days. If the exemption is denied, the individual shall be granted a hearing pursuant to Section 120.57, F.S.

(6) High-Liability Basic Recruit Training proficiency skill ~~Proficiency~~ requirements for out-of-state, federal ~~or officers~~, or inactive Florida officers. Prior to applying for certification, an out-of-state or federal officer, or inactive Florida officer, who is exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., shall demonstrate proficiency in the required High-Liability Basic Recruit Training Proficiency Skills ~~high-liability proficiency skills~~ of vehicle operations, firearms, ~~criminal justice weapons, criminal justice~~ defensive tactics, and first aid, medical first responder, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought, ~~pursuant to subsection 11B-35.002(4), F.A.C.~~ Such officers shall achieve a passing score on successfully pass, as defined in subsection 11B-30.006(1), F.A.C., the State Officer Certification Examination, pursuant to paragraph

11B-30.008(2)(c), F.A.C. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills, ~~high-liability proficiency skills~~, the training school shall complete an submit to Commission staff a completed Equivalency-of-Training Proficiency Demonstration, form CJSTC-76A ~~July 1, 2002, revised May 6, 2004~~, hereby incorporated by reference, and provide a copy of the form to the officer. The training center director or designee shall, within thirty days of course completion, electronically transmit a completed Training Report form CJSTC-67 through the Commission's ATMS, or submit an updated form CJSTC-67.

(7) Individuals, who have qualified for an exemption from a Commission-approved Basic Recruit Training Program, pursuant to this rule section, shall become employed within four years of the date the exemption from basic recruit training was approved.

(8) Individuals applying for exemption from a Commission-approved Basic Recruit Training Program, outlined in this rule section, shall not engage in conduct that subverts or attempts to subvert the State Officer Examination (SOCE) process pursuant to Rule 11B-30.009, F.A.C.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.131(2) FS. History--New 1-2-97, Amended 7-7-99, 11-5-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

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

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

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Standard Investigation Procedures	11G-2
RULE TITLES:	RULE NOS.:
Physical Evidence	11G-2.004
Practice Guidelines	11G-2.006

PURPOSE AND EFFECT: To clarify retention of physical evidence and update the Practice Guidelines.

SUMMARY: Requires fixed organs to be retained until completion of studies to determine the cause of death of the decedent. Clarifies retention of physical evidence by compliance with Rule 11G-2.006, F.A.C., and updates the Practice Guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 406.075, 406.11, 406.13 FS.

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

TIME AND DATE: 1:00 p.m., October 15, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Luten, Medical Examiner Commission Staff, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULES IS:

11G-2.004 Physical Evidence.

(1) through (3) No change.

(4) Physical Evidence shall be retained by the medical examiner as follows:

(a) Stained sections shall be preserved indefinitely and embedded tissue preserved for at least ten (10) years.;

(b) Fixed organs shall be retained until the medical examiner has completed his or her studies of them.

~~(c)(b) All other specimens shall be retained for one year, and afterwards at the discretion of the medical examiner.~~

~~(d)(e) All other physical evidence not released to another investigative agency or to the owner shall be retained for one year, and afterwards at the discretion of the medical examiner.~~

(e) Physical Evidence that is retained for any period longer than is specified above must be held in accordance with Rule 11G-2.006, F.A.C.

(5) through (8) No change.

Specific Authority 406.04 FS. Law Implemented 406.11, 406.13 FS. History—New 10-18-81, Formerly 11G-2.04, Amended 8-27-87, 10-14-96, 7-29-01, _____.

11G-2.006 Practice Guidelines.

The duties and standards of care of a medical examiner are to be consistent with those contained in the Practice Guidelines for Florida Medical Examiners, Sponsored by of the Florida Association of Medical Examiners, which publication is dated ~~5-15-2003 9-29-99~~ and is hereby incorporated by reference.

Specific Authority 406.04 FS. Law Implemented 406.075, 406.11, 406.13 FS. History—New 7-29-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Craig Rockenstein, Assistant General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, Telephone number (850)410-7676

NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Michael Ramage, General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Correctional Probation Officers: Appointment and Responsibility
 RULE NO.: 33-302.103

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal is to eliminate unnecessary language and provisions that are duplicative of statutes and other rules.

SUMMARY: Unnecessary language and provisions that are duplicative of statutes and other rules is being eliminated.

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:

33-302.103 Correctional Probation Officers: Appointment and Responsibility.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 5-28-86, Amended 2-15-98, 4-28-99, Formerly 33-24.011, Amended 11-12-01, Repealed _____.

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: September 10, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Placement of Inmates into Community Release Programs

RULE NO.: 33-601.606

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify provisions related to placement of community custody inmates in work release centers.

SUMMARY: The proposed rule allows placement of a community custody inmate at a work release center regardless of time constraints for the purposes of a program as well as a specialized work detail.

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: 945.091 FS.

LAW IMPLEMENTED: 945.091 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:

33-601.606 Placement of Inmates into Community Release Programs.

- (1) No change.
- (2) Eligibility and Ineligibility Criteria.
 - (a) No change.

(b) In order to be eligible for community release programs an inmate must:

- 1. through 5. No change.
- 6. The Secretary of the Florida Department of Corrections, or his designee who shall be the Assistant Secretary for Institutions, shall have the authority to place an inmate who is in community custody at any work release center regardless of time constraints for the purpose of a specialized work detail or program.

(3) through (5) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 3-14-01, Amended 9-2-01, 3-19-02, 11-18-02, 5-31-04, _____.

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: August 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Permissible Items for Visitors

RULE NO.: 33-601.725

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to increase the amount of cash that may be brought in by visitors to purchase items from visiting park canteens or vending machines.

SUMMARY: The proposed rule increases from \$25 to \$50 the amount of cash that may be brought in by visitors to purchase items from visiting park canteens or vending machines.

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: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 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:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while

within the stated time frames. ~~Forms DC6-251 and DC6-252 are incorporated by reference in subsection (19) of this rule.~~ Typewriters or typing services are not considered required items and will not be permitted in close management cells. Inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader). An inmate who is provided an auxiliary aid shall also be allowed access to a research aide for the purpose of preparing legal documents, legal mail, and filing grievances.

(j) through (l) No change.

(m) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the wellness specialist or the close management officer shall provide the inmate with an in-cell exercise guide and document such on the Close Management Daily Record of Segregation, Form DC6-229A. However, an exercise schedule shall be implemented to ensure a minimum of six hours per week (two hours three days per week) of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. Such exercise periods shall be documented on Form DC6-229A. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in this rule, or if the inmate has pending a disciplinary hearing for a major rule violation as defined in this rule. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on the Close Management Daily Record of Segregation, Form DC6-229A. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him that will accomplish the need for exercise and take into account the particular inmate's limitations. Close management inmates shall be allowed equal access to outdoor exercise areas with exercise stations.

(n) No change.

(11) Programs and Privileges in Close Management Units.

(a) through (c) No change.

(d) CMIII. In addition to the programs provided above for CM I inmates, and those privileges outlined in subparagraphs (11)(b)1.-4. of this rule, the following privileges are authorized:

1. CM III inmates will be entitled to:

a. Unless restricted pursuant to Rule 33-601.731, F.A.C., CMIII inmates shall be eligible to receive one two-hour contact personal visit by appointment after completing 30 days in close management status and having no major rule violations during this period.

b. CMIII inmates shall be subject to placement on non-contact status as outlined in Rule 33-601.735, F.A.C.

c. If found guilty of a major rule violation ~~disciplinary infraction~~ while assigned to CM III, the inmate is eligible to be considered for visits 14 days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed.

d. The inmate is eligible to receive one two-hour contact personal visit by appointment after each subsequent 14 day period with no major rule violations during this period unless security or safety concern would preclude a visit. The warden will determine the level of supervision and restraint required.

2. through 3. No change.

4. CMIII inmates shall be provided with at least the same opportunities for educational and program participation as provided to CMII inmates.

(12) through (18) No change.

(19) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (h) No change.

~~(i) Form DC6-251, CMI and II Canteen Order, effective date April 8, 2004.~~

~~(j) Form DC6-252, CMIII Canteen Order, effective date April 8, 2004.~~

(k) through (n) renumbered (i) through (l) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 2-1-01, Amended 12-16-01, 4-8-04, _____.

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: August 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Inmate Telephone Use

RULE NO.:

33-602.205

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that inmates are not allowed to place business telephone numbers or cell phone numbers on their telephone lists.

SUMMARY: The proposed rule provides that inmates are not allowed to place business telephone numbers or cell phone numbers on their telephone lists.

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: 20.315, 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:

33-602.205 Inmate Telephone Use.

(1) No change.

(2) Inmate telephone procedures will be conducted as follows:

(a) To initiate telephone privileges, inmates shall complete Form DC6-223, Inmate Telephone Agreement and Number List. Each inmate is limited to no more than 10 names and numbers of persons he or she wishes to access. Inmates shall not be allowed to telephone any person not on this list except as outlined in paragraph (3)(a) and subsection (4) of this rule. Inmates shall not make three-way telephone calls nor make calls to numbers on the list which are then transferred to other telephone numbers. Inmates shall not be allowed to include business telephone numbers or cell phone numbers on the list.

(b) The reception center classification staff shall compile the inmate calling list through use of Form DC6-223, in conjunction with the acquisition of the inmate visiting list. Form DC6-223 shall become part of the inmate's permanent file and shall accompany the inmate with each subsequent transfer. Form DC6-223 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. The effective date of this form is February 4, 2003.

(c) through (15) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03, 12-30-03, _____.

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: August 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Ambulatory Surgical Center Services

RULE NO.: 59G-4.020

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2004. Appendix A of the handbook contains the 2004 procedure codes and payment groups in effect for dates of service beginning on January 1, 2004. The handbook has been revised, policy updated, and the Health Insurance Portability and Accountability Act (HIPAA) requirements for providers has also been incorporated. The effect will be to incorporate in the rule the current Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUMMARY: The proposed rule incorporates by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2004. The handbook update consists of covered code and payment group revisions to Appendix A, Ambulatory Surgical Center Procedure Codes and Groups, routinely updated every year. The revised code list is effective for dates of service beginning on January 1, 2004. The handbook was revised, policy updated, and the Health Insurance Portability and Accountability Act (HIPAA) requirements were also incorporated in the rule.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 9:00 a.m., Monday, October 18, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Melissa Bassett, Medical Health Care Program Analyst, Bureau of Medicaid Services, 2728 Fort Knox Boulevard, Building 3, Tallahassee, Florida 32308, (850)922-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, ~~January 2004~~ ~~July 2003~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001 ~~5-020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03, 2-17-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Melissa Bassett

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE CHAPTER TITLE: Florida Information Technology Life Cycle Policies and Standards

RULE CHAPTER NO.: 60DD-7

RULE TITLES: Purpose; Definitions; Policy; and Applicability

RULE NOS.: 60DD-7.001

Project Management Methodology

60DD-7.002

Information Systems Development Methodology (ISDM)

60DD-7.003

Initiation Phase

60DD-7.004

Needs Assessment or Feasibility Phase

60DD-7.005

Planning Phase

60DD-7.006

Requirements Analysis Phase

60DD-7.007

Design Phase

60DD-7.008

Acquisition/Development Phase

60DD-7.009

Integration, Testing and Acceptance Phase

60DD-7.010

Implementation Phase

60DD-7.011

Operations and Maintenance Phase

60DD-7.012

Disposition Phase

60DD-7.013

Standards Adopted

60DD-7.014

PURPOSE, EFFECT AND SUMMARY: The purpose and effect of the Florida Information Technology Life Cycle Policies and Standards is to promulgate state policies regarding information technology projects and to define minimum standards and provide a best practice model which establishes the framework and processes for a structured approach to the complete life cycle management of information technology resources.

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(16) FS.

LAW IMPLEMENTED: 282.102(2) FS.

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

TIME AND DATE: 9:00 a.m., Monday, October 25, 2004

PLACE: Betty Easley Center, 4075 Esplanade Way, Room 166, 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: Matthew Kimball, (850)922-5511, Matt.Kimball@MyFlorida.com

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dee Lopez, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 280K, Tallahassee, Florida 32399-0950, (850)922-7573, Dee.Lopez@MyFlorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

60DD-7.001 Purpose; Definitions; Policy; and Applicability.

(1) Purpose.

(a) Rules 60DD-7.001-.014, F.A.C., shall be known as the Information Technology Life Cycle Policies and Standards.

(b) It is the intent of this rule chapter to establish an Information Technology (IT) Life Cycle which provides a flexible framework for approaching a variety of information technology projects. Primary emphasis is placed on the information and systems decisions to be made and the proper timing of decisions. The framework enables system developers, project managers, program/account analysts, and business/system owners and users to combine activities, processes and products, as appropriate, and to select the tools and methodologies best suited to the unique needs of each project. The purpose of the Information Technology Life Cycle is to:

1. Establish a common Project Management Methodology identifying the phases of an information technology project, specific processes to be performed within each phase and standard tasks that comprise each process.

2. Establish a common Information Systems Development Methodology outlining procedures, practices, and guidelines governing the initiation, concept development, planning, requirements analysis, design, development, integration and test, implementation, operations, maintenance and disposition of information technology.

3. Define minimum standards and provide a best practice model which establishes the framework and processes for a structured approach to the complete life cycle management of information technology resources. Standards are required administrative procedures or management controls utilizing current, open, non-proprietary or non-vendor specific technologies.

(c) The Project Management Methodology and the Information Systems Development Methodology are two different parts of the Information Technology Life Cycle that work in conjunction with one another: Project Management defines how to manage a project; the Information Systems Development Methodology describes the tasks that must be completed to produce a product or service.

(2) Definitions.

(a) The following terms are defined:

1. Acceptance Management – A process to be used throughout a project to obtain approval from an authorized Customer Decision Maker for work done on the project to date. This process is defined and included in the Project Plan. The approval at each phase means the deliverable(s) are completed to the satisfaction of the Customer. In order for a deliverable to be considered “complete” and “acceptable” it is measured against pre-determined acceptance criteria.

2. Agency – Those entities described in Section 216.011(1)(qq), F.S.

3. Availability Date – The date, as established by a holding agency, on which information technology equipment to be released as surplus will be removed from the operational environment.

4. Best Practice – A technique or methodology that, through experience and research, has proven to reliably lead to a desired result. A commitment to using the best practices in any field is a commitment to using all the knowledge and technology at one’s disposal to ensure success.

5. Change Control Board – A formally constituted group of stakeholders (including the Project Sponsor) responsible for approving or rejecting changes to the project.

6. Change Management – Provides methods to identify, track, evaluate, and integrate requested changes to the scope of the project. Each change request is documented and submitted

for approval by the project’s Change Control Board (CCB). All requests (approved or not) are logged and tracked by the Project Manager.

7. Comprehensive Risk Analysis – A process that systematically identifies valuable system resources and threats to those resources, quantifies loss exposures (i.e. loss potential) based on estimated frequencies and costs of occurrence, and recommends how to allocate resources to countermeasure so to minimize total exposure. The analysis lists risks in order of cost and criticality, thereby determining where countermeasures should be applied first.

8. Communication Plan – Defines how information about the project will be delivered to project team members, sponsor(s), stakeholders, business owners, and Users. The Plan details the method (i.e., e-mail, reports, meetings) and frequency of communication by whom and to whom.

9. Configuration Management – A discipline applying technical and administrative direction to identify and document the functional and physical characteristics of a system component, control changes to those characteristics, record and report change processing and implementation status, and verify compliance with specified requirements.

10. Customer – members of the Organization(s) that identified the need for the product or service the project will develop. A Customer may or may not be a User.

11. Customer Decision-Makers – Those members of the Customer community of the Organization who have been designated to make project decisions on behalf of major business units that will use, or will be affected by, the product or service the project will deliver.

12. Customer Representatives – Members of the Customer community of the Organization that are identified and made available to the project for their subject matter expertise. Their main responsibility is to accurately represent the Organization’s business needs, act as a liaison between the Project Team and the Organization, participate in testing the product or service, and using and evaluating the product or service while providing feedback to the Project Team.

13. Deliverable – A product or service satisfying one or more objective of the project.

14. Digital Divide Council – A State Technology Office program permitting governmental entities in Florida to list surplus equipment to determine whether community centers or not-for-profit entities are eligible to and wish to receive surplus information technology equipment free of charge.

15. Holding Agency – Any agency as defined in Section 282.0041(1), F.S., which has accountability for the information technology equipment to be declared surplus.

16. Information Systems – The application programs and databases used by state agencies to carry out agency missions and responsibilities.

17. Information Systems Development Methodology – A set of principles, practices and procedures which is used to define, develop, and implement information systems. An information systems development methodology guides the sequence of working tasks, defines task prerequisites and results, and establishes key checkpoints. It may also identify the resources, tools and techniques to be used for a task or set of tasks.

18. Information Systems Development Tools and Techniques – Specific strategies or standardized methods or procedures to guide the execution of one or more systems development tasks. Prototyping, joint applications design, structured analysis and design, information engineering, object-oriented design, reverse engineering, and structured programming are examples of systems development methods. Computer-aided software (or systems) engineering (CASE) products, fourth-generation languages and data dictionaries are examples of automated tools and enabling technologies that are used in conjunction with information systems development methodologies.

19. “Information Technology,” “Information Technology Resources,” “Information Resources,” or “Information Technology System” – Any transmission, emission or reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, or other electromagnetic systems and includes all facilities and equipment owned, leased, or used by all agencies and political subdivisions of state government, and a full-service information-processing facility offering hardware, software, operations, integration, networking and consulting services.

20. Information Technology Equipment – Information technology equipment designed for the automated storage, manipulation, or retrieval of data by electronic or mechanical means, or both, including, but not limited to, central processing units, including mini-processors and micro-processors, and related peripheral equipment such as data storage devices, document scanners, data entry, terminal systems, computer-related word processing systems and equipment and systems for computer networks.

21. Issue Management and Escalation – A process for capturing, reporting, escalating, tracking, and resolving problems that occur as a project progresses.

22. Maintenance Services – The remedial or preventive procedures performed on information technology equipment.

23. Networks or networking – Networks provide design, programming, development and operational support for local area networks (“LANs”), wide area networks (“WANs”) and other networks. Networks support client/server applications, telephony support, high-speed or real-time audio and video support and may develop and/or utilize bridges, routers, gateways and transport media.

24. Organization – A business unit within an agency that identifies a business need(s) for the product or service the project will develop. Frequently an Organization will identify key Customer Representatives and Customer Decision-Makers.

25. Phase – A series of processes organized into a distinct stage of project development. The end of a project phase usually coincides with the approval of a major deliverable.

26. Platform – The foundation technology of a computer system. The hardware and systems software that together provide support for an application program and the services they support.

27. Process – A series of actions bringing about a result.

28. Project – A temporary endeavor undertaken to create a unique product or service.

29. Project Manager – The person responsible for ensuring that the Project Team completes the project. The Project Manager develops the Project Plan with the team and manages the team’s performance of project tasks. It is also the responsibility of the Project Manager to secure acceptance and approval of deliverables from the Project Sponsor and Stakeholders.

30. Project Sponsor – A manager with demonstrable interest in the outcome of the project who is responsible for securing spending authority and resources for the project. Ideally, the Project Sponsor should be the highest-ranking manager possible, in proportion to the project size and scope. The Project Sponsor initiates the Project Proposal process, champions the project in the Organization, approves major deliverables, signs off on approvals to proceed to each succeeding project phase and is the ultimate decision-maker for the project. The Project Sponsor may elect to delegate any of these responsibilities to other agency personnel.

31. Project Team – One or more resources responsible for executing tasks and producing deliverables as outlined in the Project Plan and directed by the Project Manager, at whatever level of effort or participation that has been defined for them.

32. Provider – A third party such as contractor, vendor or private organization providing products, services or support.

33. Quality Assurance – Evaluation of project performance on a regular basis to ensure that the project will satisfy the established quality standards.

34. Quality Control – Monitoring of project results to ensure compliance with the appropriate established quality standards and to eliminate causes of non-compliance.

35. Quality Standards – Criteria established to ensure that each deliverable created meets a certain level of quality agreed to by the Customer and Project Manager.

36. Repairs required – FAIR – Required repairs are considerable and are estimated to range from 16 percent to 40 percent of original acquisition cost.

37. Repairs required – GOOD – Required repairs are minor and should not exceed 15 percent of the original acquisition cost.

38. Repairs required – POOR – Required repairs are major because property is badly damaged, worn or deteriorated, and are estimated to range from 41 percent to 65 percent of the original acquisition cost.

39. Risk – The likelihood or probability that a loss of information resources will occur.

40. Risk Analysis, risk assessment – See: Comprehensive Risk Analysis.

41. Risk Management – Decisions and subsequent actions designed to accept exposure or to reduce vulnerabilities by either mitigating the risks or applying cost effective controls.

42. Systems Development – Refers to all actions, functions or activities performed by agencies for the purpose of defining, acquiring, developing, enhancing, modifying, testing, or implementing information systems.

43. User – An individual or Organization who operates or interacts directly with the system; one who uses the services of a system. This user may or may not be the Customer.

(b) Other terms shall have their commonly understood meaning.

(3) Policy. It is the policy of the State of Florida that all state follow a structured Information Systems Development Methodology in managing information technology resources. Due to a wide variance in methods, techniques and tools used to support the evolution of systems, the Information Technology Life Cycle set forth in this rule:

(a) Defines a set of phases, tasks, activities and deliverables that are normally associated with information technology projects;

(b) Identifies a minimal set of tasks and activities that can be used to provide required deliverables;

(c) Provides a flexible set of phases, tasks, activities and deliverables that allow for variations in size, scope and complexity of information technology projects; and

(d) Provides a framework that can accommodate the use of various systems development methodologies, tools and techniques.

(4) Applicability.

(a) The Information Technology Life Cycle Policies and Standards of this rule chapter apply to all entities described in Section 216.011(1)(qq), F.S. As set forth in Section 282.3031, F.S., the functions of information resources management are assigned to the university boards of trustees; to the community college boards of trustees for the community colleges; to the Supreme Court for the judicial branch; to each state attorney and public defender; and to the State Technology Office for the agencies within the executive branch of state government.

(b) Exceptions. The policies and standards set forth in this rule chapter shall not affect the supervision, control, management or coordination of information technology and information technology personnel that any cabinet officer listed in s. 4, Art. IV, Florida Constitution deems necessary for the exercise of his or her statutory or constitutional duties.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History—New _____.

60DD-7.002 Project Management Methodology.

(1) Key Principle. The Project Management Methodology set forth in this rule chapter is aligned with the *Project Management Institute's (PMI®) Guide to the Project Management Body of Knowledge (PMBOK®)*, the recognized American National Standards Institute standard, incorporated by reference at subsection 60DD-7.014 (1), F.A.C.

(2) Project Management Methodology Overview. While no two projects are alike, all projects should progress through the same five project management phases:

(a) Project Origination – In this phase an individual proposes a project to create a product or develop a service that addresses a need for the Organization. The Organization submits the Project Proposal to an evaluation and selection process. If selected, a budget or further management commitment for the project is required before a Project Manager is assigned and the project is authorized to progress to Project Initiation. Processes include:

1. Develop a Project Proposal – Tasks include developing a Business Case and a Proposed Solution.

2. Evaluate a Project Proposal – Tasks include presenting, evaluating and optionally rating the Project Proposal using predetermined evaluation criteria.

3. Accepting or rejecting the Project Proposal.

(b) Project Initiation – A Project Manager is assigned and works with the Project Sponsor to identify the necessary resources and team members needed to further develop the key project parameters: Cost, Scope, Schedule and Quality. The Project Team documents its charge in the form of a Project Charter, which is based on the Project Proposal, which includes the initial Business Case. Approval of the Project Charter by the Project Sponsor authorizes the designated team to begin the initial planning effort. The initial Project Plan differs in the level of detail and the validity of its estimates from Project Origination, and must be at a level sufficient to acquire any additional resources needed to progress. The Project Plan also includes plans for involving and communicating with all parties that are affected by the project, as well as identification of an initial set of foreseeable risks that can threaten the project. At the conclusion of Project Initiation, based on the initial planning documents, the Business Case is revised and re-evaluated and a decision is made to either halt the project or proceed to Project Planning. Processes include:

1. Preparing for the Project – Tasks include identifying a Project Sponsor, identifying the initial Project Team, reviewing historical information, developing a Project Charter, conducting a Project Kick-Off Meeting and Establishing a Project Repository.

2. Defining the Cost, Scope, Schedule and Quantity – Tasks include defining the Project Scope, developing a high-level Schedule, identifying Quality Standards and establishing a Project Budget.

3. Performing Risk Identification – Tasks include identifying and documenting Risks.

4. Developing Initial Project Plan – Tasks include identifying and documenting Stakeholders' involvement in project, developing a Communication Plan, and compiling/gathering all information to produce the initial Project Plan.

5. Confirming Approval to Proceed to Next Step – Tasks include reviewing and refining the Business Case, preparing Formal Acceptance package, and gaining Approval Signature from Project Sponsor.

(c) Project Planning – This phase builds on the work done in Project Initiation, refining and augmenting Cost, Scope, Schedule, Quality and Project Plan deliverables. A number of key elements are added to the Project Plan, including project-specific items such as change control, acceptance management and issue management, as well as items such as organizational change management and project transition. The initial list of project risks is augmented, and detailed mitigation plans are developed. Project Planning marks the completion of the Project Plan. At the conclusion of Project Planning, the Business Case is revised and re-evaluated based on the completed planning documents and a decision is again made to either halt the project or commit the resources necessary for Project Execution and Control. Processes include:

1. Conducting Project Planning Kick-Off – Tasks include orienting new Project Team Members, reviewing outputs of Project Initiation and current Project Status, and kicking off project planning.

2. Refining the Cost, Scope, Schedule and Quality parameters – Tasks include refining the Project Scope, Project Schedule, Quality Standards and Quality Assurance activities and the Project Budget.

3. Performing Risk Assessment – Tasks include identifying new Risks and updating existing Risks as needed, quantifying the Risks and developing a Risk Management Plan.

4. Refining the Project Plan – Tasks include defining Change Control, Acceptance Management, Issues Management and Escalation processes, refining the Communications Plan, defining the Organizational Change Management Plan, establishing Time and Cost Baseline, developing the Project Team, and developing the Project Implementation and Transition Plan.

5. Confirming Approval to Proceed to Next Phase – Tasks include reviewing and refining the Business Case, preparing the Formal Acceptance package, and gaining Approval Signature from the Project Sponsor.

(d) Project Execution and Control – The phase where most of the resources are applied/expended on the project. The primary task of the Project Manager during this phase is to manage and control the tasks on the defined project Schedule to develop the product or service the project is expected to deliver and manage the project's budget, scope, schedule and risks. The Project Manager uses the processes and plans prepared during Project Initiation and Project Planning to manage the project, while preparing the business organization for the implementation of the product/service and for transitioning the product/service responsibility from the Project Team to the Organization. Processes include:

1. Conducting Project Execution and Control Kick-Off – Tasks include orienting new Project Team Members (as needed), reviewing outputs of Project Planning, and kicking-off Project Execution and Control.

2. Managing Cost, Scope, Schedule and Quality parameters – Tasks include managing the Project Scope, Project Schedule and Project Budget, and implementing Quality Control.

3. Monitoring and Controlling Risks – Tasks include monitoring and controlling Risks and impact Risks have on Costs, Scope, Schedule and Quality.

4. Managing Project Execution – Tasks include managing Change Control processes, acceptance of Deliverables, managing Issues, executing the Communication Plan, managing Organizational Change, managing the Project Team, and managing the Project Implementation and Transition Plan.

5. Gaining Project Acceptance – Task include conducting the Final Status Meeting and gaining Acceptance Signature from the Project Sponsor.

(e) Project Closeout – In this last phase the Project Team assesses the outcome of the project, as well as the performance of the Project Team and the Organization. This assessment is accomplished primarily through soliciting and evaluating feedback from Customers, Project Team members, Consumers and other Stakeholders. The primary purpose of this assessment is to document best practices and lessons learned for use on future projects. Key project metrics are also captured to enable the business Organization to compare and evaluate performance measurements across projects. Processes include:

1. Conducting the Post-Implementation Review – Tasks include soliciting Feedback, conducting Project Assessment, and preparing the Post-Implementation Report.

2. Performing Project Closeout – Tasks include updating skills inventory, providing performance feedback, and archiving Project Information (repository).

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS.
History—New _____.

60DD-7.003 Information Systems Development Methodology (ISDM).

(1) Key Objectives. The Information Technology (IT) Life Cycle outlines proven business practices to system developers, project managers, program/account analysts and business/system owners and users throughout agencies. Key objectives include:

- (a) To reduce the risk of project failure;
- (b) To consider system and data requirements throughout the entire life of the system;
- (c) To identify technical and management issues early;
- (d) To disclose all life cycle costs to guide business decisions;
- (e) To foster realistic expectations of what the systems will and will not provide;
- (f) To provide information to better balance programmatic, technical, management and cost aspects of proposed system development, modification and retirement;
- (g) To encourage periodic evaluations to identify systems are no longer effective;
- (h) To measure progress and status for effective corrective action;
- (i) To support effective resource management and budget planning; and
- (j) To consider meeting current and future business requirements.

(2) Key Principle.

(3) Information Systems Development Methodology Overview. While no two development efforts are exactly alike, there are ten standard phases and processes that all systems development projects should follow:

(a) Initiation – In Initiation, agency management, usually the Project Sponsor, determines it is necessary to enhance a business process through the application of information technology. An initial Business Case is prepared.

(b) Needs Assessment or Feasibility – The Business Case developed during Initiation is re-examined to ensure it is still appropriately defined and address an existing business need.

(c) Planning – This validation effort provides the Project Team with the basis for a detailed schedule defining the steps needed to obtain a thorough understanding of the business requirements and an initial view of staffing needs.

(d) Requirements Analysis – In Requirements Analysis, the needs of the Organization are captured in as much detail as possible. The Project Manager leads the Project Team in working with the Customers to define what the new system must do. By obtaining a detailed and comprehensive understanding of the business requirements, the Project Team can develop the Functional Specification that will drive the system design.

(e) Design – Design builds upon the work performed during Requirements Analysis, and results in a translation of the functional requirements into a complete technical solution. This solution dictates the technical architecture, standards, specifications and strategies to be followed throughout the building, testing and implementation of the system. The completion of Design also marks the point in the project at which the Project Manager should be able to plan, in detail, all future project phases.

(f) Acquisition/Development – Throughout Acquisition/Development, the Project Team builds and tests the various modules of the application, including any utilities that will be needed during Integration, Testing and Acceptance. As system components are built, they will be tested both individually and in logically related and integrated groupings until such time as a full system test has been performed to validate functionality. Documentation and training materials are also developed during this phase.

(g) Integration, Testing and Acceptance – During Integration, Testing and Acceptance, the focus of system validation efforts shifts from those team members responsible for developing the application to those who will ultimately use the system in the execution of their daily responsibilities. In addition to confirming that the system meets functional expectations, activities are aimed at validating all aspects of data conversion and system deployment.

(h) Implementation – The system or system modifications are installed and become operational during the Implementation. Activities include training, installation of the system in a production setting, and transition of ownership of the system from the Project Team to the Organization.

(i) Operations and Maintenance – This phase represents more than half the life cycle costs. In this phase, it is essential that all facets of operations and maintenance are performed and the system checked to ensure that it meets the needs initially stated in the Planning phase.

(j) Disposition – The Disposition Phase will be implemented to either eliminate a large part of a system or, as in most cases, close down a system and end the life cycle processes. The system, or hardware in this phase has been declared surplus or obsolete and will be scheduled for shut-down.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS.
History—New _____.

60DD-7.004 Initiation Phase.

(1) Objective. Information Technology projects may be initiated as a result of change in federal, state or local law, change in agency business functions, business process improvement, or improvement in information technology. The purposes of the Initiation Phase are to:

- (a) Identify and validate an opportunity to improve business accomplishments of the Organization or a deficiency related to a business need;

(b) Identify significant assumptions and constraints on solutions to the stated need; and

(c) Recommend the exploration of alternative concepts and methods to satisfy the need.

(2) Tasks and Activities. The following activities shall be performed as part of the Initiation Phase:

(a) A Business Case should be clearly expressed in business terms. Sufficient detailed background should be provided to explain history, issues and customer service opportunities that can be realized through improvements to business processes with the potential support of information technology. A predetermination of a specific automated solution, tool or product should be made.

(b) A Project Sponsor should be appointed by the Organization to act as the principal authority on matters regarding the business need(s), the interpretation of functional requirements, and the mediation of issues regarding the priority, scope and domain of business requirements.

(3) Deliverables. The following deliverables shall be initiated during the Initiation Phase:

(a) Business Case – This may also be called a Concept Proposal, Project Proposal or Statement of Need. It identifies the business need, agency strategic goals not currently being met or mission performance needs to be improved.

(b) Other documents as required by agency.

(4) Phase Review and Approvals. Approval will be annotated on the Concept Proposal by the Project Sponsor and the Agency Chief Information Officer.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History–New _____.

60DD-7.005 Needs Assessment or Feasibility Phase.

(1) Objective. Needs Assessment or Feasibility assessment begins when the Business Case has been formally approved and additional analysis needed prior to the beginning of system development. Depending on the size, scope and complexity of the business need, a Feasibility Study may be required in lieu of a standard Needs Assessment.

(2) Tasks and Activities. The following activities shall be performed as part of the Needs Assessment or Feasibility Phase:

(a) The Project Team, if appointed at this phase, or business or technical experts should analyze all feasible technical, business process, and commercial alternatives which may meet the business need. Each alternative should then be analyzed in terms of life cycle cost, technical capability and schedule availability.

(b) A high-level baseline of schedule, cost, and performance measures should be prepared. The baseline estimates will be refined in subsequent phases.

(c) An Acquisition Strategy may be prepared which identifies who will accomplish the required work (such as in-house staff, external contractors, hosted solution). An

Acquisition Strategy may deal with issues such as currently available technologies, or Commercial Off-the-Shelf (COTS) solutions.

(d) An initial Risk Analysis should be performed which identifies any programmatic or technical risks and documented in a Risk Management Plan and possibly the Cost Benefit Analysis.

(e) Project Funding, staff and other resources should be clearly identified.

(3) Deliverables. The following deliverables shall be initiated during the Needs Assessment or Feasibility Phase:

(a) A Needs Assessment or Feasibility Study which identifies the scope, high-level requirements, benefits, business assumptions, and program costs and schedules. It records management decisions on the proposed system. If a Feasibility Study is required, it should also address whether feasible solutions exist before full life cycle resources are committed, as well as how the Organization will operate once the approved system is implemented and assess how the system will impact employees and customers.

(b) A Cost Benefit Analysis which identifies cost or benefit information for analyzing and evaluating alternative solutions to a problem and for making decisions about initiating, and continuing, the development of information technology systems. The analysis should clearly indicate the Total Cost of Ownership over the life of the system, or at least projected to five or more years.

(c) A high-level Project Spending Plan which addresses all proposed project and implementation costs.

(d) A Risk Management Plan which identifies project risks and specifies the plans to reduce or mitigate the risks.

(e) Other documents as required by agency.

(4) Approvals. Results of this phase should be presented to all Stakeholders and Customer Decision Makers, along with a recommendation to:

(a) Proceed to next phase; or

(b) Continue additional Needs Assessment or Feasibility analysis; or

(c) Terminate the project.

(5) Phase Review and Approvals. Approval will be annotated on the Business Case by the Project Sponsor, the Agency Chief Information Officer, and any other agency staff as needed (for example, Budget or Planning Officer).

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History–New _____.

60DD-7.006 Planning Phase.

(1) Objective. To ensure the products or services being acquired or developed provide the required capability on-time and within budget, items such as project resources, activities, schedules, tools, and reviews are clearly defined.

(2) Tasks and Activities. The following activities shall be performed as part of the Planning Phase:

(a) The Acquisition Strategy is reviewed and the role of system development contractors is reviewed and finalized. For example, one strategy option may include system contractors to be used in the Requirements Analysis Phase. In this case, the Planning Phase must include solicitation preparation and source selection of the participating contractors.

(b) The Project Schedule should be refined taking into account risks and resource availability.

(c) All processes to be used for the remainder of the project should be clearly identified. This may result in establishing teams or work groups for creating, gathering or adapting/adopting processes such as quality assurance, configuration management, change management and change control.

(d) Establish relationships and agreements with internal and external organizations that will be involved with the project.

(e) Develop the Project Management Plan which will be used to execute the management aspects of the project. A Work Breakdown Structure should also be created at this time.

(f) Study and analyze security implications of the technical alternatives and ensure the alternatives address all aspects or constraints imposed by security requirements. These may be documented in a System Security Plan as needed.

(g) Depending on the Acquisition Strategy, the Planning Phase may be used to plan the solicitation and the selection criteria for awarding all external acquisition solutions, or the Planning Phase may be delayed until the completion of the Requirements Analysis Phase in order to distribute the detailed Functional Requirements Document to prospective vendors.

(3) Deliverables. The following deliverables shall be initiated during the Planning Phase.

(a) An Acquisition Plan which addresses how all state resources, contractor support services, hardware, software, security, telecommunications and other resources as needed will be acquired during the life of the project.

(b) A Configuration Management Plan shall be prepared which describes the process that will be used to identify, manage, control and audit the project's configuration. This plan should also define the configuration management structure, roles and responsibilities to be used in executing these processes.

(c) A Quality Assurance Plan shall be prepared which documents that the delivered products or services satisfy contractual agreements, and meet or exceed quality standards established in the prior phase.

(d) A System Security Plan shall be prepared consistent with the Florida Information Resource Security Policies and Standards detailing the types of information technology security required based, at a minimum, on the type of information being processed and the degree of sensitivity.

(e) A Project Management Plan, or Project Plan, shall be prepared for all projects regardless of size or scope. It shall document the required job tasks, schedule, allocated resources and interrelationships with other projects, milestones and review requirements.

(f) A Performance Management Plan shall be prepared that identifies the performance measurements, and associated metrics, that will be satisfied by completion of the project.

(g) An initial Testing or Validation Plan may be prepared at this phase, or delayed until the Requirements Analysis Phase.

(h) Other documents as required by agency.

(4) Phase Review and Approvals. The Project Manager, together with the Project Team, will prepare and present a Project Status Review for the Project Sponsor and all Customer Decision Makers and Stakeholders (as needed). The review should address:

(a) Planning Phase activities status;

(b) Planning Status for subsequent phases – emphasizing details of next phase;

(c) Resource Availability; and

(d) Outstanding Issues or Risks.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History--New _____.

60DD-7.007 Requirements Analysis Phase.

(1) Objective. The Requirements Analysis Phase begins when the Project Sponsor has approved all Planning documents associated with the project. The analysis gathered in this phase may reveal new insights into the overall information systems requirements. When this occurs, all deliverables will be revised to reflect the updated analysis. The emphasis should be on determining what functions must be performed, rather than how to perform those functions. Information gathered in this phase includes:

(a) Inputs,

(b) Processes (described at the functional level),

(c) Outputs,

(d) Interfaces, and

(e) Other agency requirements as needed.

(2) Tasks and Activities. The following activities shall be performed as part of the Requirements Analysis Phase:

(a) Analyze and Document Requirements. Project Team members should analyze the intended use of the system and specify the functional and data requirements. Data and workflow diagrams, entity-relationship diagrams and/or process models may be prepared to represent relationships between business functions and required data. A high-level technical architecture and logical design may be prepared that describes the key processes and data needed to support the desired business functionality. Users and business area experts

should be used to evaluate all identified processes and data structures to ensure accuracy and completeness. Items to be evaluated include:

1. Functional and capability specifications, including performance, physical characteristics and environmental conditions;

2. External interfaces;

3. Safety specifications, including those related to operations and maintenance, environment, personal injury;

4. Security specifications;

5. Data definitions and database requirements;

6. Installation and acceptance requirements;

7. User documentation; and

8. User operation and maintenance requirements.

(b) Develop Test Criteria and Plan. If not begun earlier, identify test criteria and prepare Test Plan. The Test Plan will include information about the test environment, what tests will be performed, test procedures, and traceability back to the business requirements.

(c) Develop Interface Control Document. If there are any external interfaces, identify each interface, the data exchanged and security requirements.

(d) Conduct a Functional and Data Requirements Review to validate that all requirements are sufficiently detailed and can be tested.

(3) Deliverables. The following deliverables shall be initiated during the Requirements Analysis Phase:

(a) A Functional Requirements Document shall be prepared which will serve as the foundation for system design and development.

(b) A Test or Validation Plan shall be prepared which ensures that all aspects of the system are properly tested and can be implemented. The Test Plan shall identify the scope, content, methodology, sequence, management of, and responsibilities for test activities. Acceptance tests shall be performed in a test environment that duplicates the production environment as much as possible. Types of testing include:

1. Unit/module testing;

2. Subsystem integration testing;

3. Independent security testing;

4. Functional qualification testing;

5. User acceptance testing; and

6. Beta testing.

(c) An Interface Control Document which provides an outline for use in the specification of requirements imposed on one or more systems, subsystems or other system components.

(4) Phase Review and Approvals. The Project Manager, together with the Project Team, will prepare and present a Project Status Review for the Project Sponsor and all Customer Decision Makers and Stakeholders (as needed). The review should address:

(a) Requirements Analysis Phase activities status;

(b) Planning Status for subsequent phases – emphasizing details on next phase to include pending contract actions;

(c) Resource Availability; and

(d) Outstanding Issues or Risks.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History--New _____.

60DD-7.008 Design Phase.

(1) Objective. The objective of the Design Phase is to transform the detailed, defined Functional Requirements into complete detailed Functional Specifications. The decisions made in this phase address, in detail, how the system will meet the defined functional, physical, interface, and data requirements. Design Phase activities may be iterative, producing first a general system design that outlines the functional features of the system, then a more detailed design that expands the general design by providing all technical data.

(2) Tasks and Activities. The following tasks and activities performed during the Design Phase may vary depending on the project:

(a) Identify the Development, Testing and Production Environments. Describe the architecture where the application/software will be developed and tested and who is responsible for this activity.

(b) Design the Application. Identify general system characteristics and data storage and access requirements for any database(s). Also identify all user interfaces, business rules and application logic. A top-level architecture of the system should be documented identifying all hardware, software and manual operations.

(c) Begin written documentation that will ensure continued operation of the system once it is completed.

(d) A Preliminary Design Review may be performed at this point to ensure the initial design concept is consistent with the overall architecture and satisfies the functional, security and technical requirements specified in the Functional Requirements Document.

(e) A User Manual or other user documentation may be initially drafted for all intended end-users. Be sure to address Americans with Disabilities Act (ADA) requirements.

(f) Design Conversion/Migration/Transition Strategies that may be needed when converting current information to the new system.

(g) Conduct a Security Risk Assessment which addresses assets, threats, vulnerabilities, likelihood, consequences and safeguards of all system components. The Risk Assessment should be evaluated for compliance with baseline security requirements.

(h) Conduct a Critical Design Review of all design documents at the end of the Design Phase and verify that all functional, security, and technical requirements are consistent with the overall architecture.

(3) Deliverables. The following deliverables shall be initiated during the Design Phase:

(a) A Security Risk Assessment which will identify the threats and vulnerabilities of the system to determine the risks and address appropriate and cost-effective measures.

(b) A Conversion Plan describing the strategies involved in converting data from an existing system to another hardware or software environment. The original system's functional requirements should be re-examined, if possible, to determine if the original requirements are still valid.

(c) A Systems Design Document which describes the system requirements, operating environment, system and subsystem architecture, files and database design, input formats, output layouts, user interfaces, detailed design, processing logic and all external interfaces. It is used in conjunction with the Functional Requirements Document to provide a complete system specification of all user requirements for the system. The Systems Design Document should reflect the user's perspective of the system design.

(d) An Implementation Plan should be prepared which describes how the information system will be deployed and installed into an operational system. The plan should contain an overview of the system, a brief description of the major tasks required for implementation, the overall resources needed to support the implementation effort (including hardware, software, facilities, materials, staffing resources), and any site-specific requirements.

(e) An Operations Manual or System Administration Manual Depending on environment (such as mainframes), these manuals include a detailed operational description of the information system and its associated environment.

(f) A Training Plan should be prepared which outlines the objectives, needs, strategy and curriculum to be address when training users on the new or enhanced system.

(g) A User Manual should be prepared (if not already started) which contains all essential information for the user to make full use of the information system. This manual should include a description of the system functions and capabilities, contingencies and alternate modes of operation, and step-by-step procedures for system access and use.

(4) Phase Review and Approvals. The Project Manager, together with the Project Team, will prepare and present a Project Status Review for the Project Sponsor and all Customer Decision Makers and Stakeholders (as needed). The review should address:

(a) Design Phase activities status;

(b) Planning Status for subsequent phases – emphasizing details on the next phase to include pending contract actions;

(c) Resource Availability; and

(d) Outstanding Issues or Risks.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History—New.

60DD-7.009 Acquisition/Development Phase.

(1) Objective. The objective of the Development Phase is to convert the deliverables of the Design Phase into the complete information system. Although much of the activity is related to computer programs, this phase also puts into place the hardware, software, security and communications environments for the system.

(2) Tasks and Activities. The following tasks and activities performed during the Development Phase may vary depending on the project:

(a) Code and Test Software according to agency standards and approved specifications.

(b) Integrate the software configuration items with hardware configuration items, manual operations and other systems as necessary.

(d) Install software in Development and Test environments in accordance with the Installation Plan. When the installed software product is replacing an existing system, the developer shall support any parallel activities as required. The developer shall ensure that the software code and databases initialize, execute and terminate as specified.

(e) Conduct Software Testing using approved Test or Validation Plan.

(3) Deliverables. The following deliverables shall be initiated during the Acquisition/Development Phase:

(a) A Contingency Plan which contains emergency response procedures; backup arrangements, procedures, and responsibilities; post-disaster recovery procedures and responsibilities. Contingency Plans shall be routinely reviewed, updated and tested to enable vital operations and resources to be restored as quickly as possible.

(b) A Software Development Document shall be prepared which contains documentation pertaining to the development of each unit or module, including test cases, software, test results, approvals and any other items that will help explain the functionality of the software.

(c) The actual System Software.

(d) Test Files and Data shall be provided by the end of this phase.

(e) An Integration Document which explains how the software components integrate with the hardware components.

(4) Phase Review and Approvals. The Project Manager, together with the Project Team, will prepare and present a Project Status Review for the Project Sponsor and all Customer Decision Makers and Stakeholders (as needed). The review should address:

(a) Acquisition/Development Phase activities status;

(b) Planning Status for subsequent phases – emphasizing details on the next phase to include pending contract actions;

(c) Resource Availability; and

(d) Outstanding Issues or Risks.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History--New _____.

60DD-7.010 Integration, Testing and Acceptance Phase.

(1) Objective. The objective of this phase is to prove that the developed system satisfies the requirements defined in the Functional Requirements Document. Several types of tests may be conducted at this phase, including user acceptance testing, which should be done in a simulated "real" user environment.

(2) Tasks and Activities. The following tasks and activities performed during the Integration, Testing and Acceptance Phase may vary depending on the project:

(a) Establish the Test Environment. If not previously completed, the final test environment should be created and all test teams in place and familiar with Test or Validation Plan.

(b) Conduct Integration Testing and Security Testing. The test database(s) should be loaded with appropriate test data and the Test or Validation Plan executed for all system tests. All results shall be documented. Failed components shall be migrated back to the Development Phase for rework and passed components moved forward to Acceptance Testing.

(c) Conduct Acceptance Testing. Whenever possible, this should be restricted to users only. Failed components should be migrated back to the Development Phase for rework and passed components moved forward to Implementation.

(3) Deliverables. The following deliverables shall be initiated during the Integration, Testing and Acceptance Phase:

(a) A Test Analysis Report which documents each test – unit/module, subsystem integration, system, user acceptance and security. This report should also include a brief summary of the perceived readiness for migration to Production.

(b) A Test Problem Report which documents problems encountered during testing.

(c) A Security Certification and Assessment, when appropriate.

(4) Phase Review and Approvals. The Project Manager, together with the Project Team, will prepare and present a Project Status Review for the Project Sponsor and all Customer Decision Makers and Stakeholders (as needed). The review should address:

(a) Integration, Testing and Acceptance Phase activities status;

(b) Planning Status for subsequent phases – emphasizing details on next phase to include pending contract actions;

(c) Resource Availability; and

(d) Outstanding Issues or Risks.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History--New _____.

60DD-7.011 Implementation Phase.

(1) Objective. In this phase the system or system modifications are installed and made operational in a Production environment. This phase is initiated after the

system has been tested (which may be an iterative process) and accepted by the Customer Decision-Makers and the Project Manager.

(2) Tasks and Activities. The following tasks and activities performed during the Implementation Phase may vary depending on the project:

(a) Notifying Users of new implementation. An implementation notice shall be sent to all users and organizations directly or indirectly affected by the implementation. The notice shall include:

1. The schedule of the Implementation;

2. A brief summary of the benefits of the system;

3. A summary of the difference between the old and new system;

4. The responsibilities of users affected by the implementation during this phase; and

5. The process to follow for system support (including contact names and phone numbers).

(b) Execute the Training Plan ensuring that all users have received adequate training prior to implementation of new system or major enhancements.

(c) Perform Data Entry or Conversion. Regardless of whether this data is manual or in an automated form, data input and verification are critical activities in this phase. Various verification methods may be used including Parallel Testing of old and new systems.

(d) Install System in Production environment.

(e) Conduct Post-Implementation Review to determine the success of the project through the Implementation Phase, recommend system enhancements and provide feedback for future similar projects. All user requests for changes to the system after Implementation should be carefully documented and evaluated with initial Functional Requirements and System Design.

(3) Deliverables. The following deliverables shall be initiated during the Implementation Phase:

(a) Delivered System. After the Implementation Phase Review, some form of approval shall be signed by the Product Manager.

(b) A Change Implementation Notice which identifies any formal requests and approvals for changes made during Implementation.

(4) Phase Review and Approvals. During the Implementation Phase Review, recommendations may be made to correct errors, improve user satisfaction or improve system performance. For contract development, analysis should be performed to determine if additional activity is within the scope of the Statement of Work or within the original contract. The Project Manager should sign-off on the final Implementation and verify the acceptance of the delivered system by the system users/owner.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History--New _____.

60DD-7.012 Operations and Maintenance Phase.

(1) Objective. The emphasis of this phase is to ensure that the users' needs are met and the system continues to perform as specified in the operational environment. Additionally, as operations and maintenance personnel monitor the current system they may become aware of better ways to improve the system and therefore make recommendations. Changes will be required to fix problems, possibly add features and make improvements to the system. This phase will continue as long as the system is in use.

(2) Tasks and Activities. The following tasks and activities performed during the Operations and Maintenance Phase may vary depending on the project:

(a) Identify Systems Operations. This may be performed by one or more users depending on the size of the system and the number of platforms. The Operations Manual should have been prepared which identifies tasks, activities and responsible parties for performing day-to-day system operations. This Manual should continue to be updated as needed. Key tasks and activities include:

1. Ensure that systems and networks are running and available during defined hours of operation;
2. Implement non-emergency requests during scheduled outages;
3. Ensure all processes (manual and automated) are documented in the operating procedures and comply with system documentation;
4. Acquisition and storage of supplies;
5. Perform backups;
6. Perform physical security functions including ensuring adequate personnel have proper security clearances and proper access privileges;
7. Ensure contingency planning for disaster recovery is current and tested;
8. Ensure users are trained on current and new processes;
9. Ensure that service level objectives are kept accurate and are monitored;
10. Maintain performance measurements, statistics, and system logs; and
11. Monitor performance statistics, reporting results and escalating problems when they occur.

(b) Maintain Data and Software Administration is needed to ensure that input and output data and databases are correct and continually checked for accuracy and completeness. This includes ensuring that regularly scheduled jobs are submitted and completed correctly. Key tasks and activities include:

1. Performing a periodic validation of data; correcting data related problems when necessary;
2. Performing Production Control and Quality Control functions;
3. Interfacing with other functional areas for day-to-day checking/corrections;

4. Installing, configuring, upgrading and maintaining databases (including updating processes, data flows and objects);

5. Developing and performing data/database backup and recovery routines for data integrity and recoverability;

6. Developing and maintaining a Performance and Tuning Plan for online processes and databases; and

7. Performing configuration/design audits to ensure software, system, parameter configurations are correct.

(c) Identify Problem Management and Change Management Process. A User Satisfaction Review or Customer Satisfaction Survey should be periodically distributed to all, or a percentage of users, to determine if systems are accurate and reliable. Additionally, System administrators and operators should have a method to make recommendations for upgrade of hardware and/or system architecture. A request for modifications to a system may result in a new project and a new project initiation plan.

(d) Maintenance of System/Software. Daily operation of the system/software may necessitate that maintenance personnel identify potential modifications needed to ensure the system continues to operate as intended, and produces quality data. Modifications may be needed to provide new capabilities or to take advantage of hardware upgrades or new releases of system and application software used to operate the system. New capabilities may begin a new problem modification process resulting in a new project and a new project initiation plan.

(e) Maintenance of System Documentation. As modifications are made to the Production Environment, all previously prepared documents should be updated. This includes: System Security Plan, Operations Manual, Contingency Plan, and others as needed.

(3) Deliverables. The following deliverables shall be initiated during the Operations and Maintenance Phase:

(a) In-Process Review Report. In-Process Reviews (IPR) shall be scheduled on a predetermined schedule (quarterly recommended, but at least once a year) to monitor performance measures against baseline measures. Results of this review may be documented in an In-Process Review Report.

(b) User Satisfaction Reports which can be used as a tool to determine the current user satisfaction with the performance capabilities of an existing application or initiate a proposal for a new system.

(4) Phase Review and Approvals. Review activities will occur periodically to determine whether:

(a) The system is operating as intended and meeting performance expectations;

(b) The system is not operating as intended and needs corrections or modifications; and

(c) The users are satisfied with the operation and performance of the system.

(d) Any major system modifications needed after the system has been implemented will follow the Information Systems Development Methodology as outlined in this rule chapter.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History--New _____.

60DD-7.013 Disposition Phase.

(1) Objective. The State Technology Office recognizes that as advancements in technology force more information technology products into the waste stream, this equipment could pose significant environmental hazards if not properly disposed or recycled. The purpose of this phase is to encourage the reuse and recycling of used information technology equipment.

(2) Tasks and Activities. The following tasks and activities performed during the Disposition Phase may vary depending on the project:

(a) Prepare Disposition Plan which identifies:

1. How and when the termination of the system/data will be conducted, and when

2. System Termination Date;

3. Software components to be kept;

4. Data to be maintained for audit purposes; and

5. Disposition of remaining equipment.

(b) Archival or Transfer of Data – It is the sole responsibility of each agency in accordance with Rule 60DD-2.009, F.A.C., to erase all confidential or exempt information contained in all electronic memory components from information technology equipment prior to transfer or final disposition.

(c) Archival or Transfer of Software components

(d) Transfer of Information Technology Equipment.

1. Prior to final disposition of information technology equipment or trade of surplus equipment for new information technology equipment, agencies shall, consistent with the requirements of Chapter 273, Florida Statutes, transfer information technology equipment to other agencies, political subdivisions, non-profit corporations or educational institutions. Agencies wishing to transfer such equipment may utilize the placement services of the State Technology Office's Digital Divide Council at www.digitaldividecouncil.com or by writing to:

State Technology Office

Attention: Digital Divide Council

4030 Esplanade Way

Tallahassee, Florida 32399-0950

2. Property containing hazardous materials, including, lead that is contained within the solder on electronic circuit boards, lead in cathode ray tube glass and frit, UPS battery back-up batteries, cadmium and lithium found within rechargeable batteries, and mercury that is found within telecommunications or electrical distribution switching

equipment, that cannot be transferred as set forth in subparagraph 60DD-7.013(2)(d)1., Florida Administrative Code, should be disposed of consistent with section 403.705, F.S., and Rule Chapter 62-730, F.A.C., Dept. of Environmental Protection Rules for Hazardous Waste.

(e) Final Disposition Procedures – The final disposition of information technology shall be in accordance with Chapter 273, Florida Statutes and shall include the following information:

1. All items that are recycled or disposed of must be certified as surplus, and be examined by one or more review boards, to make recommendations on approval or disapproval of classification of the information technology items as surplus.

2. Each holding agency must develop and implement rules or guidelines outlining the processes to properly and legally dispose of information technology and must retain all associated documentation to be presented during formal audit procedures.

3. Each holding agency shall document the following information regarding the information technology equipment:

a. Agency Property Identification number, serial number, manufacturer's name, equipment type, and model number.

b. Condition value of the information technology equipment, utilizing definitions set forth in subsection 60DD-7.001(2), F.A.C.

c. Facts and circumstances regarding transfer or disposal of the equipment, including compliance with all applicable environmental protection laws.

d. Documentation of recycling or disposal actions shall be reported to the respective agency Asset Manager/Property Administrator.

e. For any software, hardware, or data that is collected during the disposition, the holding agency shall retain for future use. Software licensing data and any applicable maintenance agreement information shall be adjusted to reflect the transaction(s).

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History--New _____.

60DD-7.014 Standards Adopted.

The Project Management Methodology set forth in this rule chapter shall be construed consistent with the *Project Management Institute's (PMI®) Guide to the Project Management Body of Knowledge (PMBOK®)*, the recognized American National Standards Institute standard, which is hereby incorporated by reference. Copies can be obtained at www.ansi.org or by writing to:

American National Standards Institute

1819 L Street, NW, Suite 600

Washington, DC 20036

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History--New _____.

NAME OF PERSON ORIGINATED PROPOSED RULE: Dee Lopez, State Technology Office, Department of Management Services.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER TITLE: Florida State Employees' Charitable Campaign
 RULE CHAPTER NO.: 60L-39

RULE TITLES: General Requirements 60L-39.002
 Statewide Steering Committee 60L-39.003
 Application Procedures 60L-39.005
 Duties and Responsibilities of the Fiscal Agent 60L-39.006

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

SUMMARY: The amendments clarify the role of the Steering Committee of the Florida State Employees' Charitable Campaign and eliminate redundant language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 110.181(3)(a) FS.

LAW IMPLEMENTED: 110.181 FS.

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

TIME AND DATE: 2:00 p.m., November 8, 2004

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

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least 2 calendar days before the workshop, by contacting Marta McPherson: (850)488-2707.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

60L-39.002 General Requirements.

(1) The State of Florida has an interest in establishing a single state employee charitable campaign that (a) minimizes workplace disruption and administrative costs and (b) ensures the voluntary nature of employee participation.

(2) The State of Florida has an obligation to ensure that organizations participating in the FSECC meet the eligibility criteria outlined in Rule 60L-39.004, F.A.C.

(3) Truly voluntary giving is fundamental to FSECC fundraising activities. Actions that do not allow free choices, or that even create the appearance that employees are not free to choose whether to give, are contrary to FSECC fundraising policy.

(4) The FSECC shall be the only workplace charitable fundraising program in state government that receives official state coordination and support.

(5) Charitable organizations and federations shall not permit, plan, or conduct distribution of any materials, solicitation, or services within State facilities as part of the campaign, except for the campaign materials approved by the Steering Committee. Organizations and federations are encouraged, however, to publicize their activities and solicit employee participation in the FSECC through the news media or other private outlets outside State facilities.

(6) A geographical area campaign brochure shall not list both the state or national charitable organization and its local affiliate or other subunit. Similarly-named organizations shall not be listed, unless the Steering Committee determines they do not deliver services to overlapping or identical geographical areas. In cases where dual listings occur, and the organizations cannot resolve the issue themselves, the Steering Committee shall grant preference for listing in the following order: (a) local, (b) state, and then (c) national.

(7) Campaign brochures shall:

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

(b) Include the official FSECC logo on the front cover; and

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

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

60L-39.003 Statewide Steering Committee.

~~(1) The members of the FSECC Steering Committee, whose members shall serve staggered four-year terms, shall:~~

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

~~(2)(a) The FSECC Steering Committee shall arrange publication of information about the application process – including deadlines, address for obtaining materials, and criteria for eligibility – in sufficient time to prepare applications and supporting documentation.~~

~~(3)(b) The FSECC Steering Committee shall review all new and renewing applications before June 1 on the basis of their compliance with the established criteria and their timely submission.~~

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

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

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

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

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

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

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

~~(4) The FSECC Steering Committee shall notify applicants of decisions on applications within a period that allows time for an appeal in accordance with Rule 60L-39.007, F.A.C.~~

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

60L-39.005 Application Procedures.

(1) Annual applications for participation in the FSECC (Form DMS-ADM-100, Application for Participation in the Florida State Employees’ Charitable Campaign, effective ~~March 5, 2004, and Form DMS-ADM-101, Renewing Organization Application for Participation in the Florida State Employees’ Charitable Campaign,~~ _____ effective which ~~are~~ is hereby incorporated by reference) shall be submitted to the Steering Committee Chair. Applications must be postmarked by April 1 of each year for a charitable organization to be considered eligible for that year’s Campaign. A federation shall submit applications on behalf of its member organizations. Form DMS-ADM-100 can be obtained by writing to:

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

(2) Any organizations that did not participate in the FSECC during the previous year ~~and all independent/unaffiliated organizations~~ shall submit a complete

~~application with documentation verifying compliance with eligibility outlined in Section 110.181(1), F.S. and Rule 60L-39.004, F.A.C. Form DMS-ADM-100, incorporated by reference at subsection 60L-39.005(1), F.A.C.~~

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

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

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

~~(3)(5) The Steering Committee shall request additional information from an applicant if necessary for purposes of clarifying eligibility. Requested information must be supplied within five working days of the receipt of the Committee’s request.~~

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

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

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

(2) The duties and responsibilities of the area fiscal agent shall include the following:

(a) Selecting, training and managing a local steering committee composed of state employees in the fiscal agent area to assist in conducting the campaign and to direct the distribution of undesignated funds.

(b) Training employee keyworkers and volunteers in the methods of non-coercive solicitation.

(c) Honoring employee designations.

(d) Helping to ensure that no employee is coerced or questioned as to the employee’s designation or its amount, other than for arithmetical inconsistencies.

(e) Responding in a timely and appropriate manner to inquiries from employees, participating organizations, federations and/or the Steering Committee.

(f) Notifying participating organizations and federations of the name and address of the local steering committee chairperson and ensuring them access to the steering committee meetings.

(g) For meetings during which undesignated funds will be discussed, ensuring a minimum of a two-week notice to participating ~~organizations and~~ federations is provided required.

(h) Ensuring that distribution of undesignated funds is limited to participating organizations and federations in the FSECC.

(i) Ensuring the timely distribution of campaign funds to participating organizations and federations.

(j) Withholding the reasonable costs for conducting the campaign and for accounting and distribution to the participating organizations and federations. These costs shall be shared proportionately by the participating federations and independent/unaffiliated organizations based on their percentage share of the gross campaign.

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

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Kuczwanski, Chairman, Florida State Employees’ Charitable Campaign Steering Committee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2004

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE:

Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States

RULE NO.:

61G1-11.017

PURPOSE AND EFFECT: The propose rule is intended to address the eligibility of exemption from licensure renewal requirements for a licensee who is the spouse of a member of the U.S. Armed Forces.

SUMMARY: After the showing of proof to the Board, a licensee who is the spouse of a member of the Armed Forces of the United States and has been caused to be absent from the State of Florida because of their spouse’s duties with the Armed Forces shall be exempt from all licensure renewal provisions under these rules during such absence.

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: 455.02(2) FS.

LAW IMPLEMENTED: 455.02(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-11.017 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States. A licensee who is the spouse of a member of the Armed Forces of the United States and has been caused to be absent from the State of Florida because of their spouse’s duties with the Armed Forces shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show proof to the Board of their absence from the state and the spouse’s military status.

Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History--New _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2004

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE:

Approved Form; Incorporation

RULE NO.:

61G4-12.006

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the single form currently utilized by the Board.

SUMMARY: The proposed rule amendment clarifies the rule with regard to the form utilized by the Board and incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 489.108 FS.

LAW IMPLEMENTED: 120.52(15), 489.108, 489.143 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-12.006 ~~List of Approved Forms; Incorporation.~~

The following forms used by the Board in its dealings with the public ~~is~~ ~~are~~ hereby adopted and incorporated by reference, and can be obtained from the Board at the following address: Florida Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039.

~~(1) Registrations:~~

~~(a) Application for Contractor Registration, DBPR/CILB/031 (Rev. 01/01);~~

~~(b) Registration Change of Status, DBPR/CILB/017 (Rev. 01/01);~~

~~(2) Certifications: Certification Change of Status, DBPR/CILB/025 (Rev. 01/01);~~

~~(3) Examinations:~~

~~(a) Applicant Information Booklet Construction Examinations, DBPR/CILB/007 (Rev. 01/01);~~

~~(b) Application for Certification Examination, DBPR/CILB/001 (Rev. 01/01);~~

~~(c) Application for Retake Certification Examination, DBPR/CILB/002 (Rev. 7/00);~~

~~(4) Continuing Education:~~

~~(a) Sponsor/Course Approval Application, DBPR/CILB/057/2/98;~~

~~(b) CILB Continuing Education for Contractors Attendance Roster, DBPR/CILB/055 (Rev. 1-95);~~

~~(c) Instructors' Qualifications Form, DBPR/CILB/058/1-94;~~

~~(d) CILB Disciplinary Hearings Attendance Sheet, DBPR/CILB/056/1-94;~~

~~(5) Licensing:~~

~~(a) Application for Qualified Business Organization (QB) License Number, DBPR/CILB/029/ (Rev. 01/01);~~

~~(b) Qualified Business Organization (QB) Change of Status Application, DBPR/CILB/030/ (Rev. 01/01);~~

~~(c) Financially Responsible Officer (FRO) Application, DBPR/CILB/021/ (Rev. 01/01);~~

~~(d) Application to Qualify an Additional Business Organization, DBPR/CILB/020 (Rev. 01/01);~~

~~(e) Limited Non-Renewable Registration Requirements and Application, DBPR/CILB/033 (Rev. 01/01);~~

~~(6) Construction Industries Recovery Fund: Construction Industries Recovery Fund Claim Form, DBPR/CILB/022 (Rev. 01/01);~~

~~(7) Application for Certification of Registered Contractors, DBPR/CILB/032/ (Rev. 01/01);~~

Specific Authority 489.108 FS. Law Implemented 120.52(15), 489.108, 489.143, 489.115, 489.118, 489.119, 489.1195 FS. History--New 1-6-80, Formerly 21E-12.06, Amended 1-1-89, Formerly 21E-12.006, Amended 1-4-94, 2-24-94, 11-23-95, 2-6-96, 7-22-96, 11-25-97, 8-2-98, 2-24-00, 3-26-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Approval of Continuing Education Courses

RULE NO.: 61G4-18.004

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth the criteria for course providers making application to the Board to offer interactive distance learning courses.

SUMMARY: The proposed rule amendments set forth the criteria for course providers offering interactive distance learning courses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 455.2123, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.2179, 489.115 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-18.004 Approval of Continuing Education Courses.

(1) through (2) No change.

(3) The application shall include the total number of classroom or interactive distance learning hours, the course syllabus, a detailed outline of the contents of the course, the name and qualifications of all instructors known at the time of the application and the minimum qualifications of any instructors not known at the time of the application. In addition, a course provider making application to offer interactive distance learning must submit evidence of the following:

(a) The means by which the course will demonstrate interactivity between the student and course provider within a maximum of 24 hours, which promotes student involvement, and demonstrates that the course measures learning and addresses comprehension of content at regular intervals.

(b) The means by which the course provider is able to monitor student enrollment, participation and course completion.

(c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course.

(d) The means by which the provider will assure qualified instructor(s) will be available to answer questions and provide students with necessary support during the duration of the course.

(e) That the student will be required to complete a statement at the beginning and end of the course that indicates that he/she personally completed each module/session of instruction.

(4) through (10) No change.

Specific Authority 455.2123, 489.108, 489.115 FS. Law Implemented 455.2179, 489.115 FS. History--New 12-2-93, Amended 7-20-94, 1-18-95, 7-2-95, 11-25-97, 5-30-00, 3-25-01, 11-10-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLES:	RULE NOS.:
Quarterly Reporting Regarding Working Capital Requirements	61G7-10.001
Annual Financial Statements	61G7-10.0011
Notification of Initiation or Termination of Contractual Relationship	61G7-10.0013
Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name	61G7-10.002
On-Site Investigations	61G7-10.003

PURPOSE AND EFFECT: These rules are being amended to update forms, remove obsolete language, and add website addresses.

SUMMARY: Rule 61G7-10.001, F.A.C., sets forth the requirements for reporting, at the end of each calendar quarter, a statement affirming that it maintains positive working capital and accounting net worth sufficient to meet its obligations; 61G7-10.0011, F.A.C., sets forth the requirements for annual reporting and the necessary forms to report the information; 61G7-10.0013, F.A.C., requires notification of various persons and agencies when initiating or terminating contractual relationships and sets forth the forms used to file such report; 61G7-10.002, F.A.C., sets forth updated forms required for reporting changes of status, effect on licensees, and name changes and sets out requirements for sale or transfer of company stocks; and Rule 61G7-10.003, F.A.C., sets forth requirements for on-site investigations and the updated forms to be completed for same.

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: 468.522, 478.525(3), 468.525(3)(d), 468.526, 468.529(1), 568.530(3), 468.531 FS.

LAW IMPLEMENTED: 468.520, 468.524(2), 468.525(3), 568.525(3)(d), 468.526, 468.529(3), 468.530(3), 468.531, 468.535 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED IN THE FAW (IF NOT REQUESTED, IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, FL 32399-0767

THE FULL TEXT OF THE PROPOSED RULES IS:

61G7-10.001 Quarterly Reporting Regarding Working Capital Requirements.

Each employee leasing company shall submit, not later than 75 days after the end of each calendar quarter, a statement to the Board of Employee Leasing Companies affirming that it is in compliance with Section 468.525(3)(d), F.S., in that it is maintaining positive working capital, and accounting net worth, and has adequate reserves to pay, when due, all payroll taxes, workers' compensation and health insurance premiums, and amounts due under any plan of self-insurance or partial self-insurance. This statement shall be made on Form DBPR EL 4504 ~~DBPR/EL-004~~ entitled "Quarterly Report Form," effective 03-18-04 ~~12-19-94~~, which shall be filed with a copy of the company's workers' compensation certificate of insurance in effect for the current quarter including confirmation from the insurance carrier that the Board will receive at least 30-days notification of cancellation of such insurance, and the company's balance sheet and income statement for the quarter. The form, together with its instructions, are incorporated herein by reference and may be obtained by contacting the Board's office at 1940 North Monroe Street, Tallahassee, Florida 32399-0767; or its Website at www.myflorida.com. An employee leasing company may satisfy the requirements of this rule by submitting a certified true copy of its current National Associate of Professional Employer Organizations ~~Staff Leasing Association~~ quarterly report and copies of its balance sheet and income statement for the quarter.

Specific Authority 468.522, 468.525(3)(d), 468.529(1) FS. Law Implemented 468.525(3)(d), 468.529(1) FS. History--New 8-12-92, Amended 6-1-93, Formerly 21EE-10.001, Amended 5-8-94, 12-19-94,_____.

61G7-10.0011 Annual Financial Statements.

(1) Each employee leasing company shall submit, not later than 120 days after their fiscal year end, a copy of their current fiscal year end financial statements, prepared in accordance with generally accepted accounting principles, which shall include statement of income and retained earnings, balance sheet, statement of changes in financial position (cash flows),

and applicable footnotes. This information shall be submitted on the form entitled Standard Financial Statement, DBPR EL 4506, ~~DBPR/EL-006~~, herein incorporated by reference and effective 03-18-04, ~~7-1-93~~, copies of which may ~~can~~ be obtained from the Board office or its Website at www.myflorida.com. The financial statements are to reflect positive working capital and positive accounting net worth, as required in Section 468.525(3). Financial statements which are not audited must be accompanied by a completed Form DBPR EL 4503, entitled Employee Leasing Company Attestation to Financial Statements, ~~DBPR/EL-003~~, as required in rule 61G7-5.003, F.A.C.

(2) through (4) No change.

Specific Authority 468.522 FS. Law Implemented 468.525 FS. History--New 5-8-94, Amended 6-30-99, 5-21-00,_____.

61G7-10.0013 Notification of Initiation or Termination of Contractual Relationship.

To facilitate each employee leasing company's compliance with its responsibilities under s. Section ~~Section~~ 468.529(3), F.S., within a 30-day period each licensed employee leasing company must notify their workers' compensation carrier, the Department of Financial Services, Division of Workers' Compensation and the Division of Unemployment Compensation of the Agency for Workforce Innovation, of the initiation or termination of any contractual relationship with a client company on Form DBPR EL 4502 ~~DBPR EL 4502~~, entitled "Client Initiation or Termination Form," effective 03-18-04, ~~02/28/03~~, which is incorporated herein by reference and may be obtained by contacting the Board's office and at its Website at www.myflorida.com.

Specific Authority 468.522 FS. Law Implemented 468.520, 468.529(3) FS., as amended by s. 42, Chapter 94-119, Laws of Florida. History--New 7-20-92, Formerly 21EE-6.005, Amended 10-19-94, Formerly 61G7-6.005, Amended 7-30-03,_____.

61G7-10.002 Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name.

(1) through (2)(c) No change.

(d) Sale or transfer of company stock which causes a change in controlling person(s) or other changes in the information contained in the original application.	Form DBPR EL 4510, forms BPR/EL-010 , entitled Application for Licensure As An Employee Leasing Company Controlling Person, effective 03-18-04 and DBPR EL 4511, BPR/EL-011 , entitled Application for Certificate of Approval for Change of Ownership, effective 03-18-04 where applicable. The above forms are incorporated by reference and available from the Board office or from the website at www.myflorida.com. In the original application Application For Certificate Of Approval For Change of Ownership, which are hereby incorporated by reference, and will be effective September 1996, copies of which may be obtained from the Board Office.
(e) Sale or transfer of company stock.	Change of Ownership application EL 4511, which causes a change in control and where applicable, controlling person license application for each new controlling person, EL 4510, and Historical Sketch form, DBPR EL 4512, where applicable.
(f)(e) Sale or transfer of business assets (buyer takes over business; seller gets out of business)	new company application if <u>buyer not already licensed</u> , and fee from buyer – old license does not transfer but remains with seller; unless already licensed, new controlling person license application and fee for each new controlling person as defined in Rule 61G7-6.003, F.A.C.
(f) through (h) renumber (g) through (i)	No change.

(3) through (7) No change.

Specific Authority 468.522, 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS. Law Implemented 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS. History–New 1-27-93, Amended 5-20-93, Formerly 21EE-10.002, Amended 10-24-93, 8-17-94, 11-9-95, 5-21-96, 11-24-96, 3-18-97, _____.

61G7-10.003 On-Site Investigations.

(1) No change.

(2) The Department will, however, in lieu of an on-site investigation, audit, or review, accept submission of Quarterly Reports as defined in Rule 61G7-10.001, F.A.C., so long as the reports are submitted within the time frames and manner set out therein and so long as the reports submitted show the licensee is in compliance with the provisions of Part XI of Chapter 468, F.S. Reports which fail to evidence compliance or which are untimely filed will form the basis for disciplinary action or a full investigation. In order to take advantage of this option each licensee must sign Form DBPR Form EL 4515 ~~EL-015~~ entitled Quarterly Report Agreement, incorporated herein by reference and effective 03-18-04, ~~5-21-00~~, in which the licensee agrees to abide by the provisions of this rule and Rule 61G7-10.001, F.A.C. Submission of Quarterly Reports in compliance with this Rule shall be considered as compliance with the provisions of Rule 61G7-10.001, F.A.C. If, however, a licensee determines to subject itself to on-site inspections then the Quarterly Reports required under Rule 61G7-10.001, F.A.C., shall still be filed as required by the Rule.

(3) No change.

Specific Authority 468.522 FS. Law Implemented 468.525(3)(d), 468.535 FS. History–New 5-21-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Employee Leasing Companies
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLE: Schedule of Fees Adopted by the Board
 RULE NO.: 61G16-3.001
 PURPOSE AND EFFECT: The Board’s proposed rule amendment revises the fees regarding applications for licensure by examination or by endorsement.
 SUMMARY: The proposed rule amends the fees as set forth in paragraphs (1)(a) and (2)(a) of the current rule.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.213(2), 455.217, 455.219, 455.271, 492.104, 492.1101 FS.

LAW IMPLEMENTED: 455.217, 455.219, 455.271, 492.105, 492.106, 492.1101, 492.111, 455.213(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Board of Professional Geologists, 1940 N. Monroe Street, Tallahassee, FL 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G16-3.001 Schedule of Fees Adopted by the Board.

The following fees are prescribed by the Board:

(1) Application for Licensure by Examination:

(a) The application fee for licensure by examination shall be one hundred fifty dollars (\$150) (~~\$100~~) and shall be nonrefundable.

(b) and (c) No change.

(2) Application for Licensure by Endorsement:

(a) The application fee for licensure by endorsement shall be one hundred fifty dollars (\$150) (~~\$100~~) and shall be nonrefundable.

(b) No change.

(3) through (5) No change.

Specific Authority 455.213(2), 455.217, 455.219, 455.271, 492.104, 492.1101 FS. Law Implemented 455.217, 455.219, 455.271, 492.105, 492.106, 492.1101, 492.111, 455.213(2) FS. History—New 4-27-88, Amended 3-15-90, 2-21-91, 10-27-91, Formerly 21DD-3.001, Amended 5-27-96, 5-14-97, 9-18-97, 11-23-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

The Board of Professional Geologists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Board of Professional Geologists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 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 Hearing Aid Specialists

RULE TITLE: Posting of Prices RULE NO.: 64B6-6.009

PURPOSE AND EFFECT: To clarify the existing rule.

SUMMARY: To update the language indicating that only subsection (a) or (b) is required.

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: 484.044 FS.

LAW IMPLEMENTED: 484.051 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: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-6.009 Posting of Prices.

(1) The licensee shall display, in a conspicuous place, the availability of itemization of total purchase price of the hearing aid.

(2) Notice of availability of itemization of purchase price shall be displayed in an area easily visible to the prospective client by one of the following:

(a) through (b) No change.

Specific Authority 484.044 FS. Law Implemented 484.051 FS. History—New 8-12-87, Formerly 21JJ-6.008, 61G9-6.008, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Hearing Aid Specialists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2004

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLE: Fraudulent, False, Deceptive or Misleading Advertising RULE NO.: 64B6-7.004

PURPOSE AND EFFECT: To clarify the existing rule language.

SUMMARY: This rule makes clear that the usual sale price must appear either in the advertisement or the location where the sale or services take place.

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: 456.077, 484.044 FS.

LAW IMPLEMENTED: 456.077, 484.056(1)(f) 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: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-7.004 Fraudulent, False, Deceptive or Misleading Advertising.

An advertisement or advertising is fraudulent, false, deceptive or misleading if it:

- (1) through (2) No change.
- (3) Is misleading or deceptive because its content or the context in which it is presented makes only a partial disclosure of relevant facts.

(a) Specifically, it is misleading and deceptive to advertise a discounted price ~~without specifying, without identifying either in the advertisement or at the store or other location where sales of products or services take place, the specific product or service against which the discounted price applies and without specifying either in the advertisement or at the store or other location where sales of products or services take place,~~ the usual price for the product or services identified either in the advertisement or at the store or other location where sales of product or services take place.

- (b) No change.
- (4) through (6) No change.

Specific Authority 484.044 FS. Law Implemented 484.056(1)(f) FS. History--New 8-12-87, Amended 10-15-90, Formerly 21JJ-7.007, 61G9-7.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

**DEPARTMENT OF HEALTH
Board of Pharmacy**

RULE TITLES: Examination Requirements
RULE NOS.: 64B16-26.200
Licensure by Examination; Application 64B16-26.203

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the rules and to consolidate all requirements for licensure application by examination into Chapter 64B16-26, F.A.C.

SUMMARY: The proposed rule amendments set forth the requirements for licensure application by examination.

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

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

SPECIFIC AUTHORITY: 456.017, 456.033, 465.005 FS.
LAW IMPLEMENTED: 456.013(1),(7), 456.017, 456.033, 465.007, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-26.200 Examination Requirements.

(1) The areas of competency to be covered by the examination provided in Section 465.007, F.S., shall be as follows:

(a) Part A - North American Pharmacist Licensure Examination (NAPLEX).

- 1. ~~Manage Drug Therapy to Optimize Patient Outcomes (50%);~~
- 2. ~~Assure the Safe and Accurate Preparation and Dispensing of Medications (25%);~~
- 3. ~~Provide Drug Information and Promote Public Health (25%);~~

(b) Part B - Multistate Pharmacy Jurisprudence Examination - Florida Version;

- 1. ~~Pharmacy Practice (78%);~~
- 2. ~~Licensure, Registration, Certification, and Operational Requirements (17%);~~
- 3. ~~Regulatory Structure and Terms (5%);~~

(2)(a) ~~The relative weight assigned in grading each score tested in the examination and the score necessary to achieve a passing grade on the examination shall be as follows:~~

(b) ~~An applicant must obtain a scaled score of 75 on Part A of the examination, and a scaled score of 75 on Part B of the examination. On Part A of the examination, the candidate's raw scores are converted to a scale of 0-150. This scaled score on Part A of the exam is a single integrated score that represents the areas of competency set forth in subparagraphs 64B16-26.200(1)(a)1-5, F.A.C., above. The subcompetencies set forth in subparagraphs 64B16-26.200(1)(a)1-5, F.A.C., are not separate subsections and may not be scored, taken or passed independently of the entire examination described in paragraph 64B16-26.200(1)(a), F.A.C. Parts A and B of the examination are independent examinations and may not be averaged.~~

Specific Authority 456.017, 465.005 FS. Law Implemented 456.017 FS. History—New 10-17-79, Amended 2-8-81, 6-22-82, 8-16-84, 4-30-85, Formerly 21S-12.01, Amended 5-6-86, Formerly 21S-12.001, Amended 1-10-93, Formerly 21S-26.200, 61F10-26.200, Amended 7-1-97, Formerly 59X-26.200, Amended 3-22-99, _____.

(Substantial rewording of Rule 64B16-26.203 follows. See Florida Administrative Code for present text.)

64B16-26.203 Licensure by ~~Manner of Application~~ Examination; Application.

Applicants who are at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education may apply to take the licensure examination.

(1) All applications for licensure by examination must be made on board approved form DOH/MQA/PH101 (Rev 1/8/03), Application for Pharmacist Examination, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and must be accompanied with a non-refundable application fee and an initial license fee set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

(2) The applicant must submit proof of having met the following requirements:

(a) Completion of an internship program provided by either an accredited school or college of pharmacy or a state board of pharmacy or jointly by both provided that the program meets requirements of Rule 64B16-26.2031, F.A.C.

(b) Completion of an HIV/AIDS course of no less than 3 contact hours covering the subject listed in Rule 64B16-26.602, F.A.C. For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on HIV/AIDS will be accepted by the Board as an educational course under this section, provided such course work is no less than 3 contact hours and that it covers the subjects listed in Rule 64B16-26.601, F.A.C., as evidenced by a letter attesting to subject matter covered from the Dean of the University.

(c) Completion of a course not less than 2 hours on medication errors that covers the subjects listed in Rule 64B16-26.601, F.A.C. For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on medication errors will be accepted by the Board as an educational course under this section, provided such course work is no less than 2 contact hours and that it covers the subjects listed in Rule 64B16-26.601, F.A.C., as evidenced by a letter attesting to subject matter covered from the Dean of the University.

(3) An applicant must reapply under the following conditions:

(a) For candidates applying after the effective date of this subsection, if all requirements for licensure are not met within one year of the receipt of the application.

(b) For candidates applying prior to the effective date of this subsection, if all requirements for licensure are not met within one year of the effective date of this subsection.

(4) Passing examination scores may be used upon reapplication only if the examination was completed within 3 years of the reapplication.

Specific Authority 456.033, 465.005 FS. Law Implemented 456.013(1), (7), 456.033, 465.007, 465.022 FS. History—New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99, 10-15-01, 1-2-02, 1-12-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLE: _____ RULE NO.:

On-the-Job Training, Role and Observation
of Speech-Language Pathology and

Audiology Assistants 64B20-4.003

PURPOSE AND EFFECT: The Board proposes to add an activity to the list of activities that may not be delegated by a speech-language pathologist to a speech-language pathology assistant. The addition will prohibit a licensed speech-language pathology assistant from making a determination that dismissal criteria have been met.

SUMMARY: The rule adds an activity that may not be delegated by a speech-language pathologist to a speech-language pathology assistant. Licensed speech-language pathology assistants will be prohibited from making a determination that dismissal criteria have been met.

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

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

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1215, 468.1125(3),(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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 RULE IS:

64B20-4.003 On-the-Job Training, Role and Observation of Speech-Language Pathology and Audiology Assistants.

(1) through (4) No change.

(5) The speech-language pathology licensee shall not delegate to the speech-language pathology assistant any tasks which call for a diagnostic interpretation or put the client at physical risk. The following tasks shall not be delegated to a speech-language pathology assistant:

- (a) Conducting the initial interview with the client.
- (b) Performing initial testing or evaluation.
- (c) Determining or discussing specific diagnoses with the client or making statements regarding prognosis or levels of proficiency.

(d) Relating or discussing with clients or consumers of services the reports from other professionals or related services unless those findings have previously been interpreted and reported by the supervising licensee.

(e) Providing any interpretation or elaboration of information that is contained in reports written by the licensee, although he or she may, upon assignment from the licensee, present information regarding clients at staffings or conferences; however, the assistant may discuss with the client or consumer specifically observed behaviors that have occurred during a treatment when they are supported by objective data.

(f) Performing any procedure where there is a risk of physical injury as a result of the procedure; specifically, the insertion of tracheoesophageal prostheses or catheter into the esophageal puncture; endoscopy; administration of barium or other substances for the assessment of swallowing; fitting or insertion of tracheal valves or instrumentation for generation of voice; and initial measurements and fitting of oral prostheses.

(g) Devising or planning treatment based upon assessment or diagnostic findings.

(h) Providing counseling to the client or to his or her family.

(i) Making referrals for additional services.

(j) Signing any document without the co-signature of the licensee.

(k) Using any title other than the Speech-Language Pathology Assistant.

(l) Determine dismissal criteria have been met.

(6) through (11) No change.

Specific Authority 468.1135(4) FS. Law Implemented 468.1125(3),(4), 468.1215 FS. History—New 3-14-91, Formerly 21LL-4.003, 61F14-4.003, Amended 9-8-94, 8-17-95, Formerly 59BB-4.003, Amended 2-2-04,

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: August 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2004

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLES:	RULE NOS.:
Disciplinary Guidelines	64B20-7.001
Mediation	64B20-7.007

PURPOSE AND EFFECT: Concerning the disciplinary guidelines, the Board proposes to authorize lowering the normal minimum fine for first and second offense violations of Section 468.1295(1)(e), F.S., to allow for violations of this statutory provision that do not involve fraud, or making a false or fraudulent representation and are not subject to the \$10,000.00 minimum mandatory fine requirements of Section 456.072(2)(d), F.S. Concerning the mediation rule, the Board proposes to authorize mediation of complaints against licensees that are based on alleged violations of Sections 468.1246, 468.1255, F.S. concerning non-payment of statutory refunds for hearing aid sales, while deleting some superfluous language.

SUMMARY: The disciplinary guidelines change authorizes less than a \$10,000.00 fine for first and second offense advertising violations that do not involve fraud or false or fraudulent representations. The mediation change authorizes mediation of complaints against licensees where the alleged violation is failing to pay a statutory refund on a hearing aid sale. The change also deletes some superfluous language.

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

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

SPECIFIC AUTHORITY: 468.1135(4), 456.078 FS.

LAW IMPLEMENTED: 456.063, 456.072, 456.076, 468.1295, 468.1296, 456.078 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: 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:

64B20-7.001 Disciplinary Guidelines.

(1) through (3) No change.

(4) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. For applicants, any and all offenses listed herein are sufficient for refusal to certify an application for licensure. In addition to the penalty imposed, the Board shall recover the costs of investigation and prosecution of the case. Additionally, if the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refunds of fees billed and collected from the patient or a third party on behalf of the patient.

VIOLATIONS RECOMMENDED PENALTIES

First Offense Second Offense Third Offense

(a) through (d) No change.

(e) False, deceptive, or misleading advertising. (468.1295(1)(e), F.S.).

(f) From a letter of concern to 6 months suspension of the license, and up to an administrative fine of \$10,000.00.

(g) From 6 to 9 months suspension of the license, and up to an administrative fine of \$10,000.00.

(h) From 9 months suspension to revocation of the license, and an administrative fine of \$10,000.00.

(i) through (bb) No change.

Specific Authority 468.1135(4) FS. Law Implemented 456.063, 456.072, 456.076, 468.1295, 468.1296 FS. History—New 2-7-91, Amended 11-9-92, Formerly 21LL-7.001, Formerly 59BB-7.001, Amended 10-25-00, 4-14-02,

64B20-7.007 Mediation.

(1) “Mediation” means a process whereby a mediator appointed by the ~~Department~~ agency acts to encourage and to facilitate resolution of a legally sufficient complaint. It is an informal and nonadversarial process with the objective of assisting the parties to reach a mutually acceptable agreement.

(2) The Board finds that mediation is an acceptable method of dispute resolution for the following violations: ~~as it is economic in nature or can be remedied by the licensee:~~

(a) Failure of the licensee to timely respond to a continuing education audit;

(b) Failure of the licensee to pay a refund for a cancelled hearing aid transaction in violation of section 468.1246 or 468.1255 F.S., unless the violation involves intentional misconduct by the licensee.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History—New 11-1-94, Formerly 59BB-7.007, Amended _____.

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: August 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: March 12, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:

Definitions

Terms and Conditions of SAIL Loans

RULE NOS.:

67-48.002

67-48.010

PURPOSE, EFFECT AND SUMMARY: The purpose of this Rule is to clarify the procedures by which the Corporation shall determine development cash flow for purposes of calculating interest due on loans made under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes. (F.S.)

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: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barb Goltz, Chief Financial Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-48.002 Definitions.

(1) through (32) No change.

(33) “Development Cash Flow” means, with respect to SAIL Developments, cash flow of a SAIL Development as calculated in the statement of cash flows prepared in accordance with generally accepted accounting principles (“GAAP”) and adjusted for items not disclosed in the operating pro forma included in the final credit underwriting report, as approved by the Board including but not limited to extraordinary fees and expenses, payments on debt subordinate to the SAIL loan and capital expenditures.

(34) No change.

(35) “Development Expenses” means, with respect to SAIL Developments, usual and customary operating and financial costs, such as the compliance monitoring fee, the

financial monitoring fee, replacement reserves, the servicing fee and the debt service reserves. As it relates to SAIL Developments and to the application of Development Cash Flow described in subsections 67-48.010(3) & (4), F.A.C., the term includes only those expenses disclosed in the operating pro forma included in the final credit underwriting report, as approved by the Board does not include extraordinary capital expenses, developer fees and other non-operating expenses.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089(2) FS. History--New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.002, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, _____.

67-48.010 Terms and Conditions of SAIL Loans.

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

(c) Except as provided in Section 420.5087(5), F.S., the amount of any superior mortgages combined with the SAIL mortgage shall be less than the appraised value of the Development. Any debt service reserve requirement associated with a superior mortgage shall be excluded from the amount of the superior mortgage for purposes of this calculation.

(d)(e) Payment on the loans shall be based upon the Development Cash Flow, as determined pursuant to the SAIL Cash Flow Reporting Form SR-1. Any distribution or payment to the Principal(s) or any Affiliate of the Principal or to the Developer or any Affiliate of the Developer, whether paid directly or indirectly, which was not expressly disclosed in determining debt service coverage in the Board approved final Credit Underwriting Report, will be added back to the amount of cash available for the SAIL loan interest payment, as calculated in the SAIL Cash Flow Reporting Form SR-1, for the purpose of determining interest due. Interest may be deferred as set forth in subsection 67-48.010(6), F.A.C., without constituting a default on the loan.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089(2) FS. History--New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.002, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Debra King, Loan Servicing Manager. Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wellington Meffert, General Counsel, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-54.002
Notice of Program and Invitation and Application to Participate	67-54.003
Program Documents	67-54.004
Issuance of Certificate	67-54.005
Loan Processing	67-54.006
Eligible Borrowers	67-54.007
Eligible Properties	67-54.008
Reporting Requirements	67-54.009
Fees	67-54.010

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-54, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall: administer and implement the Mortgage Credit Certificate Program provisions authorized by Florida Statutes, Section 159.81, F.S., and identify the definitions for terms for the program.

SUMMARY: The proposed Rule prescribes the processes and procedures used for allocating by Mortgage Credit Certificate Program.

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: 159.81 FS.

LAW IMPLEMENTED: 420.5099 FS.

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

TIME AND DATE: 2:00 p.m., October 18, 2004

PLACE: Florida Housing Finance Corporation, Seltzer Room, 6th Floor, 227 North Bronough Street, Tallahassee, FL 32301

Any person requiring special accommodations at the Hearing because of a disability or physical impairment should contact Edny Sanchez-Gammons, Florida Housing Finance Corporation, (850)488-4197, at least five days prior to the Hearing. If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Party Relay System, 1(800)955-9770 (Voice) or 1(800)988-8711 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Wallisa Cobb, Single Family Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-54.002 Definitions.

(1) “Acquisition Price” means the cost of acquiring a single-family residence from the seller as a completed residential unit.

(2) “Annualized Current Income” means the mortgagor’s annualized current gross income. Annualized current gross income is current gross monthly income multiplied by twelve (12). Current gross monthly income is the sum of monthly gross pay; any additional income from overtime, part-time employment, bonuses, dividends, interest royalties, pensions, Veterans Administration (VA) compensation, net rental income, etc.; and other income (such as alimony, child support, public assistance, sick pay, social security benefits, unemployment compensation, income received from trusts, and income received from business activities or investments.)

(3) “Applicant” means an individual or individuals who apply for a MCC.

(4) “Certified Indebtedness Amount” means the amount of indebtedness that is incurred by the MCC Eligible Borrower to acquire a Principal Residence.

(5) “Code” means the Internal Revenue Code of 1986.

(6) “Conventional Mortgage Loan” means a Mortgage Loan other than an FHA Insured Mortgage Loan, USDA-RD Guaranteed Mortgage Loan, VA Guaranteed Mortgage Loan or HUD Section 184 Guaranteed Mortgage Loan, satisfying the requirements of Freddie Mac, Fannie Mae or a private mortgage insurance provider.

(7) “Corporation” means the Florida Housing Finance Corporation whose Tax Identification Number is 59-3451366.

(8) “Eligible Properties” means a residence located in Florida and is eligible for insurance under the FHA, VA, USDA, and Private Mortgage Insurance (PMI) guidelines, if applicable.

(9) “Existing Home” means any residential dwelling which has been occupied and is not considered new construction.

(10) “FHA” means the Federal Housing Administration of the U.S. Department of Housing and Urban Development.

(11) “First Time Home Buyer” means eligible persons or families, except eligible persons or families acquiring a single-family residence in a MCC Targeted Area, who have not had an ownership interest in a principal single-family residence at any time during the preceding 3-year period prior to the date the mortgage is executed, other than a construction period loan, a bridge loan or other similar temporary initial financing with a term generally not exceeding 24 months with respect to the single-family residence.

(12) “IRS” means Internal Revenue Service.

(13) “Issuer” means the Florida Housing Finance Corporation, a public politic authorized to issue bonds or MCC.

(14) “Maximum Acquisition Price” means the maximum purchase price of a Single Family Residence, as prescribed in the IRS Revenue Procedures 2004-24, hereby incorporated by reference. The Acquisition Price Limits are also subject to the FHA/VA/RD limits for the counties, hereby incorporated by reference. Copies of these documents may be obtained by contacting the Single Family Bonds Program Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329.

(15) “Maximum Annual Family Income” means, with respect to Mortgage Loans originated on new and existing Single Family Residences, the annual family income may not exceed 115% (or 140% in MCC Targeted Areas) of the state or local median income, whichever is greater as required by federal law.

(16) “MCC” means Mortgage Credit Certificate, which shall not exceed 50% of the Eligible Person’s annual mortgage interest paid, not to exceed \$2,000.

(17) “MCC Eligible Borrower” means a person or persons or family or families:

(a) Whose total annual family income does not exceed the appropriate maximum annual family income established by the Corporation under the Single-Family Mortgage Revenue Bond program; and

(b) To the extent required by federal law with respect to each person who purchases a single-family residence not located within a MCC Targeted Area, each such person who is executing the mortgage is a First Time Home Buyer.

(18) “MCC Participating Lender” means any commercial bank, savings and loans association, savings bank, credit union, mortgage company or other lender lawfully able to transact business in the State of Florida and who enters into a Lender Participation Agreement with the Issuer to participate in the MCC Program.

(19) “MCC Program” means Florida Housing’s MCC Program established as a qualified mortgage credit certificate program within the meaning of Section 25 of the Code.

(20) “MCC Targeted Area” means a census tract in which 70% or more of the households have an income which is 80% or less of the statewide median family income. Borrowers purchasing home in these areas are not subject to the prior home ownership restriction. A copy of the listing of such areas can be obtained by contacting the Single Family Bonds Program Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329.

(21) “New Construction” means a residential dwelling unit which has not previously been occupied.

(22) “Origination Agreement” means an agreement describing the mortgage originator’s rights and responsibilities made between the Corporation and MCC Participating Lenders.

(23) “Origination Guide” means the guide which sets forth the parameters for the MCC Program.

(24) “Principal Residence” means housing that the MCC Eligible Borrower will occupy as a primary residence and that will not have more than 15% of the square footage used in a trade or business, or that will not be used as investment property.

(25) “VA” means the Department of Veterans Affairs, an agency of the United States of America.

Specific Authority 420.507(12),(24) FS. Law Implemented 420.5099 FS. History--New _____.

67-54.003 Notice of Program and Invitation and Application to Participate.

(1) The Corporation shall publish a notice in the Florida Administrative Weekly and local newspapers announcing its intention to issue MCC and inviting potential MCC Participating Lenders to submit offers to originate to the Corporation at least 90 days prior to selection.

(2) Applications to Participate may be obtained by contacting the Single Family Bonds Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1397 or visiting www.floridahousing.org.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History--New _____.

67-54.004 Program Documents.

The following program documents will identify the respective roles of the Corporation, the MCC Participating Lender, and the MCC Eligible Borrower:

(1) Origination Agreement; and

(2) Origination Guide. A copy of this document may be obtained by contacting the Single Family Bonds Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1397.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History--New _____.

67-54.005 Issuance of Certificates.

(1) The Corporation shall determine when certificates shall be made available statewide for MCC Eligible Borrowers. The Corporation shall review all offers to originate and designate those lenders that shall originate MCC. MCC Participating Lenders will be notified of their acceptance via the Notice of Acceptance.

(2) Twenty percent (20%) of the allocation shall be reserved for at least 1 year after the date on which the certificates are first made available with respect to MCC Targeted Area residences.

Specific Authority 159.81 FS. Law Implemented 420.5099 FS. History--New _____.

67-54.006 Loan Processing.

(1) Any financing provided from the proceeds of a qualified mortgage revenue bond is prohibited.

(2) All applicants for MCC are processed by the MCC Participating Lenders in accordance with the Conventional Mortgage Loan standard underwriting criteria and additional criteria which may be imposed by IRC Section 25 and the Corporation. The closed loan documents shall be presented to the Corporation or its designee for compliance review and issuance of a mortgage credit certificate pursuant to guidelines set forth in the Origination Guide.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History--New _____.

67-54.007 Eligible Borrowers.

MCC Eligible Borrowers under MCC program:

(1) Must possess an ownership interest and occupy the residence as a principal residence within sixty days after loan closing. The Eligible Borrower must notify the MCC Participating Lender and the Corporation if he/she ceases to occupy the property as the primary residence. At that time, the MCC will be revoked and the Eligible Borrower must stop using the MCC Credit;

(2) Must not have owned a principal, including a mobile home (whether or not on a permanent foundation), located within or outside the State of Florida during the three-year period ending on the date the mortgage is executed, unless the residence is being purchased in a MCC Targeted Area;

(3) Must meet household income limits for the MCC Program. MCC Participating Lenders must calculate income by using the procedures outlined in the Origination Guide.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History--New _____.

67-54.008 Eligible Properties.

(1) The residence must be located in the State of Florida and must be eligible for insurance under the FHA, VA, USDA, Conventional and MI Insurer.

(2) The property must be a single family detached house, condominium or townhouse or a manufactured home eligible for FHA, VA, USDA, Conventional or PMI insurer mortgage insurance under a land-home transaction; 30 year amortization, fixed to a permanent foundation.

(3) No more than 15% of the total area of the principal residence can be used for the principal place of business for, or in connection with, any trade or business on an exclusive and regular basis.

(4) The Acquisition Price may not exceed the limits prescribed in the Origination Guide (1) Manufactured homes shall have a minimum of 400 square feet of living space and a minimum width in excess of 102 inches.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History--New _____.

67-54.009 Reporting Requirements.

The Corporation shall report the following information to MCC Participating Lenders and the IRS as prescribed in IRC Section 25:

(1) The name, address, and social security number of the MCC Eligible Borrower; and

(2) The certificate's issuer, date of issuer, Certified Indebtedness Amount, and certificate credit rate.

Specific Authority 420.507(12),(24) FS. Law Implemented 420.5099 FS. History—New _____.

67-54.010 Fees.

In connection with the origination of a MCC, the Corporation shall collect from the MCC Eligible Borrower a non-refundable reservation fee, payable at the time of application as identified in the Origination Guide. A copy of this document may be obtained by contacting the Single Family Bonds Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1397.

Specific Authority 420.507(12), 420.507(24), 420.507(4) FS. Law Implemented 420.5099 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wallisa Cobb, Single Family Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2004, Corporation Board Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 2004, Vol. 30, No. 35

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE:

Policies and Endorsements Covering

Employees Engaged in Work in Florida 69L-6.019

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment to Rule 69L-6.019, F.A.C., is to describe activities that constitute "engaged in work" in this state by employees of a construction industry employer headquartered outside this state. Sections 440.10(1)(g) and 440.38(7), Florida Statutes, were amended to require employers headquartered outside this state who have employees "engaged in work" in this state to obtain a Florida workers' compensation policy or an endorsement utilizing Florida class codes, rates, rules, and manuals that are in compliance with and approved under the provisions of Chapter 440, Florida Statutes, and the Florida Insurance Code.

RULE NO.:

69L-6.019

SUMMARY: The rule defines "engaged in work" to include any construction activity involving building, clearing, filling, excavation or improvement of real property or any activity classified by the Basic Manual. The rule also provides that maintaining permanent staff or hiring employees in Florida for activities in Florida constitutes being engaged in work.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.10(1)(g), 440.591 FS.

LAW IMPLEMENTED: 440.10(1)(g), 440.38(7) FS.

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

TIME AND DATE: 9:30 a.m., October 22, 2004

PLACE: 104J Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrew Sabolic, Acting Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.019 Policies and Endorsements Covering Employees Engaged in Work in Florida.

(1) through (5) No change.

(6) An employee of a construction industry employer headquartered outside the state of Florida is "engaged in work" in Florida if he or she participates in any one of the following activities in the state of Florida:

(a) The employee engages in new construction, alterations, or any job or any construction activities involving any form of the building, clearing, filling, excavation or improvement in the size or use of any structure or the appearance of any land as defined in Section 440.02(8), F.S. or performs any job duties or activities which would be subject to those contracting classifications identified in the Contracting Classification Premium Adjustment Program contained in the Florida State Special pages of the Basic Manual (as incorporated in Rule 69L-6.021, F.A.C.) within the borders of the state of Florida, regardless of whether an employee returns to his or her home state each night, or

(b) If the employer maintains a permanent staff of employees or superintendents and the staff employee or superintendent is assigned to construction activities in Florida for the duration of the job or any portion thereof, or

(c) If the employer hires employees in Florida for the specific purpose of completing all or any portion of construction contract work and related construction activities in the state of Florida.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.10(1)(g), 440.38(7) FS. History--New 6-19-04, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dan Sumner, Deputy Director of Workers' Compensation, Department of Financial Services
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman, Director of Workers' Compensation, Department of Financial Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Healthy Lifestyle Rebate
Employee Health Care Access Act
Annual and Quarterly Statement Reporting Requirement

RULE NOS.: 690-149.0055
690-149.038

PURPOSE, EFFECT AND SUMMARY: To implement the provisions of HB 1629 regarding rebates for healthy lifestyles as well as amending the underwriting margin of 5% to 4% in the small group market to comply with the change in statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 627.410(6), 627.6699(5)(i)3.a.,4.,(6), 641.36, 641.31(2) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(6), 627.6402, 627.65626, 627.6699(6)(b), 641.31(40) FS.

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

TIME AND DATE: 1:30 p.m., October 21, 2004
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Office of Insurance Regulation, e-mail: dinof@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

690-149.0055 Healthy Lifestyle Rebate.

(1) Employer Group Coverage.

(a) All insurers and HMOs subject to the provisions of Section 627.65626 or 641.31(40), F.S. and issuing small employer group health insurance coverage, where such coverage meets the standards of creditable coverage as defined in Section 627.6561(5), F.S., shall provide for a healthy lifestyle rebate.

(b)1. All insurers and HMOs shall file for approval the standards it will use for determining the level of rebate, i.e. between 0% and 10%, for different health status indicators, which shall include reduction in weight, body mass index, and smoking cessation.

2. The filed standards shall provide that the rebate is available and attainable by all employers on a nondiscriminatory basis and be without regard to the health or claim status of the insured.

3. The filing of the standards shall address the method and timing of the determination and application of the rebate.

(c)1. For purposes of rate filings, the rebate made shall be accounted as a reduction to the earned premium and clearly identified in the filing.

2. Rate filings shall include the number of employers participating in the rebate program and the distribution of the policies by size of rebate earned.

(d) The insurer or HMO shall provide an appropriate rebate for maintenance or improvement of health status for any program offered by an employer as determined by agreed upon health status indicators.

(e) This rule shall be effective for all policies issued or renewed on or after January 1, 2005 with the first rebate available January 1, 2006.

(2) Individual Coverage

(a) Any individual health insurance coverage subject to the provisions of Section 627.6402, F.S., and where such coverage meets the standards of creditable coverage as defined in Section 627.6561(5), F.S., shall provide for a healthy lifestyle rebate.

(b)1. All insurers shall file for approval the standards it will use for determining the level of rebate, i.e. between 0% and 10%, for different health status indicators, which shall include reduction in weight, body mass index, and smoking cessation.

2. The filed standards shall provide that the rebate is available and attainable by all insureds on a nondiscriminatory basis and be without regard to the health or claim status of the insured.

3. The filing of the standards shall address the method and timing of the determination and application of the rebate.

(c)1. For purposes of rate filings, the rebate made shall be accounted as a reduction to the earned premium and clearly identified in the filing.

2. Rate filings shall include the number of policies participating in the rebate program and the distribution of the policies by size of rebate earned.

(d) The insurer shall provide an appropriate rebate for maintenance or improvement of health status for any program approved by the insurer as determined by agreed upon health status indicators.

(e) This rule shall be effective for all policies issued or renewed on or after January 1, 2005 with the first rebate available January 1, 2006.

Specific Authority 624.308(1), 627.410(6), 641.36, 641.31(2) FS. Law Implemented 624.307(1), 627.6402, 627.65626, 641.31(40) FS. History--New

690-149.038 Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement.

(1) through (2) No change.

(3)(a) No change

(b)1. If the percentage deviation from the modified community rate due to adjustments in the rate actually charged policyholders for claim experience, health status, or duration adjustments is $\frac{4}{5}$ percent or more, the carrier shall limit the application of claim experience, health status, or duration adjustments to credits only effective no more than 60 days following the report date.

2. This shall apply to all groups with original issue dates or anniversary dates for renewals on or after this 60 days.

3. If a group was in process of application review and issuance, and would have received a surcharge, but the policy was not issued or renewed until after the 60 day period, the surcharge may not be applied.

(c) No change.

(d) A carrier that is limited to credits only, pursuant to paragraph (b) or (c) above, shall be limited to credits only until a subsequent reporting period demonstrating that the percentage deviation from the modified community rate due to adjustments in the rate actually charged policyholders for claim experience, health status, or duration adjustments is less than $\frac{4}{5}$ percent.

Specific Authority 627.6699(5)(i)3.a., 4.a., (6), (16) FS. Law Implemented 624.424(6), 627.6699(6)(b), (5)(i)3.a., 4.a. FS. History--New 3-1-93, Amended 11-7-93, 8-4-02, 6-19-03, Formerly 4-149.038, Amended 5-18-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Robleto, Bureau Chief, Life and Health Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2004

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Healthy Lifestyle Rebate

RULE NO.: 690-191.0545

PURPOSE, EFFECT AND SUMMARY: To implement the provisions of HB 1629 regarding rebates for healthy lifestyles in HMO filings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 641.36, 641.31(2) FS.

LAW IMPLEMENTED: 641.31(40) FS. [HB 1629]

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

TIME AND DATE: 1:30 p.m., October 21, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Office of Insurance Regulation, E-mail: dinof@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

690-191.0545 Healthy Lifestyle Rebate.

(1) Employer Group Coverage is as provided by subsection 690-149.0055(1), F.A.C.

(2) Individual Coverage.

(a)1. All HMOs shall file for approval the standards it will use for determining the level of rebate, i.e. between 0% and 10%, for different health status indicators, which shall include reduction in weight, body mass index, and smoking cessation.

2. The filed standards shall provide that the rebate is available and attainable by all subscribers on a nondiscriminatory basis and be without regard to the health or claim status of the insured.

3. The filing of the standards shall address the method and timing of the determination and application of the rebate.

(b)1. For purposes of rate filings, the rebate made shall be accounted as a reduction to the earned premium and clearly identified in the filing.

2. Rate filings shall include the number of contracts participating in the rebate program and the distribution of the contracts by size of rebate earned.

(c) The HMO shall provide an appropriate rebate for maintenance or improvement of health status for any program approved by the HMO as determined by agreed upon health status indicators.

(d) This rule shall be effective for all contracts issued or renewed on or after January 1, 2005 with the first rebate available January 1, 2006.

Specific Authority 641.36, 641.31(2) FS. Law Implemented 641.31(40) FS. [HB 1629]. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Robleto, Bureau Chief, Life and Health Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2004

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.094222
RULE TITLE: Standards for Mid-Year Promotion of Retained Third Graders

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 34, August 20, 2004, Florida Administrative Weekly has been continued from September 21, 2004 to October 19, 2004.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF 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 FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
69A-60	The Florida Fire Prevention Code
RULE NOS.:	RULE TITLES:
69A-60.005	Publications Referenced in NFPA 1, the Florida 2003 Edition, and NFPA 101, the Florida 2003 Edition, Added to the Florida Fire Prevention Code
69A-60.007	Enforcement and Appeal of the Florida Fire Prevention Code

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed Rules 69A.60.005 and 69A-60.007, F.A.C., in accordance with subparagraph 120.54(3)(d)1., Florida Statutes (2003), published in Vol. 30, No. 20, on May 14, 2004, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the two public hearings and comments by the Joint Administrative Procedures Committee.

The rule sections enumerated above are changed to read:

69A-60.005 Publications Referenced in NFPA 1, the Florida 2003 Edition, and NFPA 101, the Florida 2003 Edition editions, Added to the Florida Fire Prevention Code.

(1) No change.

(2) The following publications are hereby also adopted and incorporated by reference herein and added to the Florida Fire Prevention Code and shall take effect on the effective date of this rule:

NFPA 10, 2002 edition, Standard for Portable Fire Extinguishers

NFPA 11, 2002 edition, Standard for Low, Medium and High Expansion Foam

NFPA 11A, 1999 2002 edition, Standard for Medium- and High-Expansion Foam Systems

- NFPA 12, 2000 edition, Standard on Carbon Dioxide Extinguishing Systems
- NFPA 12A, 1997 edition, Standard on Halon 1301 Fire Extinguishing Systems
- NFPA 13, 2002 edition, Standard for the Installation of Sprinkler Systems
- NFPA 13D, 2002 edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes
- NFPA 13R, 2002 edition, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height
- NFPA 14, 2003 edition, Standard for the Installation of Standpipe, Private Hydrants, and Hose Systems
- NFPA 15, 2001 edition, Standard for Water Spray Fixed Systems for Fire Protection
- NFPA 16, 2003 edition, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems
- NFPA 17, 2002 edition, Standard for Dry Chemical Extinguishing Systems
- NFPA 17A, 2002 edition, Standard for Wet Chemical Extinguishing Systems
- NFPA 20, 1999 edition, Standard for the Installation of Stationary Pumps for Fire Protection
- NFPA 24, 2002 edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances
- NFPA 25, 2002 edition, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems
- NFPA 30, 2000 edition, Flammable and Combustible Liquids Code
- NFPA 30A, 2000 edition, Code for Motor Fuel Dispensing Facilities and Repair Garages ~~Automotive and Marine Service Station Code~~
- NFPA 30B, 2002 edition, Code for the Manufacture and Storage of Aerosol Products
- NFPA 31, 2001 edition, Standard for the Installation of Oil-Burning Equipment
- NFPA 32, 2000 edition, Standard for Dry Cleaning Plants
- NFPA 33, 2000 edition, Standard for Spray Application Using Flammable and Combustible Materials
- NFPA 34, 2000 edition, Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids
- NFPA 35, 1999 edition, Organic Coatings
- NFPA 36, 2001 edition, Standard for Solvent Extraction Plants
- NFPA 37, 2002 edition, Combustion Engines and Gas Turbines
- NFPA 40, 2001 edition, Standard for the Storage and Handling of Cellulose Nitrate Motion Picture Film
- NFPA 45, 2000 edition, Standard on Fire Protection for Laboratories Using Chemicals
- NFPA 50B, 1999 edition, Standard for Liquefied Hydrogen Systems at Consumer Sites
- NFPA 51, 2002 edition, Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes
- NFPA 51A, 2001 edition, Standard for Acetylene Cylinder Charging Plants
- NFPA 51B, 1999 edition, Standard for Fire Prevention During Welding, Cutting and Other Hot Work
- NFPA 52, 2002 edition, Compressed Natural Gas (CNG) Vehicular Fuel Systems Code
- NFPA 53, 1999 edition, Fires in Oxygen Atmospheres
- NFPA 54, 2002 edition, National Fuel Gas Code
- NFPA 55, 2003 edition, Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids and Liquefied Gases in Portable and Stationary Containers, Cylinders, and Tanks
- NFPA 57, 2002 edition, Liquefied Natural Gas (LNG) Vehicular Fuel Systems Code
- NFPA 58, 2001 edition, Liquefied Petroleum Gas Code
- NFPA 59, 2001 edition, Utility LP-Gas Plant Code ~~Standard for the Storage, and Handling of Liquefied Petroleum Gases at Utility Gas Plants~~
- NFPA 59A, 2001 edition, Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)
- NFPA 61, 2002 edition, Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Products Facilities
- NFPA 69, 2002 edition, Standard on Explosion Prevention Systems
- NFPA 70, 2002 edition, National Electrical Code®
- NFPA 72, 2002 edition, National Fire Alarm Code®
- NFPA 75, 2003 edition, Standard for the Protection of Information Technology Electronic Computing Equipment
- NFPA 80, 1999 edition, Standard for Fire Doors and Fire Windows
- NFPA 80A, 2001 edition, Protection from Exterior Fire Exposures
- NFPA 82, 1999 edition, Standard on Incinerators and Waste and Linen Handling Systems and Equipment
- NFPA 86, 1999 edition, Standard for Ovens and Furnaces
- NFPA 86C, 1999 edition, Standard for Industrial Furnaces Using a Special Processing Atmosphere
- NFPA 86D, 1999 edition, Standard for Industrial Furnaces Using Vacuum as an Atmosphere
- NFPA 88A, 2002 edition, Standard for Parking Structures
- ~~NFPA 88B, 1997 edition Standard for Repair Garages~~
- NFPA 90A, 2002 edition, Standard for the Installation of Air-Conditioning and Ventilating Systems
- NFPA 90B, 2002 edition, Standard for the Installation of Warm Air Heating and Air-Conditioning Systems
- NFPA 91, 1999 edition, Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids

- NFPA 96, 2001 edition, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations
- NFPA 99, 2002 edition, Standard for Health Care Facilities
- NFPA 99B, 2002 edition, Hypobaric Facilities
- NFPA 101A, 2001 edition, Guide on Alternative Approaches to Life Safety
- NFPA 110, 2002 edition, Standard for Emergency and Standby Power Systems
- NFPA 111, 2001 edition, Standard on Stored Electrical Energy Emergency and Standby Power Systems
- NFPA 115, 1999 edition, Laser Fire
- NFPA 120, 1999 edition, Standard for Coal Preparation Plants
- NFPA 130, 2000 edition, Fixed Guideway Transit System
- NFPA 140, 1999 edition, Standard on Motion Picture and Television Production Studio Soundstages and Approved Production Facilities
- NFPA 150, 2000 edition, Fire Safety in Racetrack Stables
- NFPA 160, 2001 edition, Standard for Flame Effects Before an Audience
- NFPA 211, 2003 edition, Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances
- NFPA 214, 2000 edition, Water Cooling Towers
- ~~NFPA 220, 1999 edition Standard on Types of Building Construction~~
- NFPA 221, 2000 edition, Standard for Fire Walls and Fire Barrier Walls
- NFPA 230, 2003 edition, Standard for the Fire Protection of Storage
- ~~NFPA 231D, 1998 edition Standard for Storage of Rubber Tires~~
- NFPA 232, 2000 edition, Standard for the Protection of Records
- NFPA 241, 2000 edition, Standard for Safeguarding Construction, Alteration, and Demolition Operations
- NFPA 251, 1999 edition, Standard Methods of Tests of Fire Endurance of Building Construction and Materials
- NFPA 252, 1999 edition, Standard Methods of Fire Tests of Door Assemblies
- NFPA 253, 2000 edition, Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source
- NFPA 255, 2000 edition, Standard Method of Test of Surface Burning Characteristics of Building Materials
- NFPA 256, 1998 edition, Standard Methods of Fire Tests of Roof Coverings
- NFPA 257, 2000 edition, Standard on Fire Test for Window and Glass Block Assemblies
- NFPA 259, 2003 edition, Standard Test Method for Potential Heat of Building Materials
- NFPA 260, 1998 edition, Standard Methods of Tests and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture
- NFPA 261, 1998 edition, Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes
- NFPA 265, 2002 edition, Standard Methods of Fire Tests for Evaluating Room Fire Growth Contribution of Textile ~~Wall~~ Coverings on Full Height Panels and Walls
- ~~NFPA 266, 1998 edition Standard Method of Test for Fire Characteristics of Upholstered Furniture Exposed to Flaming Ignition Source~~
- NFPA 267, 1998 edition, Standard Method of Test for Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Source
- NFPA 286, 2000 edition, Standard Methods of Fire Tests for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth
- NFPA 291, 2002 edition, Fire Flow Testing and Marking of Hydrants
- ~~NFPA 299, 2002 edition Protection of Life and Property from Wildfires~~
- NFPA 303, 2000 edition, Fire Protection Standard for Marinas and Boatyards
- NFPA 307, 2000 edition, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves
- NFPA 312, 2000 edition, Standard for Fire Protection of Vessels During Construction, Repair, and Lay-Up
- NFPA 318, 2002 edition, Standard for the Protection of Semiconductor Fabrication Facilities Cleanrooms
- NFPA 385, 2000 edition, Standard for Tank Vehicles for Flammable and Combustible Liquids
- ~~NFPA 395, 1993 edition Farms, Storage of Flammable Liquids~~
- NFPA 407, 2001 edition, Standard for Aircraft Fuel Servicing
- NFPA 409, 2001 edition, Standard on Aircraft Hangers
- NFPA 410, 1999 edition, Standard on Aircraft Maintenance
- NFPA 415, 2002 edition, Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways
- NFPA 418, 2001 edition, Standard for Heliports
- NFPA 430, 2000 edition, Code for the Storage of Liquid and Solid Oxidizers
- NFPA 432, 2002 edition, Code for the Storage of Organic Peroxide Formulations
- NFPA 434, 2002 edition, Code for the Storage of Pesticides
- ~~NFPA 480, 1998 edition Standard for the Storage, Handling, and Processing of Magnesium Solids and Powders~~
- ~~NFPA 481, 2000-1995 edition Standard for the Production, Processing, Handling, and Storage of Titanium~~
- ~~NFPA 482, 1996 edition Standard for the Production, Processing, Handling and Storage of Zirconium~~
- NFPA 484, 2002 edition, Standard for Combustible Metals, Metal Powders, and Metal Dusts

~~NFPA 485, 1999 edition Standard for the Storage, Handling, Processing, and Use of Lithium Metal~~
NFPA 490, 1998 edition, Code for the Storage of Ammonium Nitrate
NFPA 495, 2001 edition, Explosive Materials Code
NFPA 498, 2001 edition, Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives
NFPA 501, 2003 edition, Standard on Manufactured Housing
NFPA 501A, 2003 edition, Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities
NFPA 505, 2002 edition, Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance and Operation
~~NFPA 650, 1998 edition Standard for Pneumatic Conveying Systems for Handling Combustible Particulate Solids~~
~~NFPA 651, 1998 edition Standard for the Machining and Finishing of Aluminum and the Production and Handling of Aluminum Powders~~
NFPA 654, 2000 edition, Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
NFPA 655, 2001 edition, Standard for Prevention of Sulfur Fires and Explosions
NFPA 664, 2002 edition, Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
NFPA 701, 1999 edition, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films
NFPA 703, 2000 edition, Standard for Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials
NFPA 704, 2001 edition, Standard System for Identification of the Hazards of Materials for Emergency Response
NFPA 750, 2003 edition, Water Mist Fire Protection Systems
NFPA 820, 1999 edition, Wastewater Facilities
NFPA 850, 2000 edition, Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations
NFPA 909, 2001 edition, Standard for the Protection of Cultural Resources, ~~Including Museums, Libraries, Places of Worship, and Historic Properties~~
NFPA 1122, 2002 edition, Code for Model Rocketry
NFPA 1123, 2000 edition, Code for Fireworks Display
NFPA 1124, 2003 edition, Code for the Manufacture, Transportation, ~~and Storage, and Retail Sales~~ of Fireworks, and Pyrotechnic Articles
NFPA 1125, 2001 edition, Code for the Manufacture of Model Rocket and High Power Rocket Motors
NFPA 1126, 2001 edition, Standard for the Use of Pyrotechnics before a Proximate Audience
NFPA 1127, 2002 edition, Code for High Powered Rocketry

NFPA 1142, 2001 edition, Standard on Water Supplies for Suburban and Rural Fire Fighting, excluding NFPA 1141
NFPA 1194, 2002 edition, Standard for Recreational Vehicle Parks and Campgrounds
NFPA 1561, 2002 edition, Standard on Emergency Services Incident Management System
NFPA 1963, 1998 edition, Standard for Fire Hose Connections
NFPA 2001, 2000 edition, Standard on Clean Agent Fire Extinguishing Systems
~~NFPA 8503, 1997 edition Standard for Pulverized Fuel Systems~~
Standard Fire Prevention Code, Chapter 22, 1997 edition
Such portions of "The United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," which pertain to meeting firesafety requirements without destroying the historical aspects of the building
SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings, Society of Fire Protection Engineers, Bethesda, Maryland 2000 edition
The portions of ANSI A14.3-2002 ~~1992~~, Safety Code for Fixed Ladders, which pertain to fire escape ladders and which may be obtained at American National Standards Institute, 11 West 42nd Street, New York, NY 10036
Chapter 4, Accessible Routes, ICC/ANSI A117.1-1998, which may be obtained at American National Standard for Accessible and Usable Buildings and Facilities, American National Standards Institute, 11 West 42nd Street, New York, NY 10036
The portions of ANSI A1264.1-1995, Safety Requirements for Workplace Floor and Wall Openings, Stairs and Railing Systems, which pertain to fire escape ladders and which may be obtained at American National Standards Institute, 11 West 42nd Street, New York, NY 10036
ANSI/UL 2079, 1998 edition, Test of Fire Resistance of Building Joint Systems, which may be obtained at Underwriters Laboratories Inc., 333 Pfingsten Rd., Northbrook, IL 60062
~~The portions of ASME/ANSI A17.1-1993, Safety Code for Elevators and Escalators, including Addenda A17.1a-1994 and A17.1b-1995, and also including Interpretation No. 17, published in 1993, Interpretation No.18, published in 1994, and Interpretation No. 19, published in 1995, which pertain to firesafety, and which may be obtained at American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990~~
~~The portions of ASME/ANSI A17.3-2002, Safety Code for Existing Elevators and Escalators, including Addenda A17.3a-1994 and A17.3b-1995, which pertain to firesafety and which may be obtained at American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990~~

ASTM D 2898,-94, (Reapproved 1999), Test Method for Accelerated Weathering of Fire Retardant-Treated Wood for Fire Testing, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 136-1999, Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1537, ~~2001~~ ~~1999~~ edition, Standard Test Method for Fire Testing of Upholstered Furniture, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1590-01, Standard Test Method for Fire Testing of Mattresses, American Society for Testing and Materials, which may be obtained at 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1591-00, Standard Guide for Obtaining Data for Deterministic Fire Models, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM F 851-1987 (Reapproved 1991), Standard Test Method for Self-Rising Seat Mechanisms, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, but only to the extent referenced in Subdivision 12.2.5.5.1 and 12.2.5.5.2 of NFPA 101, 2000 edition

~~ANSI/BHMA~~ ~~BHMA/ANSI~~ A-156.19- ~~2002~~ ~~1997~~, American National Standard for Power Assist and Low Energy Power Operated Doors, which may be obtained at Buildings Hardware Manufacturers Association, 355 Lexington Avenue, 17th Floor, New York, NY 10017-6603

16 Code of Federal Regulations, Part 1632 which may be obtained by contacting the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342

UL 924, Standard for Safety Emergency Lighting and Power Equipment, Underwriters Laboratories, Inc., which may be obtained at 333 Pfingsten Rd., Northbrook, IL 60062

UL 1975, Standard for Fire Tests for Foamed Plastics Used for Decorative Purposes, Underwriters Laboratories, Inc., which may be obtained at 333 Pfingsten Rd., Northbrook, IL 60062

(3) through (4) No change.

(5) Only the codes, standards, publications, or other references adopted in this chapter are enforceable as part of the Florida Fire Prevention Code. Any code, standard, publication or other reference not adopted in this rule chapter may only be enforced by a local government if it has been adopted as a local amendment of such local government in full compliance with Section 633.0215(3), 633.0215(10), or 633.025(4), Florida Statutes.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New 11-15-01, Formerly 4A-60.005, Amended _____.

69A-60.007 Enforcement and Appeal of the Florida Fire Prevention Code.

(1) through (2) No change.

(3) If deemed necessary by a fire official for a complete, accurate, and thorough firesafety plans review or inspection, the fire official may request assistance from a building, electrical, plumbing, or similar specialty inspector; however, nothing in this rule gives authority or jurisdiction to any person other than a firesafety inspector certified under Section 633.081, F.S., to perform firesafety inspections required by law, rule, ordinance, or code.

(4)(a) Section 633.01, F.S., provides that it is the intent of the legislature that there be no conflicts in the interpretation and enforcement of the Florida Fire Prevention Code and the Florida Building Code.

(b) In the event of a conflict between the Florida Fire Prevention Code and the Florida Building Code, the procedures set forth in Chapter 553, F.S., and specifically either:

1. Paragraph (d) of subsection (1) of Section 553.73, F.S., relating to conflicts in general to be resolved through mediation, or

2. Paragraphs (a) through (f) of subsection (9) of Section 553.73, F.S. relating to conflicts in the application of the Florida Fire Prevention Code and the Florida Building Code to a specific project, as applicable, shall be followed.

(5)(a) Section 633.01, F.S., provides that the State Fire Marshal may issue, and if requested in writing by a substantially affected person or by a local enforcing agency, i.e., an authority having jurisdiction, the State Fire Marshal shall issue declaratory statements to interpret the Florida Fire Prevention Code.

(b) To request an interpretation of the Florida Fire Prevention Code from the State Fire Marshal through a declaratory statement, a person who is not an authority having jurisdiction must proceed through the local appeal process and receive an adverse ruling from the local appeals board. A person does not become a substantially affected person until such person receives an adverse ruling after having completed the local appeal process because the local interpretation with which the person disagrees, if challenged, cannot be enforced until after having been upheld in the local appeal process.

(c) If the person who is not an authority having jurisdiction receives an adverse ruling after proceeding through the local appeal process, such person then becomes a substantially affected person within the meaning of Section 633.01, F.S., and may at that time petition for a declaratory statement from the State Fire Marshal.

(d) Any petition for declaratory statement that has been received by the State Fire Marshal from a person who is not an authority having jurisdiction and who has not proceeded

through the local appeal process shall be dismissed, without prejudice to re-bring the petition after such person has received an adverse ruling through the local appeal process.

(e) An authority having jurisdiction may request a declaratory statement from the State Fire Marshal at any time, regardless of whether the interpretation of the authority having jurisdiction has been challenged; however, an authority having jurisdiction must, in compliance with Section 120.565, F.S., be presented with an actual particular set of circumstances prior to petitioning for a declaratory statement. Declaratory statements are not issued on a hypothetical set of facts if the authority having jurisdiction or any other substantially affected person is not presented with an actual particular set of circumstances.

(f)1. A petition for a declaratory statement is not required to be in any particular form; however, each petition must comply fully with Section 120.565, F.S., and Chapter 28-105, F.A.C.

2. Although there is no requirement that a petition be in any particular form, a form exists on the Division of State Fire Marshal website located at <http://www.fldfs.com/SFM/> which, if used, complies in all respects with the requirements of the law and will assist the division in expediting the proceedings.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.007, Amended _____.

Section IV Emergency Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE TITLE: RULE NO.:

Community Development Block Grant

Disaster Relief Funds 9BER04-1

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: As a result of the destruction associated with Hurricane Charley in August 2004, thousands of homes were damaged or destroyed and residents were severely impacted by flooding, damaged public facilities, downed power lines, and debris. Many businesses suffered serious damage or were destroyed, along with governmental service buildings, public housing, nursing homes and hospitals. Other infrastructure was also impacted.

The Small Cities Community Development Block Grant Program (CDBG) has made available its Neighborhood Revitalization Emergency Set-aside funds and de-obligated funds in the amount of \$4,500,000 to be used for those activities that are eligible for disaster recovery assistance resulting from damage due to Hurricane Charley under Executive Order 04-182 in the following jurisdictions:

Charlotte County
Arcadia
DeSoto County
Bowling Green
Hardee County
Wauchula
Zolfo Springs

The State of Florida, through the Department of Community Affairs, is responsible for the regular administration of the Small Cities CDBG Program under Rule Chapter 9B-43, Florida Administrative Code. As a result of Executive Order 04-182, it is necessary for the Department to implement this emergency rule to clearly differentiate between these disaster recovery funds for Hurricane Charley relief and regular Small Cities CDBG administrative requirements. The expenditure of these funds in the disaster stricken areas is essential to the health, safety and welfare of the public. This emergency rule enables the Department of Community Affairs to more quickly disburse these funds to affected local governments, so that the dire needs of the affected citizens of Florida can be promptly addressed.

REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Promulgation of Rule Chapter 9BER04-1, using emergency rule procedures, is the only available mechanism that adequately provides for the expeditious disbursement and use of these federal funds, while addressing the urgent needs of the public.

SUMMARY: This rule enables the Department of Community Affairs to distribute and administer CDBG disaster recovery funds as expeditiously as possible. The contract period will be for six months.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ken Reecy, Interim Program Administrator, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE FULL TEXT OF THE EMERGENCY RULE IS:

9BER04-1 Community Development Block Grant Disaster Relief Funds.

(1) The primary objective of this emergency rule is to address urgent housing needs of low and moderate income families who have suffered damage to or loss of housing as a result of Hurricane Charley. The State of Florida Small Cities CDBG program has Neighborhood Revitalization Emergency Set-aside funds and de-obligated funds in the total amount of \$4,500,000.00 which are being made available to assist in community recovery from the damages due to Hurricane Charley for those activities which are eligible under 24 CFR 570, Subpart I. These funds are to be used only for housing activities addressing an urgent need for assistance in alleviating existing conditions that pose a serious and

immediate threat to the health and safety of low and moderate income persons. Only the following Small Cities CDBG eligible counties and cities may apply for these funds:

Charlotte County
Arcadia
DeSoto County
Bowling Green
Hardee County
Wauchula
Zolfo Springs

The amount of funds requested shall be limited to that amount necessary to address the emergency need only and is not to exceed the amount allocated by the Department as established in the Notice of Funding Availability. All portions of Rule Chapter 9B-43, Florida Administrative Code, are abrogated by this emergency rule in order to expedite recovery measures except the following:

Rule 9B-43.003, F.A.C.
Rule 9B-43.004, F.A.C.
Subsections 9B-43.009(1), (3), (5), and (6), F.A.C. and
Rule 9B-43.014, F.A.C.

(2) The Department of Community Affairs will issue a Notice of Funding Availability to the eligible local governments with application instructions, including the date by which applications are to be received and other application information. The maximum and minimum grant amounts shall be established at the Department's discretion. Administrative costs chargeable to the program shall not exceed ten percent (10%) of the total subgrant amount. The maximum grant contract period will be six (6) months from the date of execution of the contract.

(3) All funded disaster recovery activity must exclusively benefit low and moderate income persons under 24 CFR 570.483(b). Applicants under this category shall demonstrate that no other federal, State, local or private disaster funds are available at this time to address this emergency and that they are not being reimbursed for the activities by another source (i.e. homeowner's insurance, Red Cross, or other nonprofit or for profit organizations). The funds available hereunder shall not be used to supplant any other funding.

(4) Communities identified by the Federal Emergency Management Agency (FEMA) as nonparticipating, noncompliant communities under the National Flood Insurance Program are not eligible to apply for these funds.

(5) Allocation of funds will be determined by the Department of Community Affairs based upon the following priorities:

- (a) Targeting of low and very low income households; and
- (b) Providing assistance where there is a lack of available funding from any other source to adequately address the need.

(6) The above-named Small Cities CDBG cities and counties within the aforementioned impacted areas will be required to determine the specific uses of these disaster recovery funds to address urgent housing needs within the parameters allowed by this emergency rule, the Department of Housing and Urban Development (HUD), Title I of the Housing and Community Development Act of 1974, as amended, and the HUD regulations at 24 CFR Part 570, except as they may be waived by HUD and the Florida Department of Community Affairs.

Specific Requirements:

(1) The primary objective of this funding is to address urgent housing needs of low and moderate-income families who have suffered damage to or loss of housing as a result of recent hurricanes and related weather events. These funds are to be used only for housing activities addressing an urgent need for assistance in alleviating existing conditions which pose a serious and immediate threat to health and safety of low and moderate-income persons.

(2) Local government must take the necessary steps to ensure that the public, particularly eligible individuals, are made aware of the funding and the purposes for which the funding may be used. At a minimum, local government must provide notice of funding availability through the use of local newspapers and other media.

(3) Activities that may be undertaken with the funds are limited to the following:

- (a) Grant administration costs;
- (b) Demolition and Clearance;
- (c) Temporary Relocation (including rental assistance);
- (d) Permanent Relocation (including rental assistance for a time limited period);
- (e) Housing Rehabilitation;
- (f) Housing Demolition and Replacement;
- (g) Waivers of Permit Fees, Inspection Fees, or Other Normally Charged Fees;

- (h) Potable Well Installation;
- (i) Water and Sewer Hookups;
- (j) Water and Sewer Line Replacement;
- (k) Septic System Replacement or Installation; and
- (l) Utility Hookups, Other.

(4) If manufactured housing units are used for replacement housing, they must meet the following specifications:

- (a) Manufactured housing units must be built to HUD post-1994 construction standards. The units must be new previously uninstalled manufactured housing units.
- (b) Units must bear HUD compliance certification meeting HUD wind resistance construction standards for wind zone 3.
- (c) The county shall inspect and approve the installation of all manufactured housing units. Units must be installed to the manufacturer's installation instructions.

(d) These funds may not be used for furniture and interior design costs, insurance, financing points, or add on structures.

(e) Replacement units may be placed on leased land or resident owned land.

(f) Site location must meet minimum safety criteria (e.g., not located in floodplain, not in high velocity wind zone, etc.).

(g) Units must be for owner-occupancy, replacing manufactured housing.

(h) The costs of each manufactured housing unit must not exceed the appraised value of the unit per the Fannie Mae/Freddie Mac manufactured housing appraisal guidelines currently in effect (e.g., Fannie Mae, Announcement 03-06, "Appraisal Guidelines for Manufactured Housing.")

Additional guidance regarding grant administration, reporting and closeout requirements will be outlined in a separate Policy Document and is incorporated by reference as part of this rule.

Specific Authority 290.044 FS. Law Implemented 290.0401-.048 FS. History—New 9-10-04.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 10, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE TITLE: Waiver of Charges, Fees and/or Penalties

RULE NO.:

For Retailers-Hurricane Frances 53ER04-51

SUMMARY OF THE RULE: The emergency rule sets forth the provisions for the waiver of certain retailer charges, fees and/or penalties set forth in Florida Lottery rules in response to damage and loss sustained by Florida Lottery retailers from Hurricane Frances.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-51 Waiver of Charges, Fees and/or Penalties for Retailers-Hurricane Frances.

(1) Notwithstanding Florida Lottery Rules 53ER01-3 Retailer Application and Fee Schedule, 53ER01-77 Electronic Funds Transfer Delinquencies, 53ER02-5 On-line Retailer Responsibilities, and 53ER02-41 Lost, Stolen or Damaged

Instant Lottery Tickets, Florida Administrative Code, this emergency rule sets forth provisions for the waiver of certain retailer charges, fees and/or penalties set forth in the above-referenced rules in response to damage and loss sustained by Florida Lottery retailers from Hurricane Frances.

(2) Data Line Weekly Service Charge.

(a) The weekly service charge of \$10.00 set forth in Rule 53ER02-5, Florida Administrative Code, shall be waived prospectively for on-line retailers meeting the following criteria:

1. The retailer's business is located in one of the following thirty-six (36) counties of Florida that have been declared disaster areas as of September 9, 2004:

Alachua, Brevard, Broward, Charlotte, Citrus, Clay, Columbia, DeSoto, Dixie, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Levy, Marion, Martin, Miami-Dade, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Polk, Putnam, Seminole, St. Johns, St. Lucie, Sumter and Volusia; or

2. The retailer's business is located in a county that is declared a disaster area subsequent to September 9, 2004; and

3. The retailer has the type of on-line terminal for which a \$10.00 weekly service charge is assessed; and

4. The retailer's sales status is "non-selling" as determined by an on-line retailer sales status report generated through the Lottery's gaming system each week on Saturday.

(b) The service charge waiver set forth in this subsection shall remain in effect until such time as the retailer regains its selling status, or this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence, whichever occurs first, except as provided in paragraph (2)(c) below.

(c) The Florida Lottery reserves the right to make a case-by-case determination as to whether the retailer's non-selling status is for reasons not attributable to Hurricane Frances, in which case the weekly service charge will be assessed in the regular manner.

(3) Non-Sufficient Funds Penalty.

(a) Except as provided in paragraph (3)(d) below, a penalty for Non-Sufficient Funds as set forth in Rule 53ER01-77, Florida Administrative Code, shall be waived provided the retailer (instant-only or on-line) meets the criteria set forth in subparagraphs (2)(a)1. or 2., or as provided in paragraph (3)(b) below.

(b) The Florida Lottery reserves the right to make a case-by-case determination for retailers requesting a waiver of the Non-Sufficient Funds penalty who are not located in the disaster area. (Example: the retailer is able to conduct business activities but is unable to make a bank deposit due to complication associated with the bank's location in the disaster area.)

(c) Except as provided in paragraph (3)(d) below, the penalty waiver set forth in this subsection shall remain in effect until such time as this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence.

(d) The Florida Lottery reserves the right to make a case-by-case determination as to whether a Non-Sufficient Funds penalty assessed to a retailer shall be waived. (Example: the retailer is located within the disaster area but its Non-Sufficient Funds occurrence is for reasons not attributable to Hurricane Frances.)

(4) Lost, Stolen or Damaged Instant Lottery Ticket Service Fees.

(a) Inactive Books.

1. The service fee for books of instant tickets reported as lost, stolen, or damaged as set forth in Rule 53ER02-41, Florida Administrative Code, that were in received status as of September 3, 2004 shall be waived provided the retailer (instant-only or on-line) meets the criteria set forth in subparagraph (2)(a)1. or 2., except as provided in subparagraph (4)(a)2. below.

2. The Florida Lottery reserves the right to make a case-by-case determination as to whether the retailer's reporting of inactive lost, stolen, or damaged books is for reasons not attributable to Hurricane Frances, in which case the service fee will be assessed in the regular manner.

(b) Active Books. Charges for books of instant tickets placed in an active status on or before September 3, 2004 and subsequently reported as lost, stolen, or damaged will be determined by the Lottery on a case-by-case basis for retailers meeting the criteria set forth in subparagraph (2)(a)1. or 2.

(c) The fee waiver set forth in this subsection shall remain in effect until such time this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence.

(5) Retailer Application Fee – Change of Location.

(a) The \$10.00 fee for retailers that apply to change a location as set forth in Rule 53ER01-3, Florida Administrative Code, shall be waived provided the retailer (instant-only or on-line) meets the criteria set forth in subparagraph (2)(a)1. or 2., except as provided in paragraph (5)(b) below.

(b) The Florida Lottery reserves the right to make a case-by-case determination as to whether the retailer's change in location is for reasons not attributable to Hurricane Frances, in which case the fee will be assessed in the regular manner.

(c) The fee waiver set forth in this subsection shall remain in effect until such time this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence.

Specific Authority 24.105(9)(j), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9)(j), 24.112(1) FS. History—New 9-10-04.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 10, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Use of Whips

RULE NO.: 61DER04-2

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: The citizens of the State of Florida have a vested interest in the safety, health, and wellbeing of all racing animals in the State of Florida. The legislature in establishing the public policy of Florida regarding gambling has placed high importance on the humane treatment of the animals involved in racing. Section 550.2415(6)(a), Florida Statutes, states as follows:

It is the intent of the Legislature that animals that participate in races in this state on which pari-mutuel wagering is conducted and animals that are bred and trained in this state for racing be treated humanely, both on and off racetracks, throughout the lives of the animals.

Without implementation of an emergency rule, the rule as stated will permit the use of a whip on the flanks of a horse. The inclusion of the flanks, as an area of a horse where use of a whip would be permissible, was due to an error in the rule drafting process. Use of a whip on the flanks is not allowed in any other thoroughbred racing jurisdiction. The rule, as intended, should only permit the use of a whip on a horse's hindquarters or shoulders and should prohibit the use of a whip on the flanks.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: An emergency rule is the most appropriate means of ensuring that the safety, health, and wellbeing of all racing animals in the State of Florida is maintained, at all times, in a manner that conforms to historical and traditional practices for the use of whips, by a jockey, during a pari-mutuel horserace.

SUMMARY OF THE RULE: Emergency Rule 61DER04-2, Florida Administrative Code, provides for the use of a whip during a horserace.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Joseph M. Helton, Jr., Chief Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE EMERGENCY RULE IS:

61DER04-2 Use of Whips.

(1) Although the use of a whip is optional, any jockey who uses a whip during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

(2) In all races where a jockey participates without a whip, an announcement of such fact shall be made over the public address system.

(3) Prohibited uses of the whip include use of the whip:

(a) On any part of the horse's body other than the shoulders or hindquarters.

(b) During the post parade or after the finish of the race.

(c) Excessively or brutally causing welts or breaks in the horse's skin.

(d) When the horse is clearly out of the race or has obtained its maximum placing.

(e) Persistently, even though the horse is showing no response under the whip, or

(f) Striking another horse or any person.

(4) This emergency rule shall supersede the recently promulgated Rule 61D-13.006, Florida Administrative Code, regarding "Use of Whips" until such time as the text of this emergency rule shall be adopted through rulemaking proceedings.

Specific Authority 550.025(3), (11) FS. Law Implemented 550.0251 FS. History--New 9-13-04.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THE RULE:

EFFECTIVE DATE: September 13, 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."

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
State Distribution of Funds to	
Local Governments	67ER04-13
Income Verification	67ER04-14
Strategies	67ER04-15
NOFA	67ER04-16
Annual Reports	67ER04-17
Letter of Request	67ER04-18

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: As a result of the damage caused by Hurricane Ivan to parts of Florida, there exists a severe shortage of safe and sanitary housing. Section 420.9078(8), F.S. provides for the distribution of appropriated SHIP funds from the Local Government Housing Trust Fund among counties and eligible municipalities for which an emergency or natural disaster has been declared by executive order and which have an approved local housing assistance plan to implement a local housing assistance strategy consistent with Section 420.907-9079, F.S. A review of the local housing assistance plans reveals a lack of strategies sufficient to address the severity of damage caused

by Hurricane Ivan. Sections 420.9072-9079, F.S., provide the criteria to be used in order to amend a local housing assistance plan. Adherence to the adoption process would prevent timely distributions of needed funds. Emergency Rulemaking is necessary to address this situation and to provide the local governments the necessary funds to provide for shelter, necessary rehabilitation and repairs to damaged residences.

REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Florida Housing is aware of the rulemaking procedures prescribed by section 120.54, Florida Statutes. That process requires advance notice to the general public of intended rules and the opportunity to submit comments on the intended rule, prior to the agency's adopting of the rule. The process requires, at a minimum, 35 days to adopt a rule. This time period would prevent Florida Housing from releasing the funds to the local counties and eligible municipalities in an expeditious manner. In turn, the counties and local governments would be prevented from providing immediate relief to the victims of Hurricane Ivan.

Florida Housing believes that emergency rulemaking procedure is the most expeditious and effective way to implement necessary procedures to carry out activities as described in this rule. Florida Housing intends to initiate standard rulemaking for Chapter 67-37, F.A.C., by filing a notice of rule development no later than September 24, 2004.

SUMMARY OF THE RULE: The rule provides the strategy by which SHIP funds shall be utilized by Local Governments affected by Hurricane Ivan utilizing a disaster self-certification income verification form; establishes a disaster strategy; and extends the annual reporting deadline.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Robert Dearduff, SHIP Program Administrator, 227 North Bronough St., Suite 5000, Tallahassee, FL 32301, (850)488-4197

THE FULL TEXT OF THE EMERGENCY RULE IS:

67ER04-13 State Distribution of Funds to Local Governments.

(1) Local Governments may use Unencumbered SHIP funds to carry out activities of disaster relief as described in the Local Housing Assistance Plan or in the disaster strategy adopted and incorporated in this rule.

(2) Local Governments affected by Hurricane Ivan may also request forward allocation of remaining 2004-2005 SHIP funds, if any remain, by authority of Executive Order 04-206.

Specific Authority 120.54(4), 420.9072(9) FS., Executive Order 04-206. Law Implemented 420.9072 FS. History--New 9-14-04.

67ER04-14 Income Verification.

(1) Recipients of SHIP funds under a local government's disaster strategy shall be required to verify income by executing a Disaster Self Certification of Income Form (08/04), hereby adopted and incorporated by reference or a

local government's form that requires the same information. A copy is available on the Corporation's website at www.floridahousing.org or by contacting the Florida Housing SHIP Staff, 227 North Bronough St., Suite 5000, Tallahassee, FL, 32301 or call (850)488-4197.

(2) Pay check stubs and other forms of proof are required, if available. Other documentation required for SHIP income qualification may be waived if unavailable. The county or eligible municipality shall make every effort reasonable to insure that the recipients of SHIP funds are income qualified.

Specific Authority 120.54(4), 420.9072(9) FS., Executive Order 04-206. Law Implemented 420.9072 FS. History--New 9-14-04.

67ER04-15 Strategies.

(1) SHIP funds for disaster relief shall be expended for activities listed in the local government's disaster strategy located in the local housing assistance plan.

(2) If the local government uses unencumbered funds for disaster relief and does not have an adequate disaster strategy, the local government shall use the Disaster Strategy (08/04) hereby adopted and incorporated in this rule. A copy is available on Florida Housing's website as www.floridahousing.org or by contacting the SHIP Program Administrator, 227 North Bronough St., Suite 5000, Tallahassee, FL, 32301 or call (850)488-4197.

(3) Some activities, in addition to those included in Local Government's approved Local Housing Assistance Plans, on which funds may be expended include:

(a) Payment of insurance deductibles for rehabilitation of homes covered under homeowners insurance policies;

(b) Security deposit, rental assistance for the duration of Florida Office of the Governor Executive Order 04-206, for eligible recipients who have been displaced from their homes due to damage from the storm;

(c) Other activities as noted in the Disaster Strategy (08/04);

(d) Other activities as proposed by the counties and eligible municipalities and approved by Florida Housing;

(e) Other activities as outlined in the local government's disaster strategy found in the Local Housing Assistance Plan;

(4) Disbursement of funds must be used for eligible housing, meaning any real and personal property located within the county or the eligible municipality which is designed and intended for the primary purposed of providing decent, safe, and sanitary residential units that are designed to meet the standards of Chapter 553, F.S., for homeownership or rental for eligible persons. SHIP funds may not be used for the purchase, rehabilitation or repair of mobile homes.

Specific Authority 120.54(4), 420.9072(9) FS., Executive Order 04-206. Law Implemented 420.9072 FS. History--New 9-14-04.

67ER04-16 NOFA.

Counties and eligible municipalities receiving funds under this rule shall not be required to advertise the availability of funds. Local Governments, however, may require advertisement of available funds.

Specific Authority 120.54(4), 420.9072(9) FS., Executive Order 04-206. Law Implemented 420.9072 FS. History--New 9-14-04.

67ER04-17 Annual Reports.

(1) Counties and eligible municipalities affected by Hurricane Ivan shall not be required to meet their annual report deadline of September 15. The new date shall be agreed to between the county or eligible municipality and Florida Housing but will not be extended past November 30, 2004.

(2) Counties and eligible municipalities utilizing any SHIP funds for disaster recovery must provide a list of recipients including names, addresses, and zip codes by January 8, 2005, unless otherwise approved by Florida Housing Finance Corporation.

Specific Authority 120.54(4), 420.9072(9) FS., Executive Order 04-206. Law Implemented 420.9072 FS. History--New 9-14-04.

67ER04-18 Letter of Request.

(1) Forward allocation of funds shall be distributed by Florida Housing upon the acceptance and approval of a letter of request from local governments. Each letter of request shall bear the signature of an authorized official.

(2) Local governments shall submit requests via letter, email or phone in cases where the first two options are not available.

Specific Authority 120.54(4), 420.9072(9) FS., Executive Order 04-206. Law Implemented 420.9072 FS. History--New 9-14-04.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: September 14, 2004

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE TITLE: RULE NO.:

Emergency Idle Speed No Wake Boating

Restricted Areas – Suwannee and

Sante Fe Rivers

68DER04-1

STATEMENT OF THE SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, AND WELFARE: Recent rains from Hurricane Frances have caused severe flooding on the Suwannee and Sante Fe Rivers. These rivers have overflowed their banks in many places and expanded into the flood plain.

This flooded condition has created an immediate danger to vessels transiting the area. Objects previously well above the water and objects previously on dry land have become wholly

or partially submerged, creating hazards to navigation. These objects include without limitation, dwellings, electrical and telephone wires, utility poles, trees and stumps, docks and wharfs, boat houses, and sheds. The turbulent and muddy water has caused boats to allide dangerously upon submerged objects without warning.

The operation of any vessel, other than emergency or law enforcement vessels, at speeds greater than Idle Speed No Wake will continue to create an immediate danger to property engulfed by the floodwaters or adjacent to the swollen river. Vessel operation, other than by emergency or law enforcement vessels, at speeds greater than Idle Speed No Wake, will continue to increase the damage caused by the floodwaters and will damage property that is marginally above the floodwaters. Vessel operation, other than by emergency or law enforcement vessels, at speeds greater than Idle Speed No Wake, also presents an immediate danger to persons in or near the river. The flood now submerges the accustomed footpaths and handholds. These submerged areas could cause persons to slip and fall, perhaps into the river. Under these circumstances, there is a substantial likelihood of injury or death.

STATEMENT OF THE AGENCY'S REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: There is general concurrence from Hamilton, Suwannee, Lafayette, Madison, Gilchrist, Dixie, and Columbia Counties, the Florida Fish & Wildlife Conservation Commission Field Office in Lake City, Florida, and the Boating and Waterways Section, that the enactment of an Idle Speed No Wake boating safety zone along the Suwannee and Sante Fe Rivers as a means to protect against continued flooding of homes, submersion of docks, seawalls, environmental damage including erosion, degradation of water quality, introduction of pollutants into the river system, and the undermining of trees and other vegetation are warranted for the protection of public safety. Additionally, within the regulated area, homes have been evacuated and families displaced to shelters due to flooding.

This emergency rulemaking is being coordinated with the United States Coast Guard and the Army Corps of Engineers. The emergency rule will be forwarded to the United States Coast Guard Seventh and Eighth Districts for publication in their weekly Local Notice to Mariners. The boating public will be notified by publication in the local notice, by marine VHF radio broadcast of the Coast Guard's local notice, by personal contact from law enforcement officers, and by regulatory markers and other signs posted at boat ramps and other access points to the boating restricted areas.

Because the water levels on the Suwannee and Sante Fe Rivers are in constant flux, varying in response to wind directions, wind speed and accumulated rainfall, the danger to life and property is such that normal rulemaking procedures would not

adequately protect the public from the anticipated harm. The procedures used in this emergency rulemaking action are therefore fair under the circumstances.

SUMMARY OF THE RULE: This action establishes four Idle Speed No Wake boating restricted areas along the Suwannee and Sante Fe Rivers, shoreline to shoreline, from the Suwannee River at Ellaville, south to the confluence of the Suwannee and Sante Fe Rivers and continuing along the Suwannee River to Fowler Bluff, and along the Sante Fe River from its confluence with the Suwannee River to O'Leno State Park.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ms. Tara Alford, Boating and Waterways Section, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE EMERGENCY RULE IS:

68DER04-1 Emergency Idle Speed No Wake Boating Restricted Areas – Suwannee and Sante Fe Rivers.

(1) For the purpose of regulating the speed and operation of vessel traffic at Idle Speed No Wake from shoreline to shoreline on the Suwannee and Sante Fe Rivers, the following Boating Restricted Areas are established:

(a) On the Suwannee River from Ellaville south to Luraville when the Suwannee River level is 47 feet or higher as indicated on the gauge at Ellaville.

(b) On the Suwannee River from Luraville to Rock Bluff when the Suwannee River level is 22 feet or higher as indicated on the gauge at Branford.

(c) On the Suwannee River from Rock Bluff southerly to Wilcox (near Fanning Springs) and continuing southerly to Fowler Bluff when the Suwannee River level is 9 feet or higher as indicated on the gauge at Wilcox.

(d) On the Sante Fe River from O'Leno State Park westerly to the confluence of the Suwannee and Sante Fe Rivers when the Sante Fe River is 19 feet or higher as indicated on the gauge at Three Rivers Estates.

(2) As provided in Section 327.70, FS., this emergency rule shall be enforced by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers, the sheriffs of the various counties through which these waters flow and their respective deputies, and any other duly constituted law enforcement officers.

(3) Any person failing to comply with the provision of this emergency rule shall be guilty of a noncriminal infraction, punishable as provided in Section 327.73, Florida Statutes.

(4) This emergency rule takes effect immediately upon being filed with the Department of State will continue in effect.

(a) Until the segments of the Suwannee and Sante Fe Rivers have receded below the river levels specified in subsection (1); or

(b) Until the Executive Director of the Agency finds that the flooding conditions have sufficiently abated so that the restrictions are no longer justified; or

(c) Until 90 days have elapsed.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History--New 9-9-04.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 9, 2004

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE TITLE:

RULE NO.:

Emergency Idle Speed No Wake Zone

68DER04-2

Within the St. Johns River

STATEMENT OF THE SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, AND WELFARE: Recent rains from Hurricane Frances have caused severe flooding along various portions of the St. Johns River. The river has overflowed its banks in many places and expanded into the flood plain. This flooded condition has created an immediate danger to vessels transiting the area. Objects previously well above the water and objects previously on dry land have become wholly or partially submerged, creating hazards to navigation. These objects include, without limitation, dwellings, electrical and telephone wires, utility poles, trees and stumps, docks and wharfs, boathouses, and sheds. The turbulent and muddy water has caused boats to allide dangerously upon submerged objects without warning.

The operation of any vessels, other than by emergency or law enforcement vessels, at speeds greater than Idle Speed No Wake will continue to create an immediate danger to property engulfed by the floodwaters or adjacent to the swollen river. Vessel operation, other than by emergency or law enforcement vessels, at speeds greater than Idle Speed No Wake will continue to increase the damage caused by the floodwaters and will damage property that is marginally above the floodwaters. Vessel operation, other than by emergency or law enforcement vessels, at speeds greater than Idle Speed No Wake also presents an immediate danger to persons in or near the river. The flood now submerges the accustomed footpaths and handholds. These submerged areas could cause persons to slip and fall, perhaps into the river. Under these circumstances, there is a substantial likelihood of injury or death.

STATEMENT OF THE AGENCY'S REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: There is general concurrence from Volusia and Seminole Counties, the Florida Fish & Wildlife Conservation Commission Field Office in Ocala, Florida, and the Boating and Waterways Section, that

enactment of an Idle Speed No Wake zone along the St. Johns River, as a means to protect against continued flooding of homes, submersion of docks, seawalls, environmental damage including erosion, degradation of water quality, introduction of pollutants into the river system, and the undermining of trees and other vegetation is warranted for the protection of public safety. Additionally, within this area, homes have been evacuated and families displaced to shelters due to flooding.

This emergency rulemaking is being coordinated with the United States Coast Guard and the Army Corps of Engineers. The emergency rule will be forwarded to the United States Coast Guard Seventh District for publication in their weekly Local Notice to Mariners. The boating public will be notified by publication in the local notice, by marine VHF radio broadcast of the Coast Guard's local notice, by personal contact from law enforcement officers, and by signs posted at boat ramps and other access points to the boating restricted areas.

Because the water levels on the St. Johns River are in constant flux, varying in response to wind direction, wind speed, and accumulated rainfall, the danger to life and property is such that normal rulemaking procedures would not adequately protect the public from the anticipated harm. The procedures used in this emergency rulemaking action are therefore fair under the circumstances.

SUMMARY OF THE RULE: This action establishes seven Idle Speed No Wake boating restricted areas within the St. Johns River, shoreline to shoreline, at seven locations along the river from the State Road 40 Bridge in Astor to Deep Creek near Lake Harney. These boating restricted areas will be in effect and enforceable when the river is flooding.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ms. Tara Alford, Boating and Waterways Section, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE EMERGENCY RULE IS:

68DER04-2 Emergency Idle Speed No Wake Zone Within the St. Johns River.

(1) For the purpose of regulating the operation of vessel traffic at Idle Speed No Wake from shoreline to shoreline in the St. Johns River and adjacent waters, the following Boating Restricted Areas are established:

(a) In the St. Johns River, from a line drawn perpendicular to the centerline of the river 2,200 feet south of the S. R. 40 Bridge in Astor to a line drawn perpendicular to the centerline of the St. Johns River 4,400 feet south of the centerline of said bridge, to be in effect and enforceable when the St. Johns River level is at 2.6 feet or higher as indicated by the United States Geological Survey gauge number 02236125 at the S.R. 40

Bridge in Astor or when the St. Johns River level is at 21.5 feet or higher as indicated by the physical gauge at the S.R. 40 Bridge in Astor.

(b) In the St. Johns River, from a line drawn perpendicular to the centerline of the St. Johns River 6,800 feet generally north (downstream) of the confluence of the Hontoon Dead River and the St. Johns River, to a line drawn perpendicular to the centerline of the St. Johns River 3,600 feet northeast of the confluence of the St. Johns River and the Hontoon Dead River, to be in effect and enforceable when the St. Johns River level is at 3.5 feet or higher as indicated by the United States Geological Survey gauge number 02236000 near the S. R. 44 Bridge west of DeLand or when the St. Johns River level is at 9.5 feet or higher as indicated by the physical gauge at the S.R. 44 Bridge west of DeLand.

(c) In the St. Johns River, from a line drawn perpendicular to the centerline of the St. Johns River 2,500 feet south of the confluence of the St. Johns River and the Wekiva River to a line drawn perpendicular to the centerline of the St. Johns River to 8,000 feet south of the confluence of the St. Johns River and the Wekiva River, to be in effect and enforceable when the St. Johns River level is at 3.5 feet or higher as indicated by the United States Geological Survey gauge number 02236000 near the S. R. 44 Bridge west of DeLand or when the St. Johns River level is at 9.5 feet or higher as indicated by the physical gauge at the S.R. 44 Bridge west of DeLand.

(d) In the St. Johns River, from a line drawn perpendicular to the centerline of the St. Johns River 8,300 feet generally west (downstream) of the centerline of the I-4 Bridge to a line drawn perpendicular to the centerline of the St. Johns River 3,000 feet west of the centerline of the eastern span of the I-4 Bridge, to be in effect and enforceable when the St. Johns River level is at 5.9 feet or higher as indicated by the United States Geological Survey gauge number 02234500 at the U.S. Highway 17/92 Bridge at the western outlet of Lake Monroe or when the St. Johns River level is at 46.5 feet or higher as indicated by the St. Johns River Water Management District gauge at the U.S. Highway 17/92 Bridge at the western outlet of Lake Monroe.

(e) In the St. Johns River at Cypress Bend, from a line drawn perpendicular to the centerline of the St. Johns River 500 feet south of the overhead powerline to a line drawn perpendicular to the centerline of the St. Johns River 5,700 feet generally south (upstream) of said overhead powerline, to be in effect and enforceable when the St. Johns River level is 7.3 feet or higher as indicated by the United States Geological Survey gauge number 02234000 at the S.R. 46 Bridge one mile upstream of Lake Harney or when the St. Johns River level is at 1 foot or higher as indicated by the physical gauge at the Lemon Bluff Boat Ramp.

(f) In the St. Johns River near Cypress Slough, from a line drawn perpendicular to the centerline of the St. Johns River at 28°49.099'N / 81°04.682'W to a line drawn perpendicular to the centerline of the St. Johns River at 28° 29.163'N/ 81°05.583'W, a distance of approximately 4,000 feet, to be in effect and enforceable when the St. Johns River level is 7.3 feet or higher as indicated by the United States Geological Survey gauge number 02234000 at the S.R. 46 Bridge one mile upstream of Lake Harney or when the St. Johns River level is at 1 foot or higher as indicated by the physical gauge at the Lemon Bluff Boat Ramp.

(g) In the St. Johns River from a line drawn perpendicular to the centerline of the St. Johns River 6,200 feet generally west and south (downstream) of the confluence of Deep Creek and the St. Johns River to a line drawn perpendicular to the centerline of the St. Johns River 1,100 feet generally east and south (upstream) of the confluence of Deep Creek and the St. Johns River, to be in effect and enforceable when the St. Johns River level is 7.3 feet or higher as indicated by the United States Geological Survey gauge number 02234000 at the S.R. 46 Bridge one mile upstream of Lake Harney or when the St. Johns River level is at 1 foot or higher as indicated by the physical gauge at the Lemon Bluff Boat Ramp.

(2) As provided in Section 327.70, F.S., this emergency rule shall be enforced by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers, the sheriffs of the various counties through which these waters flow and their respective deputies, and any other duly constituted law enforcement officers.

(3) Any person failing to comply with the provision of this emergency rule shall be guilty of a noncriminal infraction, punishable as provided in Section 327.73, F.S.

(4) This emergency rule takes effect immediately upon being filed with the Department of State and will continue in effect:

(a) Until the segments of the St. Johns River have receded below the river levels specified in subsection (1); or

(b) Until the Executive Director of the Agency finds that the flooding conditions have sufficiently abated so that the restrictions are no longer justified; or

(c) Until 90 days have elapsed.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History--New 9-10-04.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 10, 2004

DEPARTMENT OF FINANCIAL SERVICES

Insurance Agents and Agency Services

RULE TITLE: RULE NO.:

Redaction of Compensation Provisions in 69BER04-14
 Public Adjusting Contracts

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Financial Services hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare: The 2004 hurricane season has been particularly destructive for Florida. Substantial damage in southwest and central Florida was caused by Hurricane Charley, which hit the Punta Gorda and Port Charlotte area on August 13, 2004 as a category 4 hurricane with sustained winds up to 145 miles per hour. Additional damage was caused by Hurricane Frances which hit the east coast of Florida coast on September 4, 2004 as a category 2 hurricane, and slowly crossed the peninsula. Hurricane Charley crossed northeast through the center of the state exiting near Daytona Beach. In a 10-mile wide path extending from the southwest coast there was widespread major damage to homes, loss of personal belongings and corresponding temporary loss of employment. Hurricane Frances, though less intense than Charley, caused damage over a much wider area of the state. The Governor of Florida declared states of emergency as a result of each of the hurricanes. Insured losses have been estimated at \$6.8 billion for Charley and preliminarily at \$3 to \$10 billion for Frances. Additionally, category 4 Hurricane Ivan is now in the Caribbean with a projected path in the direction of the gulf coast of Florida.

The Legislature recognized, in Section 626.8698, F.S., that the interest of the public demands that public adjusters be prohibited from “soliciting or otherwise taking advantage of a person who is vulnerable, emotional or otherwise upset as a result of trauma, accident or similar occurrence...” Hurricanes Charley and Frances have placed a great number of people in a state of vulnerability. The emotional stress of claimants may lead them to make imprudent decisions in the context of contracting with public adjusters.

If the present environment of severe and widespread damage, and with the anticipation of more damage to come, the psychological vulnerability of claimants is especially acute.

The department previously issued Emergency Rule 69BER04-4, F.A.C., capping public adjuster compensation at 10% of the settlement, for claims resulting from Hurricane Charley. Subsequently the department learned that public adjusters were sending copies of contracts to insurers with the compensation provisions redacted. Such a practice would enable public adjusters to fraudulently acquire a fee in excess of that for which they contracted.

This issue was addressed in Emergency Rule 69BER04-13, F.A.C., but that rule applied only to Hurricane Frances claims. The present rule applies to claims resulting from Hurricane Charley or any other storm in the 2004 season.

In consideration of the emergency conditions currently existing, and given the Department’s responsibility to protect the public interest, including insureds, and implement the Insurance Code, an emergency rule is necessary.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Department of Financial Services believes that adopting an emergency rule is the fairest method to protect the public because the nature of the anticipated destruction caused by hurricanes of the 2004 hurricane season, including disruption of communication and transportation, requires an immediate response. The conditions anticipated from the hurricanes will require the Department to exercise its authority to provide protection from the conduct of unscrupulous public adjusters now. The provisions of this rule provide needed guidance to public adjusters. A Department bulletin addressed to all licensed public insurance adjusters would reach them, but would not be legally binding. A permanent rule would not have the flexibility and immediacy to protect the public welfare.

SUMMARY OF THE RULE: This emergency rule prohibits compensation provisions in a public adjusting contract from being redacted in any copy of the contract provided to an insurer. The rule provides that such a redaction shall constitute an omission of material fact in violation of Section 626.9541(1)(e)2., Florida Statutes. The Rule applies to claims resulting from any storm in the 2004 hurricane season.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jerry Whitmore, Chief, Bureau of Investigation, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-5601

THE FULL TEXT OF THE EMERGENCY RULE IS:

69BER04-14 Redaction of Compensation Provisions in Public Adjusting Contracts.

For claims resulting from storm damage during the 2004 hurricane season, compensation provisions in a public adjusting contract shall not be redacted in any copy of the contract provided to an insurer. Such a redaction shall constitute an omission of material fact in violation of Section 626.9541(1)(e)2., Florida Statutes.

Specific Authority 624.308, 626.878, 626.9611 FS. Law Implemented 624.307, 626.611, 626.621, 626.6898, 626.878, 626.9541(1)(e) FS. History--New 9-10-04.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 10, 2004

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF EDUCATION

The Commission for Independent Education hereby gives notice that it has received a petition, filed on September 4, 2004, from Recreational Vehicle Service Academy seeking a waiver or variance of subsection 6E-2.004(6), Florida Administrative Code, with respect to the requirement that an Annual Financial Review prepared by an independent Certified Public Accountant as a condition of approval.

Comments on this petition should be filed with the Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301, within 14 days of publication of this notice.

For a copy of the petition, contact: Samuel L. Ferguson, Executive Director, at above address or telephone (850)245-3200.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that on September 15, 2004, Florida Housing Finance Corporation received a Petition for Waiver of Rule 9I-35.006, F.A.C., from National Development Foundation, requesting a waiver of all past due reporting requirements for the property known as Baker Manor Apartments.

A copy of the Petition can be obtained from: Sherry Green, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-040-DAO-WOD), dated March 10, 2004 to John Stanley on behalf of Four Winds Hounds, Inc. The petition for waiver was received by the SFWMD on January 7, 2004. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 30, No. 3, January 16, 2004. No public comment was received.

This Order provides a waiver to allow the use of horses off of designated trails and the use of dogs, at the Hickory Hammock Wildlife Management Area and Starvation Slough sub unit of the Kissimmee River Public Use Area. Specifically, the Order grants a waiver from subsections 40E-7.520(5), 40E-7.526(2) and 40E-7.527(1), Fla. Admin. Code, which prohibits equestrian activities off of designated equestrian trails and named or numbered roads, and prohibits dogs, except as authorized by the Florida Fish and Wildlife Conservation Commission, at Hickory Hammock and Starvation Slough Management Areas. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows:

1) Staff recommends a waiver of District criteria which governs the use of horses off of designated trails and prohibits dogs, other than those approved by the Florida Fish and Wildlife Conservation Commission, at Hickory Hammock and Starvation Slough Management Areas as the proposed activity is not obstructive to the area operations and without concernable impact to the land; 2) the Petitioner will be responsible and repair any possible damage it causes; and 3) a waiver from the subject rules is necessary to prevent Four Winds Hounds Inc., from suffering a substantial hardship.

A copy of the Order can be obtained from: Charron Follins, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6293, e-mail: cfollins@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on September 13, 2004, the Division of Hotels and Restaurants received four Petitions for Emergency Variance for subsections 61C-4.010(6) and 61C-4.010(5), Florida Administrative Code, from ALLTEL Stadium located in Jacksonville. The above referenced F.A.C.'s are subject to the provisions of Chapter 4 and 6 of the 1999 FDA Food Code that pertain to manual warewashing sinks and service sinks. They are requesting a variance to utilize the closest mop sink (100 feet away) and three compartment sink

(108 feet away) opposed to adding a mop sink and three compartment sink in convenient and accessible locations (Petitions VW 2004-107 through VW 2004-110).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on September 2, 2004, the Division of Hotels and Restaurants received a Petition for Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Lynches Pub and Grub in Sarasota. The above referenced F.A.C. states public food service establishments shall maintain a minimum of one public bathroom for each sex, properly designated. The above establishment is requesting their second variance to operate with one bathroom facility and 50 seats. Currently the establishment has a variance to operate with 36 seats.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on September 13, 2004, the Division of Hotels and Restaurants received four Petitions for Emergency Variance for subsections 61C-4.010(6) and 61C-4.010(5), Florida Administrative Code, from ALLTEL Stadium located in Jacksonville. The above referenced F.A.C.'s are subject to the provisions of Chapter 4 and 6 of the 1999 FDA Food Code that pertain to manual warewashing sinks and service sinks. They are requesting a variance to utilize the closest mop sink (49 feet away) and three compartment sink (61 feet away) opposed to adding a mop sink and three compartment sink in convenient and accessible locations (Petitions VW 2004-111 through VW 2004-114).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

The Board of Cosmetology hereby gives notice that it has received a petition filed on September 7, 2004, by Miriam Ellen Lynch, seeking a waiver from Rule 61G5-20.0015, F.A.C., The petitioner seeks a waiver of subsection 61G5-20.0015(3), F.A.C., which provides for the activities performed in a photography studio salon.

Comments on this petition should be filed with Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399-0790, within 14 days of publication of this notice.

For a copy of the petition, contact Julie Malone, Executive Director, Board of Cosmetology, at the above address.

The Electrical Contractors' Licensing Board hereby gives notice that it has issued an Order on the Petition for Variance or Waiver filed by Chris Rudolph d/b/a Chris Rudolph Power Factor, Inc. The Notice of Petition for Variance or Waiver was published in Vol. 30, No. 20, of the May 14, 2004, Florida Administrative Weekly. The Electrical Contractors' Licensing Board considered the Petition at its meeting held on July 22, 2004, in Tampa, Florida. The Board's Order, filed on August 30, 2004, grants the petition for variance or waiver finding that the Petitioner established that the purpose of the Requirement for Business Organizations rule will be met in that the Board will have carried out its statutory duty to investigate the financial responsibility, credit, and business reputation of his business; that application of paragraph 61G6-5.004(2)(a), Florida Administrative Code, to his circumstances would violate the principle of fairness and might impose a substantial hardship on Petitioner; and that the variance would be in the spirit of the legislative intent of Section 455.214, Florida Statutes. The Board's decision was also based on the conditions that Petitioner has no additional employees; the gross income of Petitioner's business does not exceed \$20,000.00 annually; and the income from Petitioner's business is used to augment his retirement income.

A copy of the Board's Order may be obtained by contacting: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Nursing Home Administrators hereby gives notice that it has received a petition, filed on September 10, 2004, from Jane Perlow, seeking a variance or waiver of Rule 64B10-15.002, F.A.C., with respect to requirements for approved continuing education. Comments on this petition should be filed with the Board of Nursing Home Administrators, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

For a copy of the petition, contact: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399.

FLORIDA HOUSING FINANCE CORPORATION

Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver

NAME OF THE PETITIONER: Okaloosa Community Development Corporation

DATE PETITION WAS FILED: August 11, 2004

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-50.005(6), Florida Administrative Code, which states that all roads in the development be paved roads.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, August 20, 2004, Vol. 30, No. 34.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: September 10, 2004

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4198, e-mail: Sherry.Green@floridahousing.org.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver

NAME OF THE PETITIONER: The Housing League, Inc.

DATE PETITION WAS FILED: August 11, 2004

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-50.005(6), Florida Administrative Code, which states that all roads are to be paved.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, August 20, 2004, Vol. 30, No. 34.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: September 10, 2004

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Sherry Green, Public Records Clerk, at the above address, (850)488-4198, e-mail: Sherry.Green@floridahousing.org.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida Fish and Wildlife Conservation Commission hereby gives notice that it has received a petition, filed on August 27, 2004, by The Villages of Lake Sumter, Inc., located in The Villages, Florida, seeking a variance from paragraphs 68A-6.004(4)(m) and 68A-12.010(4)(b), F.A.C., with respect to enclosure and shelter requirements pertaining to the possession of captive American bison (*Bison bison*).

Comments on this petition should be filed with Captain Linda Harrison, FWC, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600. To be considered, comments must be received no later than 14 days from the date of publication of this notice.

For a copy of the petition, contact: Ms. Porchia Mock, FWC, Legal Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that, on September 2, 2004, the Florida Department of Financial Services, Division of State Fire Marshal, received a Petition for Variance From, or Waiver of, a portion of Rule 69A-58.008, Florida Administrative Code, from the Florida Department of Education on behalf of the Charlotte County and Hardee County School Boards. The Petition, in seeking relief from paragraph 69A-58.008(9)(g), Florida Administrative Code, seeks to utilize the standards for placement of relocatable buildings in effect prior to the adoption of Rule Chapter 69A-58, F.A.C.

The Division will accept comments concerning the Petition for 14 days from the date of publication of this notice.

A copy of the petition may be received from, and comments must be submitted by the end of business of the 14th day to, Jim Goodloe, Chief, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342, e-mail: goodloej@dfs.state.fl.us.

Section VI**Notices of Meetings, Workshops and Public Hearings****DEPARTMENT OF STATE**

The **Department of State, Division of Historical Resources**, Office of Historical and Cultural Programming, Friends of Historic Properties and Museums, Inc. announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, October 6, 2004, 2:00 p.m. – conclusion

PLACE: Office of Moyle, Flanigan, Catz, Raymond & Sheehan, PA., 118 North Gadsden Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board and general business meetings of Friends of Historic Properties and Museums, Inc.

A copy of the agenda may be obtained by contacting: Stephen McLeod, Executive Director, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6375, e-mail: smcleod@dos.state.fl.us.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review.

The **Department of State** announces the following public meetings to which all persons are invited. These meetings are subject to cancellation or change; please call to confirm the meeting date and time.

DATES AND TIME: Tuesday, October 19, 2004; Thursday, October 21, 2004; Monday, October 25, 2004, 9:00 a.m. – conclusion

PLACE: R. A. Gray Building, Room 307, 500 S. Bronough Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2004-2005 Individual Artist Fellowship Panel Meeting.

ACTION TO BE TAKEN: To discuss, review and make funding recommendations for grants and any other business, which may appropriately come before the panel. If you have questions, please call (850)245-6475.

For more information, please contact: Erin Long, Arts Consultant, The Old Capitol, Suite B-11, 400 S. Monroe Street, Tallahassee, Florida 32301, (850)245-6475, e-mail: elong@dos.state.fl.us.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the staff of the Office of Cultural and Heritage Services by the 13th day of October 2004, if you need an accommodation. Accommodations can be arranged by contacting: Erin Long, (850)245-6475, Fax (850)245-6492, e-mail: elong@dos.state.fl.us.

The **Department of State** announces the following public meeting to which all persons are invited. This meeting is subject to cancellation or change; please call to confirm the meeting date and time.

DATE AND TIME: Wednesday, October 20, 2004, 10:00 a.m. – conclusion

PLACE: Miami-Dade County, Department of Cultural Affairs, 6th Floor Conference Room, 111 N. W. 1st Street, Suite 625, Miami, FL 33128

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2004-2005 Artist Enhancement Grants Panel Meeting.

ACTION TO BE TAKEN: To discuss, review, and make funding recommendations for grants and any other business, which may appropriately come before the panel. If you have questions, please call (850)245-6475.

For more information, please contact: Erin Long, Arts Consultant, The Old Capitol, Suite B-11, 400 S. Monroe Street, Tallahassee, Florida 32301, (850)245-6475, e-mail: elong@dos.state.fl.us.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the staff of the Office of Cultural and Heritage Services by the 14th day of October 2004, if you need an accommodation. Accommodations can be arranged by contacting: Erin Long, (850)245-6475, Fax (850)245-6492, e-mail: elong@dos.state.fl.us.

The **Department of State, Division of Cultural Affairs** announces a public grant panel meeting to which all persons are invited:

DATE AND TIME: October 28, 2004, 8:30 a.m. – conclusion

PLACE: R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications for the 2005-2006 Challenge Grant Program.

For more information, please contact: Dr. Gaylen Phillips, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32399-0250, (850)245-6482.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by the 22nd day of October 2004, if you need an accommodation. Accommodations can be arranged through Dana DeMartino, ADA Coordinator for the Division of Cultural Affairs, (850)245-6477, Fax (850)245-6492, e-mail: ddemartino@dos.state.fl.us.

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold a telephone conference call to which all interested persons are invited.

DATE AND TIME: Wednesday, October 6, 2004, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited: DATE AND TIME: Tuesday, October 19, 2004, 10:30 a.m.

PLACE: 1st United Bank, One N. Federal Highway, Boca Raton, FL 33432

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Consumers' Council will be meeting to discuss consumer-related issues and proposed legislation for the 2005 Florida session addressing issues of interest to consumers.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited: DATE AND TIME: Monday, October 18, 2004, 10:30 a.m.

PLACE: 177 S. Flagler Drive, Suite 300, East, West Palm Beach, Florida 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Motor Vehicle Advisory Council will be meeting to discuss consumer-related issues and proposed legislation for the 2005 Florida session addressing issues of interest to consumers.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

The Florida **Department of Agriculture and Consumer Services** announce the meeting of the Florida Agriculture Center and Horse Park Authority, Inc.

DATE AND TIME: Wednesday, October 6, 2004, 10:00 a.m.

PLACE: Ocala/Marion County Chamber of Commerce, 110 East Silver Springs Boulevard, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Florida Agriculture Center & Horse Park Authority, Inc.

If you need special accommodations due to disability or for directions please call (352)629-8051.

NOTICE OF CANCELLATION – Due to the inclement weather possibilities of Hurricane Ivan, The **Florida State Fair Authority** announces the cancellation of the following Board and Committee Meetings.

DATE AND TIME: Monday, September 13, 2004

The rescheduled date shall be provided and noticed as soon as it is decided.

DEPARTMENT OF EDUCATION

The **Department of Education** announces a public meeting to which all interested persons are invited to participate.

DATE AND TIME: October 4, 2004, 12:00 Noon – 2:00 p.m.

PLACE: Orlando, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss issues of mutual interest to the State Board of Education and the Florida Board of Governors.

This meeting will include F. Phillip Handy, Chairman, State Board of Education, Carolyn Roberts, Chairperson, Board of Governors, John L. Winn, Commissioner of Education, and Dr. Debra Austin, Chancellor of Colleges and Universities.

For additional information, please contact: Annette Deason, Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)245-9400.

The Florida **Department of Education**, American Sign Language (ASL) Task Force announces a public meeting to which all interested persons are invited.

DATE AND TIME: Monday, September 27, 2004, 8:30 a.m. – 4:00 p.m.

PLACE: University Center, Board of Trustees Room, # 1058, University of North Florida, 4567 St. Johns Bluff Rd., Jacksonville, FL 32224, (904)620-4222

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the American Sign Language (ASL) Task Force, which is required under Section 1007.2615, Florida Statutes. The Task Force will report to the Commissioner of Education up-to-date information about ASL and guidelines for developing and maintaining ASL courses as a part of the curriculum for public and independent schools. The Task Force will also consult on the development of rules establishing licensing/certification standards to be applied to teachers who teach ASL as part of a school curriculum.

A copy of the agenda may be obtained by contacting: ASL Task Force, Bureau of Student Assistance, Florida Department of Education, Room 314, Turlington Building, Tallahassee, Florida 32399-0400, (850)245-0414, Suncom 205-0414.

Any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 24 hours in advance by calling the number indicated above.

NOTICE OF RESCHEDULING – Due to the threat posed by Hurricane Ivan, the Chairman of the Florida **Prepaid College Board** cancelled the meeting of the Florida Prepaid College Board Investment Committee previously scheduled for September 15, 2004 in Miami, Florida and rescheduled the meeting in Tallahassee, Florida as shown below.

The Investment Committee of the Florida Prepaid College Board announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: October 5, 2004, 9:30 a.m. or soon thereafter

PLACE: The Hermitage Center, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited. A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Blvd, Suite 210, Tallahassee, Florida 32308 or (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

NOTICE OF CANCELLATION – The **State Board of Education** meeting advertised in the September 10, 2004, Florida Administrative Weekly, scheduled for September 21, 2004, at 8:30 a.m. has been cancelled.

The **Commission for Independent Education** announces meetings to which all persons are invited.

DATE AND TIMES: Monday, October 11, 2004, 10:00 a.m. – Rules Committee meeting; Health Science Curriculum Committee meeting to follow; 4:00 p.m. – Commission meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the Rules Committee and the Health Science Curriculum Committee and to conduct the general business of the Commission including informal hearings, and licensure.

DATE AND TIME: October 12, 2004, 9:00 a.m. – Commission meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Commission including discipline, licensure, licensure extensions, motions, petitions for variance and waivers, and committee reports.

PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, Florida 32822

Any person who decides to appeal a decision of the Commission with respect to any matter considered at this meeting or hearing may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301.

Any person requiring a special accommodation for this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)388-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Commissioner of Education** would like to announce the second meeting of the Career Education Study Task Force to which all interested persons are invited. This meeting was previously scheduled on September 9th, but had to be cancelled due to Hurricane Frances.

DATE AND TIME: September 30, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: Tallahassee Community College, 444 Appleyard Drive, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: Introductions and background information for the Task Force, discussions on articulation, guidance and general business of the Task Force.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Bonnie Marmor, (850) 245-9469, at least five calendar days prior to the meeting.

If unable to attend the meeting, the public may call in from 9:00 a.m. – 4:00 p.m.

DEPARTMENT OF LAW ENFORCEMENT

The **Region XIV, Advisory Council** will meet as follows:

DATE AND TIME: Tuesday, October 5, 2004, 9:30 a.m.

PLACE: Room 9118, School of Justice, Miami Dade College, North Campus, 11380 N. W. 27th Avenue, Miami, FL 33167

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is the allocation of the interest earned during the Region XIV fiscal year 2003-2004.

Contact person: Josefina de Lage, Region XIV, Secretary, (305)237-1329.

The **Criminal Justice Professionalism Program** announces the following meeting dates, times and location for the Criminal Justice Standards and Training Commission and related meetings:

Probable Cause Determination Hearings (Additional PC Hearing)

DATE AND TIME: Tuesday, November 16, 2004, 1:00 p.m.

Local Item Bank Workshop

DATE AND TIME: Tuesday, November 16, 2004, 2:00 p.m.

Training Center Directors' Committee Meetings

DATE AND TIME: Tuesday, November 16, 2004, 4:00 p.m.

Probable Cause Determination Hearings (Regular PC Hearing)

DATE AND TIME: Wednesday, November 17, 2004, 8:30 a.m.

Training Center Directors' Business Meeting

DATE AND TIME: Wednesday, November 17, 2004, 8:30 a.m.

Commission Workshop

DATE AND TIME: Wednesday, November 17, 2004, 1:00 p.m. (Topic: To be Announced)

Regional Criminal Justice Selection Center Directors' Association

DATE AND TIME: Wednesday, November 17, 2004, 3:00 p.m.

CJS&T Commission meeting business agenda

DATE AND TIME: Thursday, November 18, 2004, 8:30 a.m.

Officer Discipline Informal Hearings

DATE AND TIME: Thursday, November 18, 2004, 10:30 a.m.

PLACE: Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32202 (Guestroom Rate: \$86.00 for single or double occupancy; Telephone Number For Hotel Reservations: (904)355-6664, Fax (904)791-4812)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meetings are held to discuss issues relating to standards, training, examinations, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers, Commission rules, and certification and recertification of criminal justice training schools. All parties are invited to attend.

COMMISSION MEETING AGENDAS: A copy of the November 2004 Commission Meeting agenda may be obtained by contacting: Donna Hunt, (850)410-8615, e-mail: donnahunt@fdle.state.fl.us. The agenda and Commission issues will be posted to the FDLE website on October 29, 2004, and may be accessed at www.fdle.state.fl.us, (click on Criminal Justice Resource Center, click on "Rules, Policies, and Commission Information, click on "Commission" and then click on "agenda.""). A copy of the Officer Discipline Agenda may be obtained by contacting: Brenda Presnell, (850)410-8648, e-mail: brendapresnell@fdle.state.fl.us. If you wish to write the Commission for a copy of the above meeting agendas, please write: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Donna Hunt or Brenda Presnell. If you wish to write or call for a copy of the Training Center Directors' Association agenda, please write to Training Center Director Association Chairman Edward Mandt, Broward Community College, 3501 S. W. Davie Road, Ft. Lauderdale, Florida 33314, (954)201-6788.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 5 days prior to the meeting.

DEPARTMENT OF TRANSPORTATION

The **Florida High Speed Rail Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 15, 2004, 9:00 a.m. – conclusion

PLACE: Greater Orlando Aviation Authority Board Room, Terminal A, 3rd Floor, Orlando International Airport, One Airport Boulevard, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Florida High Speed Rail Authority business.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the Authority at least 48 hours before the meetings by contacting: Betty Sizemore, (850)414-5244.

The **Florida Transportation Commission** announces a public meeting to which all persons are invited:

DATE AND TIME: October 13, 2004, 8:00 a.m. – 5:00 p.m.

PLACE: Center for Urban Transportation Research (CUTR), University of South Florida, College of Engineering, 4202 E. Fowler Avenue, CUTR Board Room, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Transportation Commission.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting: Cathy Goodman, (850)414-4105.

NOTICE OF CANCELLATION – The Florida **Department of Transportation**, District Six announces the cancellation of a public hearing which was scheduled as follows.

DATE AND TIME: October 13, 2004, 5:00 p.m.

PLACE: Islamorada Branch Library, MM 81.5, Overseas Highway, Islamorada, Florida

Notice of this public hearing was published in the September 17, 2004, issue of the Florida Administrative Weekly.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

The **State Board of Administration** announces that the public meetings of the Florida Commission on Hurricane Loss Projection Methodology, to discuss and adopt the 2004 Standards and Report of Activities and to address other general business of the Commission, scheduled for Wednesday and Thursday, September 15 and 16, 2004, as published in the Florida Administrative Weekly, Vol. 30, No. 27, on July 2, 2004, have been rescheduled as follows:

DATES AND TIME: Wednesday and Thursday, October 6-7, 2004, 9:00 a.m. – 4:00 p.m. each day

PLACE: Room 1116 (Hermitage Room), Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida (The conference call number for those who wish to participate by telephone is (850)488-0979 or Suncom 278-0979)

DEPARTMENT OF CITRUS

The **Department of Citrus** announces an emergency meeting via telephone conference of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Friday, September 10, 2004, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss hurricane related effects on the industry and department mission and budget and to discuss any other issues that may properly come before the Commission.

Please note members of the Florida Citrus Commission will attend by telephone. To assure the public has access to this meeting, the Florida Department of Citrus will have a speakerphone available at the Department of Citrus. Additionally, if there is a member of the public who cannot attend the meeting at the Florida Department of Citrus, but wishes to appear by telephone, they may make arrangements to do so by contacting: Office of the General Counsel, (863)499-2530.

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, September 15, 2004, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, Fl.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purpose of standing committee meetings and the regular monthly meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balanced scorecards, licensing, rulemaking, and other matters addressed during monthly meetings of the Commission. The Commission may also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to the Tampa Juice, et. al. & Graves Brothers, et. al. vs. FDOC and The Lakeland Ledger Publishing Company, Publisher of The Ledger vs. FDOC. The parties attending the closed session will be John R. Alexander, Patrick Carlton, Michael L. Carrere, Tristan G. Chapman, W. Cody Estes, Sr., Harry H. Falk, William J. Ferrari, George T. Pantuso, Anina C. McSweeney, Stephen W. Ryan, Ray Smith, Andrew R. Taylor, Dan Gunter, Hank B. Campbell, Esq., Monterey Campbell, Esq., Barry Richard, Esq., and Kenneth O. Keck, Esq.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Bill Jones at the above address or by telephone at (863)499-2499.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 20, 2004, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980). A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida, 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida **Public Service Commission** has rescheduled the bidder's conference originally scheduled for September 16, 2004, to which all parties and other interested persons are invited.

DOCKET NO. 040763-TP – Request for submission of proposals for relay service, beginning in June 2005, for the hearing and speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991.

DATE AND TIME: Friday, October 1, 2004, 8:00 a.m.

PLACE: Room 152, Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss companies interested in providing telecommunications relay service, pursuant to Chapter 427, Florida Statutes.

Further information regarding this meeting may be obtained from: Richard Moses, Bureau Chief of Service Quality, Division of Competitive Markets and Enforcement, Florida Public Service Commission, (850)413-6582.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Haiti Advisory Group** announces its first meeting, in which all interested parties are invited to attend.

DATE AND TIME: Monday, October 4, 2004, Time TBD (Please call (850)487-2568 for more info)

PLACE: Biltmore Hotel, 1200 Anastasia Ave., Coral Gables, Florida 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters related to critical needs for the reconstruction of Haiti. For additional information, please contact: Michael Pilver, Executive Office of the Governor, (850)487-2568.

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, Grants Oversight Council is pleased to announce a conference call to which all persons are invited.

DATES AND TIMES: Tuesday, October 5, 2004, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and approval of the Volunteer Center Development and Enhancement Grant proposals.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Monday, October 4, 2004, 9:00 a.m.

PLACE: Yulee County Building, 86026 Pages Dairy Road, Yulee, Florida 32097

GENERAL SUBJECT MATTER TO BE CONSIDERED: Development of Regional Impact (DRI) Site Visit for Yulee Areawide.

All invitees will meet at the above location to be transported to the site.

Information regarding this site visit may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida 32216, (904)279-0880.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Tampa Bay Local Emergency Planning Committee**, (LEPC) District VIII announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 29, 2004, 10:30 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District VIII LEPC and discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).

A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136, (727)570-5151, Ext 33.

Please note that if a person decides to appeal any decision made by the LEPC with respect to any matter considered at the above cited meeting, he/she will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact the Tampa Bay Regional Planning Council, (727)570-5151, within three working days of the meeting.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: September 28, 2004, 3:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop.

DATE AND TIME: September 28, 2004, 5:30 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Final Public Hearing on FY 2004-2005 budget and proposed millage rate.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

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

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa M. Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following public meetings and hearings. All persons are invited.

MEETING OF GOVERNING BOARD AND COMMITTEE CHAIRMEN

DATE AND TIME: Tuesday, October 12, 2004, 8:15 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, October 12, 2004, 8:45 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Finance and Administration agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, October 12, 2004, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD/REGULATORY AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, October 12, 2004, 1:00 p.m. (*If necessary, this meeting may continue at 8:00 a.m. on the next consecutive day)

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

NOTE: A copy of the agenda may be obtained at the SJRWMD website (www.sjrwmd.com) or by calling (386)329-4500. One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing (386)329-4500.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District** hereby gives notice of a Rules Public Workshop, to which all persons are invited to attend.

DATE AND TIME: October 14, 2004, 6:30 p.m.

PLACE: Brevard County Government Center, Florida Room, 3rd Floor, 2725 Judge Fran Jamieson Way, Viera, Florida 32940

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed revisions to Chapter 40C-2, F.A.C., and Applicant's Handbook: Consumptive Uses of Water, regarding Water Conservation/Irrigation Efficiency and General Consumptive Use Permit by Rule.

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

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Norma Messer, (386)329-4459 or (386)329-4450 (TDD).

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting(s) to which all interested persons are invited:

WATER RESOURCES EDUCATION CONFERENCE

DATE AND TIME: Thursday, October 7, 2004, 9:00 a.m. – 2:30 p.m.

PLACE: Brooker Creek Environmental Education Center, 3940 Keystone Road, Tarpon Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Educational sessions, education center tours and awards luncheon where recognition will be given to those who have helped educate others about water resources through SWFWMD grants or volunteer efforts.

These are public meeting(s) and agenda(s) are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, September 29, 2004, 9:00 a.m. – completed

PLACE: SFWMD, Miami-Dade Service Center, 2121 S. W. 3rd Ave., Miami, Florida 33129

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting to discuss Human Resource matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary

for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

NOTICE OF CHANGE – The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, October 7, 2004, 8:30 a.m.

PLACE: South Florida Water Management District, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406 (Revised Location – Fort Myers cancelled)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Monthly Meeting.

A copy of the agenda may be obtained at the (1) District Website www.sfwmd.gov/gover/wrac/agendas.html or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Rick Smith, WRAC Facilitator, Governing Board and Executive Services Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, October 12, 2004, 9:00 a.m. – completed

PLACE: SFWMD, Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting to discuss Land Resource and Regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, October 12, 2004, 1:00 p.m. – completed

PLACE: SFWMD, Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Audit and Finance Committee to discuss and consider District business.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director of Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact the Director of Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATE AND TIME: Wednesday, October 13, 2004, 9:00 a.m. – completed

PLACE: SFWMD Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in *United States of America v. South Florida Water Management District, et al.* United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District attorneys S. Wood, D. MacLaughlin, S. Echemendia, Kirk Burns and Scott Glazier.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Those who want more information, please contact: Garrett Wallace, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, October 13, 2004, 9:00 a.m.; Thursday, October 14, 2004, 8:30 a.m. – complete

PLACE: SFWMD, Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Workshop/Meeting/Audit Committee/Human Resources Committee to discuss and consider District business including regulatory and non-regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: November 10, 2004 and/or November 11, 2004, 8:50 a.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

A copy of the agenda may be obtained at the (1) District Website

(<http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Ruth Clements, Department Director, Land Acquisition Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7220 West Palm Beach, FL 33406, (561)682-6271.

Part of the Water Conservation Area project comprised of three (3) parcels referred to as SFWMD Tract Nos. 27-100-050, 27-100-051 and 27-100-064 consisting of approximately 260 acres, more or less, and lying in Sections 01, 32 and 36, Townships 52 and 53 South, Ranges 35, 37 and 38 East in Miami-Dade County, Florida.

Part of the Avatar Properties Component Area of the Kissimmee River Pool "A" Project Area comprised of 15 parcels referred to as SFWMD Tract Nos. 19-100-003, 19-100-056, 19-100-074, 19-100-079, 19-100-089, 19-100-092, 19-100-093, 19-100-099, 19-100-109, 19-100-110, 19-100-111, 19-100-112, 19-100-115, 19-100-116 and 19-100-118 consisting of approximately 36 acres, all in Sections 07 and 12, Township 32 South, Ranges 31 and 32 East in Polk County, Florida.

Part of the Retreat Properties Area of the Kissimmee River Pool "A" Project Area comprised of 8 parcels referred to as SFWMD Tract Nos. 19-103-690, 19-103-692, 19-103-694, 19-103-696, 19-103-698, 19-103-700, 19-103-702 and 19-103-704 consisting of a total of approximately 17 acres, all in Section 20, Township 36 South, Ranges 33 East in Polk County, Florida.

Part of the East Coast Buffer "Pennsuco" Project Area comprised of 37 parcels referred to as SFWMD Tract Nos. W9-300-918, W9-300-922, W9-300-923, W9-300-924, W9-300-926, W9-300-927, W9-300-964, W9-300-960, W9-302-907, W9-302-912, W9-302-945, W9-302-958, W9-302-963, W9-302-966, W9-303-911, W9-303-944, W9-303-956, W9-304-934, W9-304-935, W9-304-937, W9-304-939, W9-304-943, W9-304-944, W9-304-946, W9-304-947, W9-304-948, W9-304-950, W9-304-951, W9-304-955, W9-304-957, W9-304-960, W9-304-961, W9-304-963, W9-304-964, W9-304-965, W9-304-969 AND W9-304-970 consisting of a total of approximately 625 acres, all in Sections 14, 19, 29 and 31, Township 52 South, Range 39 East and Sections 6, 7, 8, 17 and 30, Township 53 South, Range 39 East said properties lying in Miami-Dade County, Florida.

Part of the Kissimmee River project comprised of sixteen parcels referred to as SFWMD Tract Nos. 19-103-559, 19-103-560, 19-103-561, 19-103-562, 19-103-563, 19-103-565, 19-103-566, 19-103-567, 19-103-665, 19-103-666, 19-103-667, 19-103-668, 19-103-669, 19-103-670, 19-103-671 and 19-103-672 consisting of approximately 15 acres and lying in Sections 21, 22 and 27, Township 36 South, Range 33 East, within Okeechobee County, Florida.

Part of the Kissimmee Chain of Lakes Project comprised of 224 parcels from SFWMD Tract Nos. 18-500-001 through 18-500-566 and 112 parcels from SFWMD Tract Nos. 18-600-001 through 18-600-178, all in Section 3, Township 30 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee River Project comprised of two (2) parcels referred to as SFWMD Tract Nos. 19-103-657 and 19-103-742 consisting of approximately 1 acre, lying in Section 17, Township 36 South, Range 33 East and in Highlands County, Florida.

Part of the Kissimmee River Project comprised of two (2) parcels referred to as SFWMD Tract Nos. 19-103-714 and 19-103-715 consisting of approximately 1 acre, lying in Section 33, Township 36 South, Range 33 East, Highlands County, Florida and Okeechobee County, Florida.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Subcontracted Transportation Provider Training to which all persons are invited.

DATE AND TIME: Monday, October 4, 2004, 10:00 a.m. – completion

PLACE: JTrans, 3988 Old Cottondale Road, Marianna, Florida, (850)482-7433

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide training for Medicaid Non-Emergency Transportation Program subcontracted providers.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Subcontracted Transportation Provider Training to which all persons are invited.

DATE AND TIME: Tuesday, October 5, 2004, 10:00 a.m. – completion

PLACE: DOT Training Facility, 2250 Irene Street, Jacksonville, Florida, (904)360-5400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide training for Medicaid Non-Emergency Transportation Program subcontracted providers.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Subcontracted Transportation Provider Training to which all persons are invited.

DATE AND TIME: Wednesday, October 6, 2004, 1:00 p.m. – completion

PLACE: Metroplan Orlando, One Landmark Center, 315 East Robinson Street, Orlando, Florida, (407)481-5672

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide training for Medicaid Non-Emergency Transportation Program subcontracted providers.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Rate Workshop to which all persons are invited.

DATE AND TIME: Wednesday, October 6, 2004, 9:00 a.m.

PLACE: Metroplan Orlando, One Landmark Center, 315 East Robinson Street, Orlando, Florida, (407)481-5672

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain public input on the rate process.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Subcontracted Transportation Provider Training to which all persons are invited.

DATE AND TIME: Thursday, October 7, 2004, 10:00 a.m. – completion

PLACE: Medicaid Regional Office, 1400 West Commercial Blvd., Fort Lauderdale, Florida, (954)202-3200

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide training for Medicaid Non-Emergency Transportation Program subcontracted providers.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following meeting to which the public is invited.

DATE AND TIME: Wednesday, October 6, 2004, 10:00 a.m.

PLACE: Manatee County Administrative Center, 1112 Manatee Avenue, West, Bradenton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call, (941)316-1776, at least two business days in advance to make appropriate arrangements.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** will hold a conference call with the signers of the Triad Resolution and other interested parties.

DATE AND TIME: Friday, October 8, 2004, 11:00 a.m.

PLACE: Call in number (850)410-0960 or Suncom 210-0960

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss matters related to the Florida Triad.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting/workshop of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATES AND TIMES: Thursday, October 7, 2004, 8:30 a.m.; Friday October 8, 2004, 8:00 a.m.

PLACE: Knott Building, Room 412, 111 St. Augustine Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at www.fdhc.state.fl.us/dhit/index.shtml seven (7) days prior to the meeting.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces a rule development workshop as part of its rule development originally advertised on September 5, 2003.

DATE AND TIME: October 8, 2004, 1:00 p.m. – 2:00 p.m.

PLACE: 4050 Esplanade Way, Room 101, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The scope of this workshop will be restricted to discussion of form PUR 1001, especially those portions relating public records matters. This form is incorporated by reference in subsection 60A-1.002(7), F.A.C., as recently amended.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: We request that any person requiring special accommodations to participate in this meeting notify us at least 72 hours in advance by contacting: Richard Brown, (850)488-3049.

ADDITIONAL INFORMATION: Additional information is available by contacting: Richard Brown, (850)488-3049, e-mail: brownr2@dms.state.fl.us.

The **Department of Management Services** announces a rule development workshop as part of its rule development originally advertised on August 6, 2004.

DATE AND TIME: October 15, 2004, 1:00 p.m. – 2:00 p.m.

PLACE: 4050 Esplanade Way, Room 101, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is considering a rule addressing Section 287.057(6), F.S., regarding negotiation when fewer than two responsive bids are received.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: We request that any person requiring special accommodations to participate in this meeting notify us at least 72 hours in advance by contacting: Richard Brown, (850)488-3049.

ADDITIONAL INFORMATION: Additional information is available by contacting: Richard Brown, (850)488-3049, e-mail: brownr2@dms.state.fl.us.

The **Florida Partnership for School Readiness** announces a board meeting to which all interested persons are invited.

DATE AND TIME: Thursday, October 28, 2004, 9:30 a.m. – 3:30 p.m. – completion of business

PLACE: The Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607 (Overnight accommodations are available at the Tampa Airport Marriott. Reservations can be made by calling (813)879-5151. When making reservations, please request the Florida Partnership for School Readiness room rate. Please make reservations as soon as possible to receive the Partnership rate of \$129.00 per night (there is no

government/state rate available for Tuesday and Wednesday evenings). The cut-off date for this room rate is October 6, 2004.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Board business.

For further information, contact: Ginger Tate, Partnership for School Readiness, (850)922-4200, e-mail: ginger.tate@schoolreadiness.org.

A final agenda will be available on October 7, 2004, and can be obtained by downloading it from the website at www.schoolreadiness.org or by contacting us at the Partnership office.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Sylvie Shinkle, (850)922-4200 or toll free 1(866)357-3239 or 1(800)955-8770 (Voice), Florida Relay Service at least 48 hours prior to the meeting.

The **State Technology Office** announces a meeting of the Joint Dispatch Oversight Committee of the Joint Task Force on State Agency Law Enforcement Communications to which all interested persons are invited.

DATE AND TIME: October 1, 2004, 9:00 a.m.

PLACE: State Technology Office, 4030 Esplanade Way, Suite 109, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matters of the Joint Task Force Regional Communications Centers.

For more information about the agenda, contact: Marjor Mark Trammell, Florida Highway Patrol, (850)921-7900.

The **Governor's Mansion Commission** announces a meeting to which all interested persons are invited:

DATE AND TIME: Tuesday, October 5, 2004, 10:00 a.m.

PLACE: The Governor's Mansion, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Department of Management Services, Facilities Management, 4050 Esplanade Way, Suite 315, Tallahassee, Florida 32399-0950, (850)488-2074.

Persons wishing to attend must submit written background information to Traci Gerrell at the address listed above on or before September 30, 2004, to allow for the required security check. This written information must contain the name, address, social security number and date of birth of the person planning to attend.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 20, 2004, 8:00 a.m. – 12:00 Noon

PLACE: Doubletree Guest Suites-Galleria Mall, 2670 East Sunrise Blvd., Ft. Lauderdale, Florida 33504

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to discuss the daily functions and activities of the Commission.

For information, contact Denise Crawford, Clerk of the Commission, (850)488-7082, Ext. 1032.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meetings, to which all persons are invited to attend.

DATE AND TIME: October 5, 2004, 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting, portions may be closed to the public.

The following cases are open to the public:

Frances Aletto, Case No. 2004-011679

Lisa Alexander, Case No. 2004-026188

Architectural Elements and Design, Case No. 2004-001116

Architectural Elements and Design, Case No. 2004-001125

Andy Beselica, Case No. 2003-092472

Capital City Design Center, Case No. 2004-038432

Casabella National Studio, Case No. 2004-038639

Casabella National Studio, Case No. 2004-038661

Core Construction Company of Jacksonville, Case No. 2004-029619

Francois Frossard, Case No. 2004-029228

Sofia Joelsson, Case No. 2004-038552

MB Design Group, Case No. 2003-085929

Merchandising Plus, Case No. 2004-038361

Bryan Molyet, Case No. 2003-083518

Jim Moncada, Case No. 2004-026260

Leah Muller, Case No. 2004-038757

Natural By Design, Inc., Case No. 2004-032038

Britt Ray, Case No. 2004-026277

Robinson Spry Interiors, Case No. 2004-031827

Jeffrey Smith, Case No. 2004-026205

Smith Earnest Interiors, Inc., Case No. 2004-026212

Tichenor Group Architects, Inc., Case No. 2004-039793

Jorge Slazar, Case No. 2004-033297

Robert Thomas, Case No. 2004-016482

Christopher Weldon, Case No. 2004-011926

PLACE: Doubletree Grand Key Resort, 3990 South Roosevelt Boulevard, Key West, Florida 33040

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, FL 32308-4893.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Smith, Thompson, Shaw & Manausa, P.A., (850)402-1570, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE OF CHANGE – This is a change of the original notice published in the Florida Administrative Weekly on September 3, 2004 in Vol. 30, No. 36. Changes pertain to the location only.

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, October 13, 2004, 2:00 p.m.; Thursday, October 14, 2004, 8:00 a.m.; Friday, October 15, 2004, 8:00 a.m.

PLACE: Embassy Suites Orlando Downtown, 191 East Pine Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Avenue, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD) 1(800)955-8770 (Voice).

Due to the pending landfall of Hurricane Ivan the previously scheduled September 16-17, 2004 meeting of the Florida **Electrical Contractors' Licensing Board** was CANCELLED. The Florida Electrical Contractors' Licensing Board now announces re-scheduled Official Board Meetings to which all interested persons are invited.

DATE AND TIME: October 5, 2004, 8:30 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting (portions closed to the public).

DATE AND TIME: October 5, 2004, 10:00 a.m. (CST) or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

DATE AND TIME: October 6, 2004, 9:00 a.m. (CST) or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Northwood Center Board Conference Room, Tallahassee, FL 32399-0771, (850)487-8304

The Board will conduct a general business meeting and also consider a petition filed on April 27, 2004, from Roy Van Wyk, Hopping Green & Sams, P. A., on behalf of NextiraOne, LLC, seeking an emergency waiver or variance from paragraph 61G6-5.006(2)(d), Certification of Additional New Business Entity or Transfers and subsection 61G6-5.004(2), Requirements for Business Organizations; Florida Administrative Code.

A copy of the agenda may be obtained by writing: Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, Electrical Contractors' Licensing Board, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call Gregory Spence using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation** will hold the following meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, October 13, 2004, 1:00 p.m.

PLACE: Embassy Suites Orlando Downtown, 191 East Pine Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Staff of the Department of Business and Professional Regulation will be conducting a continuing education provider

seminar. Presenters will include department staff, members of the Construction Industry Licensing Board Continuing Education Committee, and counsel for the board.

Additional information may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Avenue, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD) 1(800)955-8770 (Voice).

The Florida **Board of Landscape Architecture** announces the following meeting to which all persons are invited to attend.

DATE AND TIME: October 22, 2004, 9:00 a.m. (Eastern Time)

PLACE: Crowne Plaza Oceanfront North Palm Beach, 3200 North Ocean Drive, Singer Island, FL 33404, (561)842-6171

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Landscape Architecture, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: October 6, 2004, 10:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL, (850)921-6455 Suncom 291-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Board of Pilot Commissioners, (850)922-5012, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Professional Geologists** announces a General Business Meeting, to which all interested parties are invited to attend.

DATE AND TIME: October 5, 2004, 2:30 p.m.

PLACE: Telephone Conference Call Meet-Me-Number (850)410-8045 or Suncom 210-8045

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business.

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Tuesday, September 28, 2004.

The **Florida Real Estate Appraisal Board (FREAB)** announces a meeting to which all persons are invited.

DATES AND TIMES: Monday, October 4, 2004, 9:00 a.m. or the soonest thereafter; reconvening Tuesday, October 5, 2004, 8:30 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions and general subject matter.

If a person decides to appeal a decision made by the Board, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Ashley Dashnaw, Regulatory Specialist III, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Florida **Department of Health**, Division of Health Access and Tobacco announces a public graduate medical education committee meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 4, 2004, 10:00 a.m. – 4:00 p.m.

PLACE: The Tampa Airport Marriott Hotel, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Graduate Medical Education Committee and the Community Health Education Council.

A copy of the agenda or additional information may be obtained by writing: Graduate Medical Education Program, Division of Health Access and Tobacco, Department of Health, 4052 Bald Cypress Way, Bin #C15, Tallahassee, FL 32399-1735 or calling Jessica Rivenbark, (850)245-4446, Ext 2711.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Division of Health Access and Tobacco, (850)245-4446, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Division of Health Access and Tobacco using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Workgroup on Mammography Accessibility** announces public meetings and conference calls to which all persons are invited.

DATE AND TIME: Thursday, October 7, 2004, 8:30 a.m. – 6:00 p.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, FL 32821, 1(800)619-6720

DATE AND TIME: Tuesday, October 19, 2004, 4:00 p.m. – conclusion

PLACE: Call Toll Free 1(800)351-6801, To access conference, use code SB2306

DATE AND TIME: Thursday, November 4, 2004, 8:30 a.m. – 6:00 p.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, FL 32821, 1(800)619-6720

DATE AND TIME: Tuesday, November 16, 2004, 4:00 p.m. – conclusion

PLACE: Call Toll Free 1(800)351-6801, To access conference, use code SB2306

DATE AND TIME: Thursday, December 2, 2004, 8:30 a.m. – 6:00 p.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, FL 32821, 1(800)619-6720

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Workgroup on Mammography Accessibility will study issues and make recommendations to protect Floridians' availability utilization, access to quality and affordable mammography services. The Workgroup on Mammography Accessibility shall study the relevant issues and make written recommendations and/or propose legislation. The study shall include, but need not be limited to, examining the following factors that impact availability utilization, quality, and cost: reimbursement fees, copayment fees paid by patients, incidence of lawsuits filed, equipment and liability insurance costs and insurance availability, equipment maintenance and calibration, staffing requirements and training, type and number of facilities performing mammography, facilities surveyed by the Bureau of Radiation Control of the Department of Health, population density of females aged 40 and older in each county, and other factors that relate to the demand and availability of mammography services; the need for research and educational facilities, including facilities with institutional training programs and community training programs for doctors of radiological medicine at the student, internship, and residency levels; the availability of resources, including health personnel and management personnel for mammography programs. The patient-wait times for screening and diagnostic mammography. A report of such recommendations and/or proposed legislation shall be submitted by December 15, 2004, to the Governor, the President of the Florida Senate and the Speaker of the House of

Representatives, and legislative committees which provides the findings of the workgroup and recommendations for Legislative action.

To aid its study of the issues and the development of its recommendations, the Workgroup on Mammography Accessibility shall take public testimony from experts and stakeholders. In addition, the Workgroup on Mammography Accessibility is encouraged to take whatever other steps are necessary to gain a full understanding of the medical, legal, insurance and other issues involved.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Karen Eaton, Executive Director, Mammography Accessibility Workgroup, (850)245-4740, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact Ms. Eaton using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this meeting, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Department of Health** announces a change to the Secretary's Obesity Summit on Industry and Worksite Wellness. The original date, scheduled September 24, 2004 at the Disney Swan Hotel, has been rescheduled:

DATE AND TIME: October 13, 2004, 9:00 a.m. – 4:00 p.m. (EST)

PLACE: Disney Dolphin Hotel, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The health and welfare of employees in the work place.

For more information: Please contact: Keith Everett, (850)245-4330.

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 29, 2004, 10:00 a.m. or soon thereafter

PLACE: Homewood Suites By Hilton, 2987 Apalachee Pkwy. Tallahassee, Florida 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing

or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: JoAnne Davis-Trexler, Supervisor/Consultant, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

The **Board of Acupuncture** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, October 8, 2004, 9:00 a.m. or soon thereafter

PLACE: Renaissance Hotel, 4200 West Columbus Drive, Tampa, Florida 33607, (813)877-9200

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Acupuncture, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice), 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Clinical Laboratory Personnel**, Rules Committee will hold a duly noticed meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, October 7, 2004, 2:00 p.m.

PLACE: The Renaissance Hotel, 4200 West Columbus Drive, Tampa, FL 33607, (913)877-9200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Rule Chapter 64B3, Florida Administrative Code.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the

meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Clinical Laboratory Personnel, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, website: www.doh.state.fl.us/mqa/ClinLab/clp_home.html.

The **Board of Clinical Laboratory Personnel** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, October 8, 2004, 9:00 a.m.

PLACE: The Renaissance Hotel, 4200 West Columbus Drive, Tampa, FL 33607, (813)877-9200

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, website: www.doh.state.fl.us/mqa/ClinLab/clp_home.html.

The **Department of Health, Board of Dentistry** will hold a Probable Cause Panel meeting where reconsiderations will be heard:

DATE AND TIME: October 15, 2004, 9:30 a.m.

PLACE: Department of Health, Building 4042, Room 301, 4052 Bald Cypress Way, Tallahassee, FL 32399, (850)245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: October 8, 2004, 2:00 p.m.

PLACE: Meet Me Number(850)413-9245

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771(TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Department of Health**, Division of Medical Quality Assurance, Florida **Board of Medicine**, Probationers' Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 29, 2004, 9:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33608, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Tracie Natale, Medical Compliance Officer, Department of Health, Division of Medical Quality Assurance, Client Services Unit, 4052 Bald Cypress Way, Bin #C01, Tallahassee, FL 32399-3251.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, he/she will need a record of the proceeding, and for such purpose, he/she may need to insure that a verbatim proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact Tracie Natale, (850)245-4444, Ext. 3546, no later than seven (7) days prior to the meeting at which such special accommodation is required. Hearing or speech-impaired persons may contact the Compliance Officer at the address noted above; or, via the Florida Dual Party Relay System, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Board of Nursing**, North Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: October 11, 2004, 5:30 p.m.

PLACE: Department of Health, Tallahassee, FL, Meet Me Number (850)921-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board Office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Board of Nursing**, Central Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: October 20, 2004, 6:00 p.m.

PLACE: Department of Health, Tallahassee, FL, Meet Me Number (850)921-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board Office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Pharmacy**, Internet Pharmacy Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 4, 2004, 9:00 a.m.

PLACE: Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss rules relating to the Internet Pharmacy Permit.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Garnet Keller, Program Administrator, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4292, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice), 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Council of Licensed Midwifery** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, October 15, 2004, 9:00 a.m. or soon thereafter

PLACE: Contact the Council of Licensed Midwifery, (850)245-4161, for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Council of Licensed Midwifery, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or

speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice), 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services**, District 14, will begin negotiations with Heartland for Children. All interested persons are invited to participate.

DATE AND TIME: September 22, 2004, 8:30 a.m. – 11:30 a.m.

PLACE: Large Conference Room, Department of Children and Family Services, Service Center, 1055 US Highway 17 N. Bartow, FL 33811

GENERAL SUBJECT MATTER TO BE CONSIDERED: The topic for discussion is the Community Based Care Services Contract entered into in January of 2004, including performance measures, budget and contract attachments for fiscal year 2004-2005.

Negotiations will continue for several weeks at the same location as follows:

DATES AND TIMES: September 29, 2004, 11:00 a.m. – 2:00 p.m.; October 6, 2004, 8:30 a.m. – 11:30 a.m.; October 13, 2004, 11:00 a.m. – 2:00 p.m.

The **Department of Children and Family Services** announces a public hearing to which all persons are invited:

DATE AND TIME: Monday, October 4, 2004, 9:00 a.m. (Eastern Time)

PLACE: Conference Room 335, Department of Children and Family Services, 1317 Winewood Boulevard, Building 6, Tallahassee, Florida 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: Final public hearing on proposed changes to the Financial Rule, Chapter 65E-14, Florida Administrative Code. Notice of the proposed action was published in Vol. 30, No. 28, June 4, 2004, issue of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the hearing by contacting: Larry Ochalek, (850)414-1500.

The **Council on Homelessness** announces a series of conference call meetings of its Application and Rulemaking, Barriers and Support Services, Data Collections, Discharge Planning, Supportive Housing Development, and Planning Committees, to which all persons are invited.

COMMITTEE: Barriers and Support Services

DATES AND TIME: (1st Tuesday) Tuesday, October 12, 2004; November 2, 2004; December 7, 2004, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call (850)487/8783 or Suncom 277-8783
Confirmation Number: 30J0903

COMMITTEE: Data Collection

DATES AND TIME: (1st Thursday) Thursday, October 7, 2004; November 4, 2004; December 2, 2004, 11:00 a.m. – 12:00 Noon

PLACE: Conference Call (850)414/1710 or Suncom 994-1710
Confirmation Number: S30 0903

COMMITTEE: Planning/Executive

DATES AND TIME: (Monday) Monday, November 1, 2004; December 6, 2004, 3:00 p.m. – 4:00 p.m.

PLACE: Conference Call (850)921-2591 or Suncom 291-2591
Confirmation Number: W30 0903

COMMITTEE: Supportive Housing

DATES AND TIMES: (4th Thursday) Thursday, October 28, 2004; November 18, 2004; December 16, 2004, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call (850)410-0968 or Suncom 210-0968
Confirmation Number: 30A 0903

GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees' continued development of policy recommendations and work tasks to address the Councils' Strategic Plan to reduce the number of persons who may be facing homelessness in Florida.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us.

Pursuant to Chapter 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness (850)922-4691, at least 48 hours in advance of this meeting.

The **Governor's Developmental Disabilities Blue Ribbon Task Force** announces the following meeting to which all interested persons are invited to participate.

DATES AND TIMES: September 27, 2004, 9:00 a.m. – 5:00 p.m.; Tuesday, September 28, 2004, 8:30 a.m. – 5:00 p.m.; Wednesday, September 29, 2004, 8:30 a.m. – 4:00 p.m.

PLACE: Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to continue work on the development of a recommended plan of action for expanding and improving inclusive community living options for individuals with developmental disabilities; coordinating the provision of transition services statewide for students with developmental disabilities as they leave school and seek employment, postsecondary education, vocational training, programs and/or adult community services; and expanding and improving competitive, integrated employment opportunities for individuals with developmental disabilities.

Any person requiring special accommodations is asked to advise the Task Force by contacting Sylvia Peacock, (850)414-7605, by September 22, 2004. If you are hearing or speech impaired, please call (850)922-4449 (TDD).

The Florida **Department of Children and Family Services**, SunCoast Region Mental Health Program Office, announces a public forum to which all persons are invited.

APPLICANT: MANATEE GLENS CORP, SHORT-TERM RESIDENTIAL TREATMENT FACILITY

DATE AND TIME: October 5, 2004, 4:00 p.m. – 5:00 p.m.

PLACE: Department of Children and Family Services, 303 13th Avenue E., Room 246, Bradenton, FL 34208

GENERAL SUBJECT MATTER TO BE CONSIDERED: The department is seeking public input and involvement regarding a facility which is applying for "Baker Act Re-designation" pursuant to Section 394.461 F.S.

Persons needing accommodation to participate in the forum should call at least 3 days in advance of the forum. The person to be contacted: Susan Nunnally, DCF, (941)316-6152

The **Florida Substance Abuse and Mental Health Corporation**, created by Ch. 2003-279, Laws of Florida, announces a Data Ad Hoc Committee Meeting to which all persons are invited.

DATES AND TIME: Wednesday, October 6, 2004, 12:00 Noon – 5:00 p.m.

PLACE: Florida Mental Health Institute, University of South Florida, Room 1329, 13301 Bruce B. Downs Blvd., Tampa, FL 33612, (813)974-4404

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting will be a workgroup session on behavioral health care state data collection as part of the charge given to the Florida SAMH Corporation by the 2003 and 2004 Legislatures. The Corporation, in order to proceed further in assessing the strengths and weaknesses of the publicly funded behavioral healthcare system, must gain a complete understanding of the behavioral healthcare data being collected by the State and Florida Mental Health Institute (FMHI).

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Amanda Sanford seven days prior to

the meeting at Florida Department of Children and Family Services, Mental Health Program Office, Building 1, Room 206-B, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)410-1575.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public workshop to which all persons are invited:

DATE AND TIME: October 1, 2004, 1:30 p.m.
 PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments and suggestions from interested persons relative to Rule Chapters 67-21 and 67-48, F.A.C., relating to the Multifamily Mortgage Revenue Bond Program, the State Apartment Incentive Loan (SAIL) Program, the HOME Investment Partnerships (HOME Rental) Program, and the Housing Credit (HC) Program.

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact: Jean Salmonsens, (850)488-4197. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice), 1(800)955-8771 (TDD).

The **Florida Housing Finance Corporation** announces the following Review Committee meetings to which all persons are invited to attend:

DATES AND TIMES: Monday, October 4, 2004, 9:30 a.m. (Eastern Time)
 PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of responses submitted for Florida Housing Finance Corporation's Request for Qualifications #2004-01 for Inclusion Within a Limited Pool of Purchasers to Purchase Properties.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, at Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a

verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces the following Review Committee meetings to which all persons are invited to attend:

DATES AND TIME: Wednesday, October 6, 2004; Friday, October 8, 2004, 2:00 p.m. (Eastern Time)
 PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of responses submitted for Florida Housing Finance Corporation's Invitation to Negotiate #2004-02 for Affordable Housing Catalyst Program services.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, at Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a meeting of the Board of Directors to which all interested parties are invited:

DATES AND TIME: October 14-15, 2004, 9:00 a.m. – adjourned
 Fiscal Committee
 Guarantee Committee
 Universal Cycle Committee
 Multifamily Revenue Bond Committee
 Board Meeting

PLACE: Tallahassee City Hall Commission Chambers, 300 South Adams Street, Tallahassee, FL 32301, (850)851-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider, review, and take action on matters brought to the Fiscal Committee and to consider recommendations made by the Fiscal Committee to the Board.
2. Consider, review, and take action on matters brought to the Guarantee Committee and to consider recommendations made by the Guarantee Program Committee to the Board.

3. Consider, review, and take action on matters brought to the Universal Cycle Committee and to consider recommendations made by the Universal Cycle Committee to the Board.
4. Consider, review, and take action on matters brought to the Multifamily Revenue Bond Committee and to consider recommendations made by the Multifamily Revenue Bond Committee to the Board. Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds of pending multifamily issues, which have satisfied the requirements for funding.
5. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
6. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
7. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
8. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
9. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
10. Consideration of policy issues concerning ongoing and upcoming Single-family Bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
11. Consideration of all necessary actions with regard to the Multifamily Bond Program.
12. Consideration of approval of underwriters for inclusion on approved master list and teams.
13. Consideration of all necessary actions with regard to the HOME Rental Program.
14. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
15. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
16. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
17. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
18. Consideration of all necessary actions with regard to the Home Ownership Programs.
19. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
20. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
21. Consideration of workouts or modifications for existing projects funded by the Corporation.
22. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
23. Consideration of funding additional reserves for the Guarantee Fund.
24. Consideration of audit issues.
25. Evaluation of Professional and Consultant performance.
26. Such other matters as may be included on the Agenda for the October 14-15, 2004, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sheila Freaney at the Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a public meeting of the Blue Crab Advisory Board, to which all interested persons are invited:

DATES AND TIMES: October 25, 2004, 1:00 p.m. – 5:00 p.m.; October 26, 2004, 8:00 a.m. – 5:00 p.m.

PLACE: Hilton-Ocala, 3600 S. W. 36th Avenue, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Blue Crab Advisory Board of the Fish and Wildlife Conservation Commission will convene to discuss possible options for a blue crab management plan and consider what recommendations to make in that regard to the Commission.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting the ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal** announces the CANCELLATION of the following public meeting:

DATE AND TIME: September 28, 2004, 10:00 a.m.
 PLACE: DEP Building, 2nd Floor Conference Room, 400 N. Congress Ave, West Palm Beach, FL 33401
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Fire Safety Board. Notice of the next scheduled meeting will be published in the Florida Administrative Weekly.

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: September 28, 2004, 10:00 a.m.
 PLACE: DEP Building, 2nd Floor Conference Room, 400 N. Congress Ave., West Palm Beach, FL 33401
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Fire Safety Board.
 A copy of the agenda may be obtained by writing: Nancy Ray, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3622.

In accordance with the American Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the person listed above no later than 48 hours prior to the meeting or workshop.

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2004, 10:00 a.m.
 PLACE: Florida State Fire College, 11655 N. W. Gainesville Rd., Ocala, FL 34482
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the FLORIDA FIREFIGHTERS EMPLOYMENT, STANDARDS AND TRAINING COUNCIL.

A copy of the agenda may be obtained by writing: Department of Financial Services, Division of State Fire Marshal, 11655 N. W. Gainesville Road, Ocala, FL 34482-1486, (352)369-2800.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the address or phone number listed above no later than 48 hours prior to the meeting or workshop.

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2004, 10:00 a.m.
 PLACE: Main Auditorium, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Fire Code Advisory Council to consider a petition for rulemaking filed by the Marion County Board of County Commissioners with the Department of Financial Services. The petition for rulemaking requests changes to the Florida Fire Prevention Code, Rule Chapter 69A-60, F.A.C., for the purpose of providing relief from NFPA 409 (1995 edition currently in effect, or the 2001 edition, to be adopted), Aircraft Storage Hangars.

The specific changes requested and a copy of the agenda may be obtained by writing: Department of Financial Services, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, Attention: Millicent King.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact the person listed above no later than five working days prior to the meeting.

The Florida **Board of Funeral and Cemetery Services** announces a public Board Meeting and all persons are invited to attend.

DATE AND TIME: October 21, 2004, 10:00 a.m. – 5:00 p.m.
 PLACE: Hilton Ocala, 3600 Southwest 36th Avenue, Ocala, FL 34474, 1(352)854-1400 Direct, 1(877)602-4023 Toll Free (\$69/night – The cut-off date for reservations is September 30th)
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

TO OBTAIN FURTHER INFORMATION CONTACT: LaTonya Bryant, Administrative Assistant I, Division of Consumer Services, 200 East Gaines St., Tallahassee, FL 32399-0361, (850)413-3039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service, 1(800)955-8771 (TDD), 1(800)955-8770 (Voice), for assistance.

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

DATE AND TIME: October 5, 2004, 9:00 a.m. – conclusion

PLACE: The Knott Building, Room 212, 402 S. Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider a Workers' Compensation filing made by the National Council on Compensation Insurance, Inc., by which the Council requests an overall average decrease in rate levels of 2.3% for the voluntary market for all new and renewal Workers' Compensation Insurance policies written in the State of Florida, effective January 1, 2005.

A copy of the agenda may be obtained by writing: Office of Insurance Regulation, Attention James Watford, Actuary, Room 212-F, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

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

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meeting:

MEETING: Steering Committee Meeting

DATE AND TIME: Wednesday, September 29, 2004, 1:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624, Toll Free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and

times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

The **Florida Independent Living Council** announces the following meeting:

MEETING: Steering Committee Meeting

DATE AND TIME: Thursday, September 30, 2004, 1:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624, Toll Free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to

ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

SOUTH MIAMI-DADE WATERSHED STUDY AND PLAN

The **South Miami-Dade Watershed Study and Plan** announces public meetings to which all interested persons are invited to participate.

The Miami-Dade County residents, interests groups and business owners are encouraged to attend upcoming meetings concerning the future of South Miami Dade County. Public and stakeholder input is an integral part of the Study.

DATE AND TIME: September 30, 2004, 7:00 p.m. – 9:00 p.m.

PLACE: Florida International University (FIU), MARC Building, S. W. 107th Ave & S. W. 16th St, Miami, FL

DATE AND TIME: October 7, 2004, 7:00 p.m. – 9:00 p.m.

PLACE: Miami Dade College (MDC), Building F, Room 222, 500 College Terrace, Homestead, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The South Miami-Dade Watershed Study and Plan is a comprehensive planning effort that will provide the framework for making land use decisions over the next 50-years. The Study will analyze the effect of projected population growth on infrastructure; agricultural, industrial and urban land uses; property rights; water resources (with emphasis on Biscayne Bay) and natural resources. The Study will culminate into a Plan designed to balance the various competing interests in South Miami-Dade County providing for a sustainable, healthy environment and economy.

For more information please contact: Kim Giles, Keith and Schnars, PA, 1(800)488-1255, project website: www.southmiamidadewatershed.com.

FLORIDA CHARTER SCHOOL REVIEW PANEL

The **Florida Charter School Review Panel** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 7, 2004 9:00 a.m. – 4:00 p.m.

PLACE: Spanish Academy Charter School, 447 NW Spanish River Road, Boca Raton, Florida 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Review Panel will discuss issues, rules, policies and procedures, laws and recent developments relevant to Florida charter schools.

An agenda will be available one week prior to the meeting. To obtain a copy of the agenda, please call or write: Cynthia D. Morani, Esq., Florida Charter School Legal Resource Center, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-6044.

SPECIAL ACCOMMODATION: Persons with disabilities who require assistance to participate in this meeting should contact the Florida Charter School Legal Resource Center, at the above address or telephone number.

THE ABLE TRUST

The **Able Trust** (Florida Endowment Foundation for Vocational Rehabilitation) will hold a Board Meeting to which all interested persons are invited to participate.

DATE AND TIME: Friday, November 5, 2004, 9:00 a.m.

PLACE: Colony Hotel, 155 Hammon Avenue, Palm Beach, FL 32480

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include approval of recommended Grants to assist citizens with Disabilities in achieving employment.

For more information, special accommodations or alternative format request, please call The Able Trust, (850)224-4493 or 1(888)838-2253.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on September 1, 2004, from the City of Coral Springs, Building Division, regarding whether electrical permitting and an inspection on a satellite dish installation is required by the Florida Building Code.

It has been assigned the number DCA04-DEC-171.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for

Declaratory Statement, Honorable Nilda C. Hernandez, Unit Owner, Plaza Towers North, Inc., Docket Number 2004040806.

The Petitioner request a declaratory statement as to whether the Condominium Association of Plaza Towers North, Inc. may compel a unit owner to provide a duplicate key to the owner’s unit under Section 718.111(5), Florida Statutes, for the board’s unilateral access to the unit.

A copy of the Petition for Declaratory Statement, Docket Number 2004040806 may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

Florida State University announces that construction management services will be required for the project listed below:

Project No.: FS-296
Project and Location: Academic Center
Panama City Campus
Florida State University
Panama City, Florida

This project consists of the construction of a new academic center, which will include administrative offices, a multi-purpose hall, teaching, research and support spaces. This project will also undertake a number of site improvements that will allow the University to implement major steps in its evolving Campus Master Plan. The new facility is expected to be located along the North Bay next to the Larson M. Bland Conference Center. The University has proposed that the project be administered utilizing the construction manager delivery process.

The estimated construction budget is approximately \$17,800,000.00 with a total anticipated project budget of \$24,000,000.00.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at either the 50% or 100% Construction Document phase. The final determination of the exact timing of the GMP will be confirmed prior to entering into contract with the prospective Construction Manager. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract,

or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and qualifications of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard Florida State University's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Instructions:

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Florida State University "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Florida State University Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained through the website at www.fpc.fsu.edu or by contacting:

Lynetta Mills, Facilities Design and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, Fax (850)644-8351

For further information on the project, contact: Jim Reynolds, Project Manager, at the address and phone listed above.

Submit six (6) bound copies of the required proposal data. Submittals must be received at the address listed above by 2:00 p.m., local time, on Friday, October 29, 2004. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

PUBLIC ANNOUNCEMENT OF A/E
SELECTION RESULTS

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NUMBER: FSDB 20050007

PROJECT NAME: Kirk Memorial Hall (Building #8) Renovations

1. Akel Logan Shafer Architects / Planners
 2. Van Wagenen and Beavers, Inc.
 3. PQH Architects
 4. Rink, Reynolds, Diamond, Fisher, Wilson PA
-

RE-ADVERTISEMENT
PUBLIC ANNOUNCEMENT TO CERTIFIED
CONTRACTORS AND PROFESSIONAL CONSULTANTS
FOR DESIGN-BUILD SERVICES

PROJECT NUMBER: FSDB 20050009

PROJECT NAME: Construction of Covered Walkways, Phase 2

PROJECT LOCATION: The Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

PROJECT DESCRIPTION: The Florida School for the Deaf and the Blind (FSDB) requests qualifications from certified contracting and professional consulting firms to provide Design-Build Services for the construction of a covered walkway system for the protection of blind students from inclement weather. This advertisement is issued to give advance notice of the school's design-build intentions; to allow interested parties to form design-build teams; and to submit letters of interest for this advertised design-build project.

CONSTRUCTION BUDGET: \$1,700,000

FSDB PROJECT MANAGER: Lloyd Jenkins

PHONE NUMBER: (904)827-2363

RESPONSE DUE DATE: October 22, 2004

Firms must be properly licensed to practice their profession in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The short-list selection will be made in accordance with Rule 60D-13.007, F.A.C. Determination of ability shall be based on related building experience, financial capability, scheduling, cost control, office and on-site staff training and experience, information systems, location, past performance, experience

and ability of consultants, current workload. Each of these finalists will be eligible for consideration in accordance with Rule 60D-13.009, F.A.C.

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. Letter of interest as one single entity responsible for design and construction under one contract detailing the entity's qualification.
2. Completed Experience Questionnaire and Contractor's Financial Statement – Form DBC-5085 (revised 3/00). This form may be obtained by calling the Department of Management Services, Division of Building Construction at (850) 487-2824.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, and cost reports.
5. The firm's experience demonstrating performance of similar type of work of similar size complexity.
6. Current State General or Building Contractor License Certification as required under Florida Statutes.
7. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations.
8. A description of the applicant's plan of Minority Business Enterprise and Women-Owned Business Enterprises.
9. References from prior clients received within the last five years.
10. Department of Management Services edition of the Professional Qualifications Supplement (PQS), Form DBC 5112 (revised 2/99).
11. Current Florida Professional Registration License Renewal.
12. For Corporations only, current corporate Certification showing validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
13. Completed SF-254.
14. Completed SF-255.

Applications are to be sent or delivered to the Florida School for the Deaf and the Blind, Attn: Mr. John Connor, 207 N. San Marco Ave., Building #28, St. Augustine, FL 32084-2799.

Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions, or those that do not include the requested data, may not be considered. All information received will be maintained with the project file and will not be returned. Applicants will be short-listed on October 29, 2004. Following the short-list selection, a pre-interview workshop will be held on November 4, 2004 for all short-listed firms. Interviews will be conducted on November 17, 2004. A final selection will be made after the interviews have taken place. Selections will be

made in accordance with Chapter 287.055, Florida Statutes. The selected firm will be given official notice of selection results by FAX and/or mail.

The results of the short-list and final selection will be posted at FSDB, 207 N. San Marco Ave., Building #28, St. Augustine, FL and can be viewed during regular working days between the hours of 7:00 a.m. through 4:00 p.m. beginning 24 hours after the selection. Any protests of the selection must be made within 72 hours of the posting. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after posting shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Final selection results will also be posted in the Florida Administrative Weekly.

NOTICE TO PROFESSIONAL CONSULTANTS

FOR

Request for Qualifications (RFQ)

Professional Services

For

Annual Contract for Construction Management Services

The Office of Facilities Design and Construction announces that professional services are required for an annual contract for Construction Management Services for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs not exceeding the threshold amounts of \$1,000,000 (construction), provided for in Section 287.055, Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to be sent to:

Facilities Design and Construction

1701 Prudential Drive, 5th Floor

Jacksonville, FL 32207

PROJECT MANAGER: James L. Womack

PHONE NO.: (904)390-2279

RESPONSE DUE DATE: RFQ's ARE DUE ON OR BEFORE OCTOBER 26, 2004 AND WILL BE ACCEPTED UNTIL 4:30 P.M.

MBE GOALS: 10% AA, 3% HANA, 7% WBE

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards, General Documents, Selection of Construction Manager.

DEPARTMENT OF TRANSPORTATION

NOTICE OF BID/PROPOSAL OPPORTUNITY

The Florida Department of Transportation, District 4 announces the following Design Build project:

BID/PROPOSAL NUMBER: E4H27/RFP-DOT-04/05-4007
EB

FINANCIAL PROJECT NUMBER: 40741315201
MBE/DBE RESERVATION OR PREFERENCE: NONE
DEADLINE FOR SUBMITTAL OF PRE-QUALIFICATION REQUIREMENTS: Monday, October 18, 2004, by 5:00 p.m., local time.

TECHNICAL PROPOSAL DUE DATE AND TIME: October 28, 2004, 2:00 p.m.

SCOPE OF SERVICES: Sealed written proposals are requested from Licensed General Building Contractors and Professional Architectural Engineers (Prequalification 14.0) for an FCO Design-Build Facility for Broward County: The successful Proposer awarded this turnkey FCO Design Build Request For Proposal project shall provide to the Department, a complete, operational, and properly functioning standby power system that has been tested as required during and after installation, proven and documented to meet the manufacturers and the Department's specifications. The completed system will consist of a completely integrated emergency diesel generator system to provide an alternate source of electrical power to the main headquarters office buildings electrical loads in the event of utility power outages such as weather related, accidental, or commanded outages. All generator set and related component accessories shall be sized to accommodate the entire main headquarters building electrical loading. This project includes, but is not limited to: The preparation, provision and handling of all required permitting and permits, inspections, signed/sealed engineering drawings/plans, as-built drawings/plans, supervision, labor, materials, ancillary components, fuel tanks, fuel, automatic transfer switches and protected/vandal resistant housing structures, wiring, installation, testing etc., any and all related systems and required building structures, including the designing, providing and installation of a totally enclosed reinforced poured concrete generator housing structure that will provide full storm protection, sound reduction and minimize possibility of vandalism etc., while providing safe full operator/technician access to the equipment as needed for servicing and operations, all freight and freight expediting, supplies, equipment, mobilization, set up, all testing, construction site safety, maintenance, cleanup, site restoration/any repairs to damages resulting from this project, and anything else required to complete the project located at the Florida Department of Transportation District Four Headquarters, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

MANDATORY PRE-BID/PRE-PROPOSAL MEETING: October 7, 2004, 9:00 a.m. local at the Florida Department of Transportation District Four Headquarters, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309.

MANDATORY SITE INSPECTION MEETING: The Mandatory Site Inspection will be immediately following the Mandatory Pre-Bid/Proposal Meeting on Monday, October 4.

Bid/Proposal documents will only be issued to Proposers who have been pre-qualified by the District Four Procurement Office and who have attended the Mandatory Pre-Bid/Proposal Meeting and the Mandatory Site Inspection Meeting.

MINIMUM QUALIFICATIONS: Proposers must submit their qualifications prior to the deadline of October 18, 2004, by 5:00 p.m. However Proposers are urged to submit qualifications prior to the Mandatory Pre-Proposal Meeting so that Letters of Pre-Qualification shall be available for pick up at the Mandatory Pre-Proposal Meeting. Letters of Pre-qualification will only be issued to qualified Proposers. Each Proposer whose field is governed by Chapters 399, 455, 489, and 633, Florida Statutes, for Licensure or Certification must submit Pre-qualification data of their eligibility to submit Proposals prior to the Proposal Opening Date. After the Proposal Opening, the low Bidder/Proposer must qualify in accordance with Rule 60D-5.004, Florida Administrative Code. A copy of the rule requirements is included in the Bid/Proposal Package. Each Bidder/Proposer must be pre-qualified by the District Four Procurement Office prior to the issuance of bid/proposal forms. To pre-qualify each Bidder/Proposer must submit a copy of the appropriate Contractor's License(s) as required by the state for the type(s) of work to be proposed and a copy of the State Corporate Charter issued by The Department of State, Division of Corporations if the firm is a corporation.

BID/PROPOSAL GUARANTY BOND: If the bid amount is less than \$100,000.00 no bid guaranty is required, however, if the bid amount exceeds \$100,000.00, a five percent bid guaranty of the bid amount must accompany the bid proposal, or the bid shall be deemed non-responsive and rejected. The bid guaranty shall be in the form of a certified check, cashier's check, treasurer's check, bank draft, or bid bond made payable to the Florida Department of Transportation. Bidders/Proposers shall refer to section A-24 of the Fixed Capital Outlay specifications for clarification of the bid guaranty amount.

PERFORMANCE BOND AND LABOR AND MATERIALS BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond or a Labor and Material Payment Bond are not required. If the contract sum exceeds \$100,000.00 a Performance Bond of 100% and Labor and Materials Bond of 100% shall be required. If increases are made to the original contract sum, the contractor shall also furnish the Florida Department of Transportation (FDOT) with additional bonding equivalent to the increases. Bidders/Proposers shall refer to section A-25 of The Fixed Capital Outlay Specifications for clarification of the Performance Bond and Labor and Materials Bond amount and the provisions surety companies are required to comply with. If A Performance Bond and Labor and Materials Bond is required the bidder must submit along with their sealed

Technical Proposal a letter from a surety company (who meets the requirements stated above) stating their intent to provide a 100% Performance Bond and 100% Labor and Materials Bond.

EVALUATION CRITERIA:

TECHNICAL PROPOSAL: (100 Points Maximum) WILL CONSIST OF THE FOLLOWING:

1. Experience and Qualifications of Proposing Firm and Personnel Assigned to this Project: 40 points
 - a) Administration and Management: 15 points
 - b) Identification of Key Personnel: 10 points
 - c) Business History/Experience of the Consultant: 15 points
2. Plans and Specifications: 50 points
3. Warranty 10 points

PRICE PROPOSAL: (65 Points Maximum)

REQUESTING BID/PROPOSAL DOCUMENTS: Requests for Plans, Specifications and/or Bid/Proposal Documents should be directed to Esther Brandt, Contract Manager, Office of Procurement, Florida Department of Transportation District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, Fax Number (954)777-4602. Please visit the District Four website at www.dot.state.fl.us/contractadministration/district4 for a copy of the District Four Bid Package Request Form.

OPENING OF THE TECHNICAL AND PRICE PROPOSALS: Sealed Technical Proposals will be opened by the Department’s Procurement Office personnel, in the Florida Department of Transportation, Office of Procurement Conference Room on October 28, 2004, 2:00 p.m.. Price proposals for Proposers who have been awarded 70 or more points on their scores for the Technical Proposals will be opened in the Florida Department of Transportation, District Four Office of Procurement Conference Room, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309 on November 23, 2004, 2:00 p.m.

POSTING INFORMATION: Unless otherwise notified in writing the notice of intent to award will be posted on the District Four website at www.dot.state.fl.us/contractsadministration/district4 as well as on the Florida vendor bid system at www.myflorida.com. (click on Business, click on Doing business with the state, look under Everything for vendors and customers, click on Vendor bid system (vbs), click on Search Advertisements, arrow down for agency selection Department of Transportation, initiate search, click on bid title) on November 29, 2004, 2:00 p.m. and will remain posted for a period of 72 hours.

The notice of intent to award will also be posted in the bulletin board on the first floor of the Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309 on November 29, 2004, 2:00 p.m. If the Department is unable to post as defined above, the Department will notify all Bidders/Proposers by mail, FAX and/or telephone. The Department will provide written notification of any future posting in a timely manner.

SPECIAL NOTE: Awarded vendor will have 10 days to execute the contract.

BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS: Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Sections 120.569 and 120.57, Florida Statutes. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, MS 58 Room 550, General Counsel’s Office, Tallahassee, Florida 32399-0458.

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

THE DEPARTMENT RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS/PROPOSALS RECEIVED.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF:

PROJECT NO.: BE-29 SAMAS CODE:

PROJECT NAME & LOCATION: Wastewater Treatment Plant Upgrade Okaloosa Correctional Institution

FOR: Grinder Installation, Static Screen Installation, Tank Modifications, Clarifier Equipment and Air Piping

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$ 100,000.00 or less, a Performance Bond and a Labor And Material Payment Bond are not required.

PUBLIC ENTITY CRIME INFORMATION STATEMENT:

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

PREQUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department for the current biennium (July 1 through June 30) of odd numbered years. After the bid opening the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the Instruction To Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: October 28, 2004, 2:00 p.m., Local time

PLACE: Hatch Mott MacDonald, 3800 Esplanade Way, Suite 150, Tallahassee, FL 32311

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the A/E:

ARCHITECT-ENGINEER: Hatch Mott MacDonald, 3800 Esplanade Way, Suite 150, Tallahassee, FL 32311, (850)222-0334

PRE-BID CONFERENCE: A mandatory pre-bid conference will be held on-site at the Okaloosa Correctional Institution in Crestview, Florida on October 14, 2004 at 11:00 a.m. central time.

Drawings and specifications may be purchased for \$ 50.00 per set from the Architect/Engineer.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", the Contract will be awarded by the Secretary, Department of Corrections. Right is reserved to reject any or all bids.

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."

NOTICE TO CONTRACTORS

Sealed bids will be received until 9:00 a.m. on Wednesday, October 13, 2004 in the Office of the City Engineer, Public Services Department (Engineering and Architectural Services), City Hall, 100 North Andrews Avenue, 4th Floor, City of Fort Lauderdale, Florida and opened immediately thereafter in the Conference Room, for PROJECT NO. 10529 – "FACILITY SECURITY FENCE PROJECT."

This project consists of Drawing File No. WS-03-05 consisting of 19 sheets.

The work includes construction of fencing around the Central Maintenance Shops, Fiveash Wastewater Treatment Plant, and George T. Lohmeyer Wastewater Treatment Plant.

Bidding blanks may be obtained at the Office of the City Engineer. Plans and specifications are on file in the Office of the City Engineer.

A pre-bid meeting will be held at 2:00 p.m. on Tuesday, September 28, 2004 at the Program Management Team office at 200 North Andrews Avenue, Suite 300 (third floor), Fort Lauderdale, Florida. The pre-bid meeting is recommended, but not mandatory. Bidders acknowledge existing conditions, and site visits are available upon request.

It will be the sole responsibility of the bidder to clearly mark bid as such, and ensure that his bid reaches the City prior to the bid opening date and time listed.

A certified check, cashier's check, bank officer's check or bid bond for five percent (5%), made payable to the City of Fort Lauderdale, Florida, shall accompany each proposal.

This project is funded in whole or in part by the Florida Department of Environmental Protection, State Revolving Fund. Bidders are encouraged to become familiar with the provisions of the Supplemental Conditions contained in these documents and in particular the requirements of Article 20, Equal Employment Opportunity.

The City of Fort Lauderdale reserves the right to waive any informality in any bid and to reject any or all bids.

Information on bid results and projects currently out to bid can be obtained by calling the pre-recorded City of Fort Lauderdale Bid Information Line, (954)828-5688. For general inquiries – please call (954)828-5772.

Section XII Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF FUNDING AVAILABILITY

The Department of Community Affairs announces funding availability under the Florida Small Cities Community Development Block Grant (CDBG) Emergency Set-Aside Program for the following eligible applicants:

Jurisdiction	Maximum Available Funding
Charlotte County	\$2,644,487.54
Arcadia	\$ 217,989.80
DeSoto County	\$ 584,088.70
Bowling Green	\$ 200,000.00
Hardee County	\$ 453,433.96
Wauchula	\$ 200,000.00
Zolfo Springs	\$ 200,000.00

This funding is being made available under the Governor's Executive Order Number 04-182 through the CDBG Neighborhood Revitalization Emergency Assistance Set-aside and de-obligated funds in an amount of up to \$4,500,000 to address housing needs where there is an urgent and immediate threat to the health and welfare of the community as a result of damage due to Hurricane Charley. The program is targeted to the above communities for use in situations where no other federal, state or local disaster funds are available at this time to address the need. Funds under this set-aside may only be used by the above-named eligible cities and counties for housing activities to assist low and moderate income households within their jurisdictions as a result of damage due to Hurricane Charley. The term of the subgrants under this Emergency Set-Aside is limited to six (6) months from the date of execution of the subgrant agreement by the Department.

The program is targeted to the above communities which have sustained severe loss or damage to housing as a result of Hurricane Charley. Upon receipt of the Notice of Intent from the local government, completed and signed by the Chief Elected Official, the Department will review the proposed activities, budget and timeline, and will prepare a subgrant agreement to be executed by each responding local government. The Request for Assistance Application submitted should describe narratively the activities proposed, the populations to be targeted, the methods for publicizing the availability of the funds, and the actions to be taken by the local government to quickly commence the activities under the subgrant and to proceed expeditiously to complete all of the activities as quickly as possible.

Each of the local governments is encouraged to begin advertising this program as soon as possible in order to identify very low income eligible recipients who do not have other means of addressing their housing problems.

The Request for Assistance Application must be received by close of business (5:00 p.m. EST) seven business days from the date of this publication at the following address:

Community Development Section
Division of Housing and Community Development
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee Florida 32399-2100

The signed Notice of Intent may also be submitted by facsimile transmission to (850)922-5609. Please call to confirm receipt by the Department by the deadline. **ONLY THOSE SUBMITTING THE REQUEST FOR ASSISTANCE APPLICATION WILL BE SENT A SUBGRANT AGREEMENT BY THE DEPARTMENT.**

For information, communities should contact: Ken Reecy, (850)487-3644, e-mail: ken.reecy@dca.state.fl.us. Interested communities may also address inquiries to: Community Development Section, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee Florida 32399-2100.

REQUEST FOR ASSISTANCE APPLICATION

A. Local Government Applicant: _____ County: _____
 Chief Elected Official: _____ Title: _____
 Local Govt. Contact (to receive subgrant agreement): _____
 Title: _____ Phone #: _____ FAX # : _____
 Local Government Contact: _____
 Address: _____

 Telephone: _____
 Fax: _____
 Email: _____

B. Provide a brief narrative description of the effect of Hurricane Charley on the areas and the urgent needs to be addressed as well as a proposed budget and timeline for all activities to be performed under this subgrant agreement. The narrative must also address the following requirements and project selection considerations:

REQUIREMENTS:

THRESHOLD CONSIDERATIONS:

- (1) Activities must meet community development needs having a particular urgency (see 24 CFR 570.483(d)).
- (2) All funded disaster recovery activity must exclusively benefit low and moderate income persons under 24 CFR 570.483(b).
- (3) Applicants under this category shall demonstrate that no other federal, State local or private disaster funds are available at this time to address this emergency or that they are not being reimbursed for the activities by another source (i.e. homeowner's insurance, Red

Cross, or other nonprofit or for profit organizations).
The funds available hereunder shall not be used to supplant any other funding.

PROJECT SELECTION CONSIDERATIONS:

Allocation of funds will be based on the following priorities:

- (1) Targeting of very low income households;
- (2) Direct benefit to low and moderate income families residing in owner occupied homes;

OTHER REQUIREMENTS:

- (1) Local governments applying must commit to a public advertisement process for all work to be done on activities using this funding.
 - (2) Administrative costs are limited to ten percent (10%) of the subgrant.
- C. The applying local government certifies that the activities outlined in the narrative:
- (1) Are intended to alleviate existing conditions posing a serious threat to the health or welfare of the community due to damage caused by Hurricane Charley;
 - (2) The unit of general local government can demonstrate that no other federal, state or local disaster funds are available at this time to address the activity;
 - (3) Any households to be served by the CDBG activity will be low and moderate income as defined by HUD Income Guidelines.

Lot 16, a distance of 11.00 feet to a point on the existing right of way line of State Road 54 and the POINT OF BEGINNING; thence along the said existing right of way line of State Road 54 the following three (3) courses: (1) N.34°44'44"E., a distance of 360.45 feet; (2) S.55°15'16"E., a distance of 6.00 feet; (3) N.34°44'44"E., a distance of 330.33 feet; thence S.55°16'00"E., departing said existing right of way line of State Road 54, a distance of 325.09 feet; thence S.34°44'00"W., a distance of 47.89 feet to the point of curvature of a curve to the right, having: a radius of 246.20 feet, a central angle of 26°10'14", a tangent length of 57.23 feet, a chord bearing of S.47°49'08"W. and a chord length of 111.48 feet; thence along the arc of said curve, an arc length of 112.46 feet to the point of reverse curvature of a curve to the left, having: a radius of 50.00 feet, a central angle of 116°08'47", a tangent length of 80.24 feet, a chord bearing of S.02°49'51"W. and a chord length of 84.87 feet; thence along the arc of said curve, an arc length of 101.36 feet to the point of tangency of said curve; thence S.55°14'32"E., a distance of 70.28 feet; thence S.34°20'40"W., a distance of 246.33 feet to the point of curvature of a curve to the left, having: a radius of 195.00 feet, a central angle of 20°00'47", a tangent length of 34.41 feet, a chord bearing of S.24°20'18"W. and a chord length of 67.77 feet; thence along the arc of said curve, an arc length of 68.11 feet to the end of said curve; thence S.34°44'44"W., a distance of 318.55 feet; thence N.55°15'16"W., a distance of 435.00 feet to a point on the aforesaid existing right of way line of State Road 54; thence N.34°44'44"E., along the said existing right of way line of State Road 54, a distance of 169.22 feet to the POINT OF BEGINNING and containing 7.85 acres of land, more or less, Wesley Chapel (Pasco County), Florida, on or after November 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Hyundai of Wesley Chapel, LLC d/b/a Hyundai of Wesley Chapel, are dealer operator: Scott Fink, 3030 Turtle Brooke, Clearwater, Florida 33761; principal investor(s): Scott Fink, 3030 Turtle Brooke, Clearwater, Florida 33761 and David Frazier, 29836 69th Way, North, Clearwater, Florida 33761.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer

Signature of the Chief Elected Official _____ Date
or designee (as authorized by the governing body)

MAIL OR FAX THIS FORM TO THE CDBG SECTION
within seven business days from the date of this publication.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Hyundai Motor America, intends to allow the establishment of Hyundai of Wesley Chapel, LLC d/b/a Hyundai of Wesley Chapel as a dealership for the sale of Hyundai automobiles, at "that portion of Tract A & Lot 16, SADDLEBROOK CORPORATE CENTER PHASE – 1A, being more particularly described as follows: Commence at the West corner of Tract "A" of the aforesaid SADDLEBROOK CORPORATE CENTER PHASE-1A, said corner also being the North corner of Lot 16; thence S.55°15'16"E., along the line common to Tract "A" and

License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Marty Vaughn, Market Representation Manager, Hyundai Motor America, 270 Riverside Parkway, Suite A, Austell, Georgia 30168.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, STR, Inc. Motorsports Division, intends to allow the establishment of Faulkner Motorsports, as a dealership for the sale of Kymko Motorcycles, at 2325 Seven Springs Boulevard., New Port Richey (Pasco County) Florida 34665, on or after September 15, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Faulkner Motorsports are dealer operator: John T. Faulkner, 9841 Lemont Ct, New Port Richey, Florida 34655; principal investor(s): John T. Faulkner, 9841 Lemont Ct, New Port Richey, Florida 34655.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bruce Ramsey, Director of Sales/Marketing, Kymko, STR Inc., Motorsports Division, 1770 Campton Road, Inman, South Carolina 29349.

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED

CORRECTED AMENDED DECISIONS ON BATCHED APPLICATIONS

The Agency For Health Care Administration made the following decisions on Certificate of Need applications for Other Beds and Programs batching cycle with an application due date of May 26, 2004:

County: Duval Service District: 4
CON#: 9786 Decision Date: 8/27/2004 Decision: D
Facility/Project: Life Care Hospice, Inc.
Applicant: Life Care Hospice, Inc.

Project Description: Establish a hospice program
County: Orange Service District: 7
CON#: 9791 Decision Date: 8/27/2004 Decision: D
Facility/Project: Life Care Hospice, Inc.
Applicant: Life Care Hospice, Inc.

Project Description: Establish a hospice program
A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

The following represents correction to information published in the September 10, 2004, Vol. 30, No. 37 of the Florida Administrative Weekly:

County: Duval Service District: 4
 CON#: 9783 Decision Date: 8/27/2004 Decision: A
 Facility/Project: Heartland Hospice Services of Florida, Inc.
 Applicant: Heartland Hospice Services of Florida, Inc.
 Project Description: Establish a hospice program
 County: Volusia Service District: 4
 CON#: 9789 Decision Date: 8/27/2004 Decision: D
 Facility/Project: Heartland Hospice Services of Florida, Inc.
 Applicant: Heartland Hospice Services of Florida, Inc.
 Project Description: Establish a hospice program

Notice to Certificate of Need Applicants, Certificate of Need Holders and the Public

Public Documents and Public Record Requests

Certificate of Need (CON) applications and reports are public documents. All personal information submitted in any CON application or CON report may be made available to the public without redaction. Applicants, CON holders and the public are advised not to submit this information to the Agency as it is not requested or required for CON review.

NOTICE OF BATCHED APPLICATION RECEIPT AND

NOTICE OF TENTATIVE PUBLIC HEARINGS

The Agency for Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Hospital Beds and Facilities review cycle with an application due date of September 8, 2004 extended to September 13, 2004, because of Hurricane Frances.

County: Escambia District: 1
 CON #: 9800 Application Receipt Date: 9/8/2004
 Facility/Project: Select Specialty Hospital – Escambia, Inc.
 Applicant: Select Specialty Hospital – Escambia, Inc.
 Project Description: Establish long-term care hospital of up to 60 beds

County: Marion District: 3
 CON #: 9801 Application Receipt Date: 9/3/2004
 Facility/Project: Ten Broeck Central Florida, Inc.
 Applicant: Ten Broeck Central Florida, Inc.
 Project Description: Establish a five-bed adult substance abuse hospital

County: Volusia District: 4
 CON #: 9802 Application Receipt Date: 9/8/2004
 Facility/Project: Florida Hospital Ormond Memorial
 Applicant: Memorial Health Systems, Inc.
 Project Description: Construct a replacement hospital
 County: Pinellas District: 5
 CON #: 9803 Application Receipt Date: 9/8/2004
 Facility/Project: BayCare Long Term Acute Care, Inc.
 Applicant: BayCare Long Term Acute Care, Inc.
 Project Description: Establish a long-term care hospital of up to 100 beds

County: Pasco District: 5
 CON #: 9804 Application Receipt Date: 9/8/2004
 Facility/Project: University Community Hospital, Inc.
 Applicant: University Community Hospital, Inc.
 Project Description: Establish a long-term care hospital of up to 80 beds

County: Seminole District: 7
 CON #: 9805 Application Receipt Date: 9/8/2004
 Facility/Project: Central Florida Regional Hospital, Inc.
 Applicant: Central Florida Regional Hospital, Inc.
 Project Description: Establish an acute care hospital of up to 120 beds

County: Seminole District: 7
 CON #: 9806 Application Receipt Date: 9/3/2004
 Facility/Project: Orlando Regional Healthcare System, Inc.
 Applicant: Orlando Regional Healthcare System, Inc.
 Project Description: Establish an acute care hospital of up to 60 beds

County: Seminole District: 7
 CON #: 9807 Application Receipt Date: 9/8/2004
 Facility/Project: Oviedo HMA, Inc.
 Applicant: Oviedo HMA, Inc.

Project Description: Establish an acute care hospital of up to 120 beds

County: Sarasota District: 8
 CON #: 9808 Application Receipt Date: 9/8/2004
 Facility/Project: Sarasota County Public Hospital Board
 Applicant: Sarasota County Public Hospital Board

Project Description: Establish an acute care hospital of up to 160 beds through the transfer of up to 160 acute beds from Sarasota Memorial Hospital

County: Sarasota District: 8
 CON #: 9809 Application Receipt Date: 9/3/2004
 Facility/Project: HealthSouth Rehabilitation Hospital of Sarasota
 Applicant: HealthSouth of Sarasota Limited Partnership

Project Description: Construct a 76-bed replacement facility

County: St. Lucie District: 9
 CON #: 9810 Application Receipt Date: 9/13/2004
 Facility/Project: Martin Memorial Medical Center, Inc.
 Applicant: Martin Memorial Medical Center, Inc.

Project Description: Establish an acute care hospital of up to 80 beds

County: Palm Beach District: 9
 CON #: 9811 Application Receipt Date: 9/8/2004
 Facility/Project: Wellington Regional Medical Center, Inc.
 Applicant: Wellington Regional Medical Center, Inc.

Project Description: Establish a Level III NICU of up to 15 beds

County: Palm Beach District: 9
 CON #: 9812 Application Receipt Date: 9/8/2004
 Facility/Project: Select Specialty Hospital – Palm Beach, Inc.
 Applicant: Select Specialty Hospital – Palm Beach, Inc.

Project Description: Establish a long-term care hospital of up to 60 beds

County: Palm Beach District: 9
 CON #: 9813 Application Receipt Date: 9/3/2004
 Facility/Project: Kindred Hospitals East, L.L.C.
 Applicant: Kindred Hospitals East, L.L.C.

Project Description: Establish a long-term care hospital of up to 70 beds

Also, IF REQUESTED, tentative public hearings have been scheduled as follows:

PROPOSALS: District 1
 DATE/TIME: Monday, October 25, 2004, 1:00 p.m. (Central Time)
 PLACE: West Florida Regional Planning Council Conference Room
 3435 N. 12th Ave.
 Pensacola, FL 32593

PROPOSALS: District 3
 DATE/TIME: Monday, October 25, 2004, 2:00 p.m. (until 5:00 p.m.)
 PLACE: WellFlorida Council, Inc. Conference Room
 f/k/a North Central Florida Health Planning Council
 18 N.W. 33rd Court
 Gainesville, FL 32607

PROPOSALS: District 4
 DATE/TIME: Tuesday, October 26, 2004, 10:00 a.m.
 PLACE: Health Planning Council of N.E. Florida, Inc. Satellite Office
 101 South Palmetto Ave., Suite 5
 Daytona Beach, FL 32114

PROPOSALS: District 5
 DATE/TIME: Monday, October 25, 2004, 9:00 a.m. (until Noon)
 PLACE: Baker Building Conference Room
 888 Executive Center Drive, North
 St. Petersburg, FL 33702

PROPOSALS: District 7
 DATE/TIME: Thursday, October 28, 2004, 10:00 a.m.
 PLACE: Health Council of East Central Florida
 1155 South Semoran Boulevard, Suite 1111
 Winter Park, FL 32792

PROPOSALS: District 8
 DATE/TIME: Tuesday, October 26, 2004,
 1:00 p.m. – 3:00 p.m.
 PLACE: Selby Library Auditorium
 1331 First Street
 Sarasota, FL 34236

PROPOSALS: District 9
 DATE/TIME: Tuesday, October 26, 2004, 9:30 a.m.
 PLACE: Treasure Coast Health Council Inc.,
 Conference Center
 4152 West Blue Heron Boulevard, Suite 229
 Riviera Beach, FL 33404

Public hearing requests must be in writing and be received at the Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida 32308, attention Karen Rivera, by 5:00 p.m., October 8, 2004. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file.

Pursuant to 59C-1.010(3), F.A.C., written comments must be received by October 13, 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 JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted two proposed revisions to existing policies for review and comment on MyFlorida.com at:

http://www.djj.state.fl.us/DJJServices/Administration/policies_procedures/policyreview.shtml

Requests for Department Records (department-wide policy type B) – revises the Department’s policy as it relates to all records, except those regarding juveniles in the custody of the Department or its agents, employees, or contractors are public records, unless otherwise exempt, pursuant to Chapter 119, Florida Statutes. The policy sets forth the Department’s process for the production of these records.

Facility Services Budget Allocations, Allotments, Revenue Management, Finance and Accounting Processes and Internal Controls (department-wide policy type A) revises the Department’s policy as it relates to maintaining adequate records for the recording of budget, revenue management, and expenditures related to Fixed Capital Outlay (FCO) Projects.

Both policies are posted for a single 20 working day review and comment period. The closure date for submission of comments on these policies is October 21, 2004. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

DEPARTMENT OF HEALTH

On September 10, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Robert S. Wilburn, R.N. license number RN 3197782. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On September 3, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Milton Kaufman, O.T., license number OT 6480. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

**NOTICE OF CONSIDERATION OF
CEMETERY BYLAWS**

The State of Florida, Board of Funeral and Cemetery Services, will address approval of the amended bylaws of the following cemetery at the regular meeting to be held on October 21, 2004, in Ocala, Florida:

Rolling Oaks Cemetery

A file pertaining to the above is available for public inspection and copying by any person at the Larson Building, 200 East Gaines Street, 5th Floor, Tallahassee, Florida 32399-0361. Comments may be submitted at the above address without requesting a hearing. Those persons whose substantial interests may be determined by these proceedings, including settlements, grants, and denials, are advised that they may request a hearing concerning the notice of intent to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petitions for hearing should comply with Rule 69K-6.003, Florida Administrative Code, and must be filed within twenty-one (21) days of publication of this notice. Petitions shall be filed with: Clerk, Division of Consumer Services, Bureau of Funeral and Cemetery Services, The Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0361. In deference to the rights of substantially affected persons, a hearing on these matters will be held at the meeting of the Board of Funeral and Cemetery Services to be held as outlined above. All written comments and requests to address the Board must be received by the Department at least fourteen (14) days prior to the meeting.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN September 6, 2004
and September 10, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

5L-1.003	9/8/04	9/28/04	30/32	
5L-1.007	9/8/04	9/28/04	30/32	

DEPARTMENT OF EDUCATION

Florida Gulf Coast University

6C10-7.001	9/8/04	9/28/04	Newspaper	
6C10-7.002	9/8/04	9/28/04	Newspaper	
6C10-7.003	9/8/04	9/28/04	Newspaper	

New College of Florida

6C11-5.001	9/9/04	9/29/04	Newspaper	
6C11-5.002	9/9/04	9/29/04	Newspaper	
6C11-5.003	9/9/04	9/29/04	Newspaper	
6C11-6.003	9/9/04	9/29/04	Newspaper	

DEPARTMENT OF REVENUE

12-26.003	9/8/04	9/28/04	30/24	
12-26.008	9/8/04	9/28/04	30/24	

Sales and Use Tax

12A-1.007	9/8/04	9/28/04	30/28	
12A-1.056	9/8/04	9/28/04	30/28	
12A-1.071	9/8/04	9/28/04	30/28	
12A-1.097	9/8/04	9/28/04	30/28	
12A-12.004	9/8/04	9/28/04	30/28	
12A-13.002	9/8/04	9/28/04	30/24	
12A-14.002	9/8/04	9/28/04	30/28	
12A-16.002	9/8/04	9/28/04	30/28	
12A-16.006	9/8/04	9/28/04	30/28	
12A-16.008	9/8/04	9/28/04	30/28	
12A-17.005	9/8/04	9/28/04	30/28	
12A-19.020	9/8/04	9/28/04	30/24	
12A-19.100	9/8/04	9/28/04	30/24	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Miscellaneous Tax

12B-6.005	9/8/04	9/28/04	30/24	
12B-7.030	9/8/04	9/28/04	30/28	
12B-7.031	9/8/04	9/28/04	30/24	
12B-8.003	9/8/04	9/28/04	30/24	
12B-11.006	9/8/04	9/28/04	30/28	
12B-12.006	9/8/04	9/28/04	30/28	

Corporate, Estate and Intangible Tax

12C-1.034	9/8/04	9/28/04	30/24	
12C-2.0115	9/8/04	9/28/04	30/24	
12C-2.012	9/8/04	9/28/04	30/24	

DEPARTMENT OF CORRECTIONS

33-302.101	9/9/04	9/29/04	30/30	
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WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

40D-1.659	9/10/04	9/30/04	30/31	
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AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid Program Office

59G-4.200	9/8/04	9/28/04	30/24	30/31
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DEPARTMENT OF HEALTH

Board of Psychology

64B19-18.006	9/10/04	9/30/04	30/21	
64B19-18.007	9/10/04	9/30/04	30/21	30/33

CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-1.712	9/8/04	9/28/04	30/26	
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