

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF LEGAL AFFAIRS****Florida Elections Commission**

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Practice and Procedure 2B-1

RULE TITLES: RULE NOS.:
Complaints 2B-1.0025

Investigation of Complaints 2B-1.0027

Minor Violations 2B-1.003

Hearings Before the Commission 2B-1.004

Award of Attorney's Fees 2B-1.0045

Appeal of Fines Imposed by Filing Officers 2B-1.005

Fine Imposed; Timely Filed Reports 2B-1.0052

Late-File Reports; Unusual Circumstances 2B-1.0055

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)(g) 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)(+) 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)(m) 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 106.143(5)(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 106.143(7), 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 106.143(9)(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 2001~~, 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 2001~~, 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 (e) 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 armorers employed by a Florida law enforcement agency, certified by the manufacturer to repair that specific firearm, ~~or armorers 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: Water Shortage Plan
 RULE CHAPTER NO.: 40B-21

RULE TITLES: Policy and Purpose
 RULE NOS.: 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

RULE NO.:

Providers

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: Generally Accepted Accounting Principles

RULE NOS.:

Generally Accepted Auditing Standards

61H1-20.007

Standards for Accounting and Review

61H1-20.008

Governmental Accounting Standards

61H1-20.009

Governmental Auditing Standards

61H1-20.0091

Standards for Local Governmental

61H1-20.0092

Standards for Prospective Financial

61H1-20.0093

Statements

61H1-20.0094

Standards for Management Advisory

61H1-20.0095

Services

61H1-20.0096

Standards for Tax Practice

61H1-20.0097

Standards for Personal Financial Planning

61H1-20.0098

Standards for Business Valuations

61H1-20.0099

Standards for Attestation Engagements

61H1-20.0099

PURPOSE AND EFFECT: The Board proposes to amend the above referenced rules to update the effective dates of the American Standards as published by the American Institute of Certified Public Accountants and the Governmental Accounting Standards Board.

SUBJECT AREA TO BE ADDRESSED: Generally accepted accounting principles, generally accepted auditing standards, standards for accounting and review, governmental accounting standards, governmental auditing standards, standards for local governmental entity audits, standards for prospective financial statements, standards for management advisory services, standards for tax practice, standards for personal financial planning, standards for business valuations, standards for attestation engagements.

SPECIFIC AUTHORITY: 473.302, 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.303, 473.315 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: Martha Willis, Executive Director, Board of Accountancy, 240 NW 76 Drive, Suite 1, Gainesville, Florida 32607

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE CHAPTER TITLE: Independence, Integrity, Etc. **RULE CHAPTER NO.:** 61H1-21

PURPOSE AND EFFECT: The Board proposes to review this chapter completely to possibly update, amend, repeal or enact new rules as necessary.

SUBJECT AREA TO BE ADDRESSED: Independence, Integrity, and conflict of interest, etc.

SPECIFIC AUTHORITY: 473.304, 473.315, 473.319, 473.3205 FS.

LAW IMPLEMENTED: 473.315, 473.3205 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 W. Johnson, Executive Director, Board of Accountancy, 2610 Northwest 43rd Street, Suite 1-A, Gainesville, Florida 32606

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLES: **RULE NOS.:**

Notice of Satisfactory Course Completion 61J1-4.005

Post Licensing Education for Registered Trainee Appraisers 61J1-4.009

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to discuss possible incorporation of the end-of-course item writing guidelines relating to post-licensing and to correct and clarify the rule language adopted in the previous rule re-write.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to post-licensing requirements for appraisal licensees and the requirements needed for proof of satisfactory course completion.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.6175, 475.618 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, AN ADDITIONAL HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY):

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, October 4, 2004

PLACE: Division of Real Estate, Conference Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.

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 Athletic Training

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

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

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.

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: Practitioner profile, information required upon renewal and form.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.004, 456.044 FS.

SPECIFIC AUTHORITY: 456.025, 468.705, 468.709 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.

LAW IMPLEMENTED: 456.025, 456.036, 468.709 FS.

IF REQUESTED IN WRITING AND NOT DELETED

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.

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: Stephanie J. Dixon, DOH/MQA Bureau of Operations, 4052 Bald Cypress Way, Tallahassee, Florida 32399

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.

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

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE TITLES:	RULE NOS.:
Citations	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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Fees	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.

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.

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).

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	67-38.002
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

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 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.;

~~11.10.~~ Verification that the required fire drills have been completed; and

~~12.11.~~ 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:

RULE NO.:

Conduct of Public Adjusters

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

~~(f)(e)~~ 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)(f)~~ 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)(g)~~ 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)(h)~~ 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)(i)~~ 1. An adjuster shall not negotiate or effect settlement directly or indirectly with any third-party claimant represented by an attorney, if the said ~~the~~ 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)(j)~~ 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)(k)~~ 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)(l)~~ 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 ~~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~~ only permitted 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