

- (a) DFS-F4-1600 Payment Agreement rev. 7/04
Schedule For Periodic
Payment of Penalty
- (b) DFS-F4-1601 Monthly Payment rev. 8/04
Installment Invoice
- (c) DFS-F4-1602 Order of Conditional rev. 6/04
Release From
Stop-Work Order

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7)(a)
 FS. History—New _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: RULE NO.:

Campaign Treasurer's Report; Filing
 Requirements, Fines for Late Filing 1S-2.023

PURPOSE AND EFFECT: The purpose and effect of the rule
 repeal is to delete an unnecessary rule.

SUMMARY: This rule reiterates statutory provisions and is
 unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED
 REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 106.22(9) FS.

LAW IMPLEMENTED: 106.04, 106.07, 106.29 FS.

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

TIME AND DATE: 9:00 a.m., November 8, 2004

PLACE: Room 307, R. A. Gray Building, 500 South Bronough
 Street, Tallahassee, Florida

Pursuant to the Americans with Disabilities Act, persons
 needing special accommodations to participate in this meeting
 should contact Phyllis Hampton, (850)245-6240, at least three
 days in advance of the meeting.

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Phyllis Hampton, Division of
 Elections, Department of State, Room 316, R. A. Gray
 Building, 500 South Bronough Street, Tallahassee, Florida
 32399-0250, (850)245-6240

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.023 Campaign Treasurer's Report; Filing
 Requirements, Fines for Late Filing.

Specific Authority 106.22(9) FS. Law Implemented 106.04, 106.07, 106.29
 FS. History—New 2-28-90, Amended 2-5-92, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Phyllis Hampton, Chief, Bureau of Election Records
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Sarah Jane Bradshaw, Assistant
 Director, Division of Elections, Department of State
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 6, 2004

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.

SUMMARY: Senate Bill 2986 as passed in the 2004
 Legislative Session, allows acceptance of an affidavit in lieu of
 a notarized signature for persons applying for a teaching
 certificate. The application form as referenced in the rule is
 being amended to reflect this change.

SUMMARY OF STATEMENT OF ESTIMATED
 REGULATORY COST: None.

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

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.

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

TIME AND DATE: 8:30 a.m., November 16, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Beverly Gregory, Department of
 Education, 325 West Gaines Street, Room 201, Tallahassee,
 Florida 32399-0400, (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0012 Application Information.

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

(a) A completed Form CG-10 and a nonrefundable
 application fee. Form CG-10, Application for Florida
 Educator's Certificate, effective ~~December 2004~~ ~~September~~
~~2004~~, is hereby incorporated by reference and made a part of
 this rule. The form may be obtained without cost from the

Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or may be submitted online via the Department of Education, Educator Certification website. The nonrefundable application fee is prescribed below:

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

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

Specific Authority 1001.02, 1012.55, 1012.56, 1012.586, 1012.59 FS. Law Implemented 943.0585, 943.059, 1012.32, 1012.54, 1012.55, 1012.56, 1012.586, 1012.59, 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Chancellor for Educator Quality, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Warford, Chancellor K-12 Education, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: General Provisions

RULE NO.: 6A-4.002

PURPOSE AND EFFECT: The purpose of the rule amendment is to delete obsolete language to comply with current language in statute. The effect is an up-to-date rule.

SUMMARY: Outdated references are deleted to align to current provisions in law.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 FS.

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

TIME AND DATE: 8:30 a.m., November 16, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Department of Education, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399-0400, (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.002 General Provisions.

(1) through (2) No change.

(3) College credit. College credit used for educator certification purposes shall be undergraduate or graduate credit earned at an accredited or approved institution as specified in Rule 6A-4.003, FAC. ~~Credit used to satisfy vocational education course requirements shall be completed at an accredited or approved institution approved by the State Board for Vocational Education.~~ All college credit shall be computed by semester hours. One (1) quarter hour of college credit shall equal two-thirds (2/3) of one (1) semester hour. Community and junior college credit used for educator certification purposes shall parallel those of the first and second years of course work at an accredited or approved institution and shall be comparable to courses offered at Florida community and junior colleges which have been approved by the Florida Department of Education.

(4) No change.

(5) Teaching experience.

(a) No change.

(b) Utilization of teaching experience. A year of full-time teaching experience may be accepted in lieu of three (3) semester hours of college credit. A maximum of three (3) years of teaching experience may be used in lieu of nine (9) semester hours of college credit. Not more than two (2) years of teaching experience may be used in lieu of six (6) semester hours of college credit toward satisfying requirements in ~~general preparation~~, professional preparation, or a specialization area. When teaching experience is used to satisfy a course requirement in a specialization area or to satisfy a methods course requirement in professional preparation, the

teaching experience shall be comparable to the course requirement acquired in the subject or field and at the appropriate instructional level to which it is applied.

(c) through (6) No change.

Specific Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.56 FS. History—Amended 4-10-64, 4-8-68, 4-11-70, 10-18-71, 3-19-72, 12-18-72, 6-17-73, 4-19-74, Repromulgated 12-5-74, Amended 6-22-76, 6-27-77, 12-26-77, 4-27-78, 7-1-79, 7-2-79, 6-26-80, 7-28-81, 1-3-82, 5-11-82, 6-22-83, 3-28-84, 1-31-85, 3-13-85, Formerly 6A-4.02, Amended 12-25-86, 10-18-88, 10-10-89, 4-15-91, 11-10-92, 5-30-94, 11-13-96, 10-15-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Chancellor for Educator Quality,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Jim Warford, Chancellor K-12
Education, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 3, 2004

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Florida Teacher Certification Examinations 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt the tenth edition of the FTCE Competencies and Skills for the Florida Teacher Certification Examinations, to correct the weighting of the English 6-12 subject area test, to clarify the accommodations provided for reading, to revise, clarify, and codify the procedures for examinee reviews of scores. In addition, various references contained in the rule will be revised to provide internal consistency in the citations. The effects of these changes are that updated competencies for 10 tests (Art K-12, Preschool Birth-Age 4, Health K-12, Spanish K-12, German K-12, French K-12, Biology 6-12, Chemistry 6-12, Earth/Space Science 6-12, Physics 6-12) will be available to examination candidates and colleges of education, the weighting for the English 6-12 test will be corrected, and the procedures for accommodations and examinee reviews of scores.

SUMMARY: The rule is amended to adopt the Tenth Edition of the Competencies and Skills Required for Teacher Certification in Florida, to clarify the accommodations provided for reading, to revise, clarify, and codify the procedures for examinee review of scores.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 1012.55(1), 1012.56, 1012.59 FS.

LAW IMPLEMENTED: 1012.56 FS.

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

TIME AND DATE: 8:30 a.m., November 16, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Cornelia S. Orr, Director, Assessment and School Performance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) No change.

(2) Description of the examinations and competencies to be demonstrated.

(a) The Florida Teacher Certification Examinations shall be developed by the Commissioner of Education.

(b) The written examinations shall include subtests of reading, writing, mathematics, professional skills, and subject area specialty. These examinations may contain multiple choice questions and questions requiring the examinee to write an answer or demonstrate a proficiency.

(c) The following competencies are to be demonstrated by means of the written examinations:

1. Beginning with the January 2005 ~~July 2004~~ test administration, the general knowledge competencies and skills as contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Tenth ~~Ninth~~ Edition."

2. Before January 1, 2005 ~~July 1, 2004~~, the professional competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Ninth ~~Eighth~~ Edition" which is hereby incorporated by reference and made a part of this rule. Beginning January 1, 2005 ~~July 1, 2004~~, the professional competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Tenth ~~Ninth~~ Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from Florida Teacher Examinations, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 at a price to be established by the Commissioner not to exceed actual cost, and

3. Before January 1, 2005 ~~July 1, 2004~~, the subject area competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Ninth ~~Eighth~~ Edition" which is hereby incorporated by reference and made a part of this rule. Beginning January 1, 2005 ~~July 1, 2004~~, the subject area competencies and skills contained in the publication "Competencies and Skills

Required for Teacher Certification in Florida, ~~Tenth~~ Ninth Edition” which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)2. of this rule.

(d) Before July 1, 2002, the College Level Academic Skills Test or the Praxis I: Academic Skills Assessment as described in subsection (13) of this rule shall be used to demonstrate mastery of general knowledge for an individual who holds a bachelor’s or higher degree as specified in Rules 6A-4.004, 6A-4.050, and 6A-4.066, FAC.

(3) through (5) No change.

(6) Examinee with a disability. An applicant who is unable to complete the examinations under standard testing conditions because of a disability may request special arrangements. Such a request shall be made when the examination application is submitted. Lack of proficiency in the English language alone shall not ~~alone~~ be acceptable as a justifiable reason for requesting a reader for an examinee. Special arrangements shall be provided for applicants with disabilities.

(a) through (b) No change.

(c) Special test arrangements may include but are not limited to the following:

1. Flexible scheduling. The person may be administered an examination during several brief sessions, so long as that examination is completed on the test administration date. Double time may be allowed.

2. Flexible setting. The person may be administered an examination individually or in a small group setting by a proctor rather than in a classroom or auditorium setting.

3. Recording of answers. The person may mark answers in a test booklet, type the answers by machine, or indicate selected answers to a test proctor. The proctor may then transcribe the person’s responses onto a machine-scorable answer sheet. In instances where the proctor is required to mark the responses on behalf of the examinee, there will be a tape recording of the examinee’s selected responses. A large-block answer sheet may be provided. The person may use a word processor or typewriter to prepare any required essay or other written response. Technical support to operate the word processor or typewriter will be provided.

4. Revised format. The person may use a large-print booklet, a Braille test booklet, or a magnifying device.

5. Auditory aids. A tape recorded version of the examination may be provided, the examination may be read by a narrator, or the examination may be provided via video tape with a narrator using oral language or sign language.

6. Assistive personnel. Test personnel may be provided by the test administrator to record answers, sign test instructions, or read instructions and items other than reading passages and items text. Reading passages and items must be read by the examinee through visual or tactile means.

7. Accommodations not covered by this rule may be requested through the Department of Education and will be provided, as appropriate, upon approval by the Department of Education.

(7) through (8) No change.

(9) Scoring of the subject area specialty examinations.

(a) through (p) No change.

(q) Effective January 1, 2005, the passing scores for the English 6-12 subject area specialty examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the composite score of seventy one (71) on a scale that weights the multiple choice section seventy (70) percent and the essay section thirty (30) percent on the April 1989 test administration.

~~(r)(e)~~ The Commissioner of Education shall review the passing score for each of the General Knowledge Subtests, each of the subject area specialty examinations, and the Professional Education Examination not less than once every five (5) years and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

~~(r) Before July 1, 2004, the subject area specialty examinations approved for use in the Florida Teacher Certification Examinations are listed by subject area in the publication, “Competencies and Skills Required for Teacher Certification in Florida, Eighth Edition.”~~

~~(s) Beginning July 1, 2004, the subject area specialty examinations approved for use in the Florida Teacher Certification Examinations are listed by subject area in the publication “Competencies and Skills Required for Teacher Certification in Florida, Ninth Edition.”~~

(10) No change.

(11) Score reports for the reading, writing, mathematics, professional skills, and subject area examinations.

(a) A properly authenticated score report is defined as the original score report issued directly by the test administration agency without any qualification, reservation, or irregularity.

(b) The examinee shall be sent two (2) authenticated score reports as described in Rule 6A-4.0021(11)(40)(a), FAC. In addition, a copy of the score report may be issued by the test administration agency without a fee to one (1) Florida college or university and to one (1) Florida school district provided the examinee identifies the recipient or recipients of the score report on the either the CG-20-03A, Registration Application: Certification Examinations for Florida Educators or the CG-20-04, Registration Application: Certification Examinations for Florida Educators.

(c) Official documentation of scores earned on each examination for a temporary or for a professional certificate shall be the original authenticated score report as described in paragraph 6A-4.0021(11)(40)(a), FAC., or a duplicate authenticated score report as described in paragraph 6A-4.0021(11)(40)(e), FAC.

(d) Scores shall be reported as Pass or Fail for each subtest of the examination. The Commissioner of Education may provide additional score information to the examinee.

(e) An examinee may obtain a duplicate authenticated score report for a test administration by filing a written request and a fee. A fee is required for each duplicate score report that is requested. The fee shall be that amount necessary for the test administration agency to perform the service as agreed in the contract between the agency and the Florida Department of Education.

(12) Review.

(a) An examinee who fails one (1) or more examination(s) may file a written request with the test administration agency for handscoring of the examination(s) failed. The request shall be filed within thirty (30) days of the date the score report was mailed by the test administration agency. The fee for handscoring one (1) or more examinations shall be that amount necessary for the test administration agency to perform the service as agreed in the contract between the agency and the Florida Department of Education. The test administration agency shall notify the examinee of the results of the handscoring within thirty (30) days of receipt of the request and fee.

(b) An examinee who fails one (1) or more examination(s) may review each examination that was failed and bring to the Florida Department of Education's attention any scoring errors which may result in a passing score. The procedures for test review are listed below:

1. The examinee shall file a written request with Florida Teacher Examinations, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, within thirty (30) sixty (60) days of the date the score report was mailed by the test administration agency.

2. A processing fee is required for each request to review certification examinations for Florida educators. The fee shall be that amount necessary for the test administration agency to perform the services as agreed in the contract between the agency and the Florida Department of Education.

3. The Florida Department of Education shall notify the examinee when a date has been scheduled for the examinee's review of the materials in Tallahassee.

4. On the review day, the examinee shall file with the Florida Department of Education a statement of specific scoring errors which may result in a passing score.

5.2. The Commissioner of Education shall notify the individual of the action on the statement of scoring errors not later than thirty (30) days from receipt of the statement.

6. An examinee may retake a failed examination that was reviewed provided at least thirty (30) days have elapsed since the date of the review. If an examinee takes an examination, including a computer-based examination, that was reviewed within thirty (30) days of the test date, the examination will be invalidated.

(13) through (15) No change.

Specific Authority 1012.55(1), 1012.56, 1012.59 FS. Law Implemented 1012.56 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, Amended 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, 7-16-02, 3-24-03, 7-21-03, 12-23-03, 7-13-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cornelia Orr, Director, Assessment and School Performance, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeanine Blomberg, Deputy Chief of Staff, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2004

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

Degrees, Programs, and Credits

RULE NO.:

6A-4.003

PURPOSE AND EFFECT: The purpose of the rule amendment is to provide clarification of current requirements for approval of inservice programs by school districts and the acceptance of out-of-state teacher preparation programs for certification purposes. The effect is an up-to-date rule.

SUMMARY: Language is revised to reflect current statutory requirements regarding district school board approval of inservice programs and acceptance of teacher preparation programs from accredited and approved institutions in other states.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 FS.

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

TIME AND DATE: 8:30 a.m., November 16, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Department of Education, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399-0400, (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.003 Degrees, Programs, and Credits.

Degrees, programs, and credits shall be determined acceptable for educator certification purposes based on the following:

(1) through (2) No change.

(3) Highest acceptable degree level of training.

(a) The highest degree which has been awarded by an accredited or approved institution as described in Subsections (1) and (2) of this rule, shall be recognized for certification. The degree level shall be determined by the criteria listed below.

1. Bachelor's degree. An earned bachelor's degree, such as the bachelor of arts, bachelor of science, or bachelor of education degree which normally required four (4) years of higher education; or a foreign degree that required sixteen (16) years of combined pre-university and university education; or a foreign degree that has been evaluated by a Department approved nationally recognized ~~an~~ education credential evaluation agency or an accredited or approved institution as the equivalent to a bachelor's degree from an institution as described in Subsections (1) and (2) of this rule shall be recognized as the bachelor's degree level of training.

2. Master's degree. An earned master's degree or an earned advanced bachelor's degree of a professional nature, such as library science, in combination with an earned four-year bachelor's degree; or a post-bachelor's foreign degree that required at least five (5) years of higher education; or a foreign post-bachelor's degree that has been evaluated by a Department approved nationally recognized ~~an~~ education credential evaluation agency or an accredited or approved institution as the equivalent to a master's degree from an institution as described in Subsections (1) and (2) of this rule shall be recognized as the master's degree level of training.

3. Specialist in education degree. An earned sixth-year post-master's level degree in education, such as specialist in education degree shall be recognized as the specialist's degree level of training.

4. Doctor's degree. An earned academic or professional doctor's degree, or an earned Bachelor of Laws (LLB) or higher law degree granted by an institution of higher learning in the United States, or a foreign doctor's degree that required at least seven (7) years of higher education, or a foreign doctor's degree that has been evaluated by Department approved nationally recognized ~~an~~ education credential evaluation agency or an accredited or approved institution as the equivalent to a doctor's degree from an institution as described in Subsections (1) and (2) of this rule, shall be recognized as the doctor's degree level of training.

(b) No change.

(4) Accreditation and acceptance of teacher education programs for specific certification purposes.

(a) No change.

(b) Inservice components in a Florida District Inservice Plan ~~approved by the Florida Department of Education~~. A core of inservice components prescribed for a specific endorsement and approved by the district school board ~~Department of Education~~ in the master inservice plan shall satisfy the ~~professional preparation and~~ specialization requirements for the designated endorsement. Successful completion of the components in the approved master inservice plan shall be verified by the Florida district superintendent.

(c) Teacher education programs in states other than Florida. A teacher education program at the bachelor's or higher degree level shall fulfill the general and professional preparation requirements and the specialization requirements for an academic class subject or a degreed vocational class subject in accordance with the following provisions:

1. The teacher education program shall have been granted by an accredited or a Department approved institution ~~approved for the initial regular certificate at the time of completion by the state department of education in the state where the institution is located, or by the National Council for the Accreditation of Teacher Education; and~~

2. The major subject of the approved program shall be in a subject in which Florida offers certification; and

3. The instructional level of the major subject of the approved program shall be comparable to or broader than the instructional level at which Florida offers certification in the subject; and

4. When a master's or higher degree is required for Florida certification in a subject, the program must have been completed at the same or higher degree level.

Specific Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.56 FS. History--Amended 4-20-64, 3-26-66, 4-8-68, 7-7-68, 4-11-70, 1-17-72, Repromulgated 12-5-74, Amended 6-22-76, 11-9-76, 10-12-77, 7-1-79, 1-3-82, 4-30-85, Formerly 6A-4.03, Amended 12-25-86, 9-12-89, 4-15-91, 11-25-97, 10-15-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Cox, Deputy Chancellor for Educator Quality, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Warford, Chancellor K-12 Education, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

Florida Educator's Certificates with Academic, Administrative, Degreed Vocational, and Specialty Class Coverages

6A-4.004

PURPOSE AND EFFECT: The purpose of the rule amendment is to make changes to comply with current language in statute including the new twelve-month timeline for fingerprinting for issuance of an initial certificate, and to delete obsolete provisions. The effect is an up-to-date rule.

SUMMARY: This rule is amended to revise language to reflect current statutory requirements regarding the requirement that fingerprint reports be processed within twelve months of the beginning validity date of the initial certificate issued.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 FS.

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

TIME AND DATE: 8:30 a.m., November 16, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Department of Education, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399-0400, (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.004 Florida Educator's Certificates with Academic, Administrative, Degreed Vocational, and Specialty Class Coverages.

A Florida educator's certificate is issued to an applicant with academic, administrative, degreed vocational, and specialty class coverages as specified below.

(1) Temporary certificate.

(a) The three-year nonrenewable temporary certificate may be issued to an applicant who does not qualify for the professional certificate but meets the following requirements:

1. through 2. No change.

3. Satisfies the fingerprint requirement as follows:

a. Submits the original fingerprint reports which have been processed by the Florida Department of Law Enforcement and the Federal Bureau of Investigation as specified below:

(I) Original fingerprint reports shall be provided by the employing district, state supported school, or nonpublic school. A name and description search shall be acceptable in lieu of a technical fingerprint search after two (2) sets of fingerprints are declared illegible by the Florida Department of Law Enforcement or the Federal Bureau of Investigation or when an individual is unable to provide fingerprints because of a physical disability, and

(II) Fingerprints shall have been submitted to the Florida Department of Law Enforcement and the Federal Bureau of Investigation within the twelve month ~~two-year~~ period immediately preceding the beginning validity date of the certificate which is issued, ~~date of employment for which the certificate is required~~, or

b. Holds a Florida educator's certificate which has not expired for more than one (1) school fiscal year from the date the application for a certificate is received by the Bureau of Educator Certification.

(b) Expired temporary certificates. A three-year nonrenewable temporary certificate may be issued to an applicant who held a temporary certificate but did not hold a temporary certificate for the school year immediately preceding the school fiscal year for which the certificate is requested and meets all requirements specified in paragraph (1)(a) of this rule.

(2) Professional certificate. The professional certificate is the highest type of full-time certificate issued. The professional certificate is issued to an applicant who meets the requirements as specified in Sections 1012.56 ~~231-17~~(1) and (2), Florida Statutes. However, if a subject area test has not been developed and the absence of such test prohibits an individual from obtaining a professional certificate or adding a subject to a professional certificate, the employing Florida district superintendent or chief administrative officer of a state supported or nonpublic school may verify the attainment of the essential subject matter competencies. ~~When the Praxis I: Academic Skills Test is used for the general knowledge test, the score must meet the score established in Rule 6A-4.0021, F.A.C.~~

(3) through (6) No change.

(7) Expired certificates.

(a) through (c) No change.

(d) An applicant whose professional certificate has been expired ~~for less than five (5) years~~ may reinstate the professional certificate if requirements are completed as specified in subsection 6A-4.0051(6), F.A.C.

Specific Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.56 FS. History—Amended 4-20-64, 4-8-68, 7-7-68, 4-11-69, 4-11-70, 9-17-72, 8-17-74, Repromulgated 12-5-74, Amended 11-9-76, 7-1-79, 8-27-80, 1-3-82, 4-26-84, 11-18-84, 6-18-85, Formerly 6A-4.04, Amended 12-25-86, 10-18-88, 9-12-89, 12-4-89, 4-15-91, 10-10-91, 5-3-94, 10-15-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Chancellor for Educator Quality, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Warford, Chancellor K-12 Education, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

Renewal and Reinstatement of a
Professional Certificate

6A-4.0051

PURPOSE AND EFFECT: The purpose of the rule amendment is to comply with current language in statute including the new provision for banking excess college credit or inservice points in the teaching of reading for subsequent renewals of a Professional Certificate. The effect is an up-to-date rule.

SUMMARY: This rule is amended to reflect current procedure for receipt of electronic exam score reports and the new provision to hold in reserve excess college credit or inservice points in the teaching of reading for renewal of a Professional Certificate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.585 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.585 FS.

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

TIME AND DATE: 8:30 a.m., November 16, 2004

PLACE: 325 West Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Department of Education, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399-0400, (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0051 Renewal and Reinstatement of a Professional Certificate.

A professional certificate is renewed or reinstated and certification coverages retained on the certificate in accordance with the following provisions:

(1) Professional certificate. A professional certificate may be renewed for the individual who meets the requirements specified below:

(a) No change.

(b) Subject area tests. A passing score on a subject area test in the certification area shown on the certificate may be used to renew the coverage on the professional certificate. A subject area test shall be approved by the Florida State Board of Education and shall be in a certification area shown on the certificate. One (1) test shall be equal to three (3) semester hours of college credit. Official documentation of a passing score on each subject area test used for renewal of the

certificate shall be submitted electronically from the test administration agency beginning July 1, 2002, to the Bureau of Educator Certification, Florida Department of Education or ~~and~~ shall be the original score report issued by the test administration agency for scores earned prior to July 1, 2002.

(c) No change.

(2) No change.

(3) General requirements.

(a) All requirements necessary for the renewal of a certificate shall be completed during the last validity period of the certificate to be renewed and prior to the expiration date of the certificate. Requirements for the first renewal shall be completed subsequent to the date that the application for the certificate was received in the Bureau of Educator Certification, Florida Department of Education, or subsequent to the beginning validity date shown on the certificate, or subsequent to the date eligibility was established for the first professional certificate, whichever is later.

(b) through (f) No change.

(4) No change.

(5) Special provisions for teachers of limited English proficient students and teachers of reading.

(a) An educator who holds a professional certificate may use college credits or inservice points completed in English-for-Speakers-of-Other-Languages training and the teaching of reading in excess of six (6) semester hours during one certificate-validity period toward renewal of the professional certificate during the subsequent validity periods.

(b) An educator who holds a temporary certificate may use college credits or inservice points completed in English-for-Speakers-of-Other-Languages training and the teaching of reading toward renewal of the educator's first professional certificate. Such training must not have been included within the degree program, and the educator's temporary and professional certificates must be issued for consecutive school years.

(c) These provisions supersede the requirements in paragraph (3)(a) of this rule for the individuals noted in paragraphs (5)(a) and (b) of this rule.

(6) Reinstatement of a professional certificate. The Department may reinstate an expired professional certificate ~~within five (5) years after the date of expiration~~ if the certificate holder:

(a) Completes the application requirements as specified in Rule 6A-4.0012, FAC.;

(b) Satisfies the fingerprint requirement as specified in subparagraph 6A-4.004(1)(a)3., FAC.;

(c) Documents completion of six (6) semester hours of college credit during the five (5) years immediately preceding reinstatement of the expired certificate, completion of one hundred twenty (120) inservice points, or a combination thereof, as specified in paragraph (1)(a) of this rule; and

(d) During the five (5) years immediately preceding reinstatement of the certificate, achieves a passing score on the subject area examination for each subject to be shown on the reinstated certificate. Only subjects currently issued by the Department may be shown on a reinstated certificate.

Specific Authority 1001.02, 1012.55, 1012.585 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.585 FS. History—New 12-25-86, Amended 4-23-91, 2-12-92, 10-15-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Chancellor for Educator Quality,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Jim Warford, Chancellor K-12
Education, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 3, 2004

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Safety Inspection of Bridges 14-48

RULE TITLES: RULE NOS.:

Purpose 14-48.001

Safety Inspection of Bridges 14-48.0011

Definitions 14-48.002

Designation of Division 14-48.003

Application of Standards 14-48.004

Inspection Requirements 14-48.005

Qualification of Personnel 14-48.006

Qualifications for Certification 14-48.007

Certification 14-48.008

Refusal, Revocation or Suspension of Certificate 14-48.009

Training Courses 14-48.010

Inspection Report 14-48.011

Inventory 14-48.012

Recording and Coding Guide for Maintenance

Inspection of Public Bridges 14-48.013

Executive and Legislative Reports 14-48.014

PURPOSE AND EFFECT: The 14 existing rules in this rule chapter are being replaced with a single updated rule covering Safety Inspection of Bridges.

SUMMARY: The 14 existing rules are obsolete. All 14 rules are being repealed and replaced by a single rule covering Safety Inspection of Bridges.

SPECIFIC AUTHORITY: 334.044 (2) FS.

LAW IMPLEMENTED: 335.074 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

SAFETY BRIDGE INSPECTION OF BRIDGES STANDARDS

14-48.001 Purpose.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 339.05 FS., Federal Highway Program Manual Volume 6, Chapter 7, Section 4, Subsection 1. History—New 6-6-77, Formerly 14-48.01, Repealed _____.

14-48.0011 Safety Inspection of Bridges.

(1) Purpose. The purpose of this rule is to establish standards for safety inspection of bridges, as well as certification requirements for bridge inspectors.

(2) The Manual for Condition Evaluation of Bridges, 1994, Second Edition as revised by the 1995, 1996, 1998, and 2000, interim revisions, published by the American Association of State Highway and Transportation Officials (AASHTO), is hereby incorporated by reference and made a part of this rule. Copies of this manual are available from AASHTO, 444 North Capitol Street Northwest, Suite 249, Washington, DC 20001.

(3) The Federal Highway Administration Recording and Coding Guide for the Structure Appraisal of the Nation's Bridges, December 1995, is hereby incorporated by reference and made a part of this rule. This manual is available on line and can be downloaded at <http://www.fhwa.dot.gov/bridge/mtguide.pdf>.

(4) Training Course. Bridge inspectors must complete the Safety Inspection of In-Service of Highway Bridges course provided by the National Highway Institute. Information regarding this training can be obtained by contacting the National Highway Institute at its website: <http://www.nhi.fhwa.dot.gov/default.asp>.

(5) The Department will certify persons with a minimum of five years of bridge construction or maintenance inspection experience in a responsible capacity, who have completed the training course as bridge inspectors. The five years of constructive experience must include at least one year of experience conducting bridge safety inspections meeting the requirements of the National Bridge Inspection Standards, 23 C.F.R., Part 650, Subpart C, incorporated herein by reference.

The other four years may include any combination of the following: engineering education, bridge construction, bridge maintenance, materials testing, or additional bridge safety inspection. The Application for Bridge Inspection Certification, DOT Form 850-010-16, Rev. 09/04, is hereby incorporated by reference and made a part of this rule. Copies of this form can be obtained from State Maintenance Office, 605 Suwannee Street, MS 52, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2) FS. Law Implemented 335.074 FS. History–New _____.

14-48.002 Definitions.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 339.05 FS., Federal Highway Program Manual Volume 6, Chapter 7, Section 4, Subsection 1. History–New 6-6-77, Formerly 14-48.02, Repealed _____.

14-48.003 Designation of Division.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 339.05 FS., Federal Highway Program Manual Volume 6, Chapter 7, Section 4, Subsection 1. History–New 6-6-77, Formerly 14-48.03, Repealed _____.

14-48.004 Application of Standards.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 339.05 FS., Federal Highway Program Manual Volume 6, Chapter 7, Section 4, Subsection 1. History–New 6-6-77, Formerly 14-48.04, Repealed _____.

14-48.005 Inspection Requirements.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 316.535, 339.05 FS., Federal Highway Program Manual Volume 6, Chapter 7, Section 4, Subsection 1. History–New 6-6-77, Formerly 14-48.05, Repealed _____.

14-48.006 Qualification of Personnel.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 337.11 FS. History–New 6-6-77, Formerly 14-48.06, Repealed _____.

14-48.007 Qualifications for Certification.

Specific Authority 334.044(2) FS. Law Implemented 335.074 FS. History–New 6-6-77, Formerly 14-48.07, Repealed _____.

14-48.008 Certification.

Specific Authority 334.044(2) FS. Law Implemented 335.074 FS. History–New 6-6-77, Formerly 14-48.08, Repealed _____.

14-48.009 Refusal, Revocation or Suspension of Certificate.

Specific Authority 334.044(2) FS. Law Implemented 120.569, 120.57, 335.074 FS. History–New 6-6-77, Formerly 14-48.09, Amended 1-17-99, Repealed _____.

14-48.010 Training Courses.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 339.05 FS., Federal Highway Program Manual, Volume 6, Chapter 7, Section 4, Subsection 1. History–New 6-6-77, Formerly 14-48.10, Repealed _____.

14-48.011 Inspection Report.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 339.05, 120.53(1)(b) FS., Federal Highway Program Manual, Volume 6, Chapter 7, Section 4, Subsection 1. History–New 6-6-77, Formerly 14-48.11, Repealed _____.

14-48.012 Inventory.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 339.05 FS., Federal Highway Program Manual, Volume 6, Chapter 7, Section 4, Subsection 1. History–New 6-6-77, Formerly 14-48.12, Repealed _____.

14-48.013 Recording and Coding Guide for Maintenance Inspection of Public Bridges.

Specific Authority 334.044(2) FS. Law Implemented 335.074, 339.05 FS., Federal Highway Program Manual, Volume 6, Chapter 7, Section 4, Subsection 1. History–New 6-6-77, Formerly 14-48.13, Repealed _____.

14-48.014 Executive and Legislative Reports.

Specific Authority 334.044(2) FS. Law Implemented 335.074 FS. History–New 6-6-77, Formerly 14-48.14, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard I. Kerr, Bridge Maintenance Inspection Engineer

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2004

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Public-Private Transportation Facilities
RULE CHAPTER NO.: 14-107

RULE TITLE: Public-Private Transportation Facilities
RULE NO.: 14-107.0011

PURPOSE AND EFFECT: Rule 14-107.0011, F.A.C., is substantially reworded. The current Sections (1) through (8) are replaced with totally reworded Sections (1) through (4). “Public” is added to the title of both the rule and the rule chapter.

SUMMARY: Rule 14-107.0011, F.A.C., substantially reworded.

SPECIFIC AUTHORITY: 334.30 FS.

LAW IMPLEMENTED: 334.30 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial Rewording of Rule 14-107.0011 follows. See Florida Administrative Code for present text.)

14-107.0011 Public-Private Transportation Facilities.

(1) An initial fee of \$50,000 payable to the Florida Department of Transportation must accompany a public-private transportation facility proposal. Proposals received without the initial fee shall not be accepted.

(2) Payment shall be made by cash, cashier's check, or any other non-cancelable instrument. Personal checks will not be accepted.

(3) If the initial fee is not sufficient to pay the Department's costs of evaluating the proposals, the Department shall request in writing additional amounts required. The public-private partnership or private entity submitting the proposal shall pay the requested additional fee within 30 days. Failure to pay the additional fee shall result in the proposal being rejected.

(4) The Department shall refund any fees in excess of the costs of evaluating the proposal after the evaluation is complete.

Specific Authority 334.044(2); 334.30 FS. Law Implemented 334.30 FS. History—New 3-13-97, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gene Branagan, Manager Project Finance Section, Financial Planning Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2004

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

DOCKET NO. 040436-TP

RULE TITLE:

Regulatory Assessment Fees;

Telecommunications Companies

RULE NO.:

25-4.0161

PURPOSE AND EFFECT: To increase the amount of regulatory assessment fees paid by certificated or registered telecommunications companies to cover the Public Service Commission's actual cost of regulating the companies.

SUMMARY: Raises the regulatory assessment fee of .15% of a certificated or registered communication company's gross operating revenues derived from intrastate business to .20%.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The rule will increase the amount of regulatory fees that telecommunications companies must pay.

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

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.113, , 364.02(13), 364.336 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO: FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE THESE PROPOSED RULE IS: Christiana Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0161 Regulatory Assessment Fees;
Telecommunications Companies.

(1) As applicable and as provided in Sections 350.113, 364.02(13) and 364.336, Florida Statutes, each company shall remit a fee based upon its gross operating revenue as provided below. This fee shall be referred to as a regulatory assessment fee, and each company shall pay a regulatory assessment fee in the amount of 0.0020 ~~0.0015~~ gross operating revenues derived from intrastate business. For the purpose of determining this fee, each telecommunications company shall deduct from gross operating revenues any amount paid to another

telecommunications company for the use of any telecommunications network to provide service to its customers. Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$50 shall be imposed.

(2) through (3) No change.

(4) Commission Form PSC/CMP 25 (___/___), entitled "Local Exchange Company Regulatory Assessment Fee Return," Form PSC/CMP 26 (___/___), entitled "Pay Telephone Service Provider Regulatory Assessment Fee Return"; Form PSC/CMP 34 (___/___), entitled "Shared Tenant Service Provider Regulatory Assessment Fee Return"; Form PSC/CMP 153 (___/___), entitled "Interexchange Company Regulatory Assessment Fee Return"; and Form PSC/CMP 1 (___/___), entitled "Alternative Access Vendor Regulatory Assessment Fee Return"; and Form PSC/CMP 7(___/___), entitled "Competitive Local Exchange Company Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of the Commission Clerk and Administrative Services.

(5) through (7) No change.

(a) The request for extension must be submitted on Form PSC/CCA 124 (/) written and will be granted if the company has applied for the extension within the time required in (b) below and the company does not have any unpaid regulatory assessment fees, penalties or interest due from a prior year accompanied by a statement of good cause. Form PSC/CCA 124 (/), entitled "Regulatory Assessment Fee Extension Request" is incorporated into this rule by reference and may be obtained from the Commission's Division of the Commission Clerk and Administrative Services.

(b) through (8) No change.

Specific Authority 350.127(2) FS. Law Implemented 350.113, 364.02(13), 364.336 FS. History--New 5-18-83, Formerly 25-4.161, Amended 10-19-86, 1-1-91, 12-29-91, 1-8-95, 12-26-95, 7-7-96, 11-11-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 30, No. 21, May 21, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Employee Grooming, Uniform and Clothing Requirements

RULE NO.:

33-208.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to move rule language specific to correctional officers and correctional probation officers from the general

employee grooming rule to new rules in the institutions and community corrections sections of the rules, and to clarify grooming requirements for employees.

SUMMARY: The proposed rule moves language specific to correctional officers and correctional probation officers from the general employee grooming rule to new rules in the institutions and community corrections sections of the rules, and clarifies that 1/4 beards may be worn by staff unless the wearing of facial hair interferes with performance of assigned duties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) No change.

(2) In addition to the standards set forth in subsection (1), all male employees shall comply with the following grooming standards:

(a) No change.

(b) Staff shall be permitted to wear a neatly trimmed 1/4 inch beard, unless the wearing of facial hair would interfere with the performance of assigned duties.

(3) Uniform requirements for correctional officers are provided in Rule 33-602.601, F.A.C. Badge requirements for correctional probation officers are provided in Rule 33-302.115, F.A.C. The following are conditions and requirements for wearing department uniforms:

~~(a) The warden shall ensure that staff are reviewed and inspected daily in their uniforms. This will ensure that the uniform is worn properly and that the uniform is being properly maintained and that appropriate care is being provided.~~

~~(b) The uniform, when required of the position, shall be worn in a complete or full manner at all times while an employee is performing official duties. Uniforms are to be issued as soon as possible after employment. Correctional officers may be issued class A, B, C, D, E, F or G uniforms~~

depending upon their assignment. Employees shall be authorized to purchase additional class D uniform polo shirts and class C and D uniform BDU trousers from the employee's club. The uniform or any parts of it furnished by the department are not to be worn during off-duty hours or when an employee is not acting in an official capacity except when traveling directly to and from work. No part of the uniform may be duplicated by an employee for any purpose.

(e) At all times, uniforms are to be in serviceable condition, neat in appearance, clean and properly worn as provided in this rule. Class A uniforms will be starched and neatly pressed. Class B and C uniforms will be neatly pressed. All foot wear shall be shined to a high gloss, except that medical staff are authorized to wear shoes that present a clean white appearance that may have a flat finish.

~~(4)(d)~~ Employees are solely responsible for alterations to and the care of uniforms and clothing issued by the department. Instructions for care which are attached to each item of clothing should be followed. Unless specified otherwise, the laundering and cleaning of clothing items issued to employees is the responsibility of the employee. The laundering and cleaning of correctional officer class A, B, C, D, F, and G uniforms is the responsibility of the employee. The department shall be responsible for cleaning the class E (battle dress utility) uniform issued for deployment to correctional emergency response teams and rapid response teams. This cleaning shall not be performed at the institution. The other class E uniform issued for training purposes shall be maintained by the employee. Any items of department issued clothing, including correctional officer uniforms, which have been contaminated by blood or other body fluids shall be left at the institution to be laundered at an outside facility to prevent contamination outside the work area. All contaminated items shall be kept together apart from non-contaminated laundry and shall be clearly marked as contaminated for transmission to a professional laundering service. Contaminated items shall be placed in a water soluble bag and then placed in a yellow plastic bag labeled "Contaminated Linen" and sealed shut. Personnel handling the yellow bag during transport to the commercial laundry shall wear disposable latex gloves and shall inform personnel at the commercial laundry that the items in the bag are contaminated. Employees shall bear the cost of replacements of items lost or damaged due to improper use, care or maintenance of the item. Restitution is to be in the amount equal to the cost of the articles of clothing lost or damaged, or equal to the cost of replacement, whichever is less.

~~(5)(e)~~ Uniforms and clothing issued by the department are the property of the state and must be returned to the department upon termination of employment. Employees shall be allowed to retain issued uniforms and clothing when transferring to another institution of the department. Prior to the transfer, the transferring employee must update his or her Individual Clothing

Record, Form DC2-816, and must make restitution for any lost or missing clothing. Form DC2-817, Authorization for Uniform Replacement, shall be used by officers requesting replacement of worn or otherwise unserviceable uniforms. Forms DC2-816 and DC2-817 are incorporated by reference in subsection ~~(8)(9)~~ of this rule. Unserviceable clothing shall be rendered unwearable by shredding after the removal of all patches.

~~(f) Jewelry:~~

1. No necklaces, chains or medallions shall be worn around the neck such that they are visible while in uniform.

2. The only visible jewelry allowed shall be wrist watches, wedding bands, engagement rings and earrings (females only).

a. Female staff shall be allowed to wear post or clip on earrings on the earlobes only.

b. Only one pair of earrings will be worn at a time.

c. For safety purposes, earrings shall not be hooped or dangling.

~~(g) Fingernails:~~

1. Fingernails will be neatly trimmed and clean with no designs.

2. Fingernails shall be rounded at the tips and shall not extend more than 1/4 inch past the end of the finger.

3. Polish, if worn, shall be clear or solid in color. Only female officers are authorized to wear nail polish.

~~(h) Sunglasses:~~

1. Sunglasses with green, brown, black or gray lenses are authorized for wear out of doors.

2. No neon (day glow) frames will be allowed.

3. No mirrored sunglasses will be allowed.

~~(i) Hair length:~~

1. Male correctional officers shall adhere to standards outlined in paragraph (2)(a).

2. Female correctional officers will not wear their hair beyond the shoulders or yoke of the shirt. When wearing the class D uniform polo shirt, the hair shall not extend beyond the point where the yoke would be on a comparable class A, B or C uniform shirt.

3. When wearing a hat, female officers will wear their hair in a manner so as not to interfere with the fit or proper wearing of the hat.

~~(j) Hair style:~~

1. Hair will be clean, neat and present a groomed appearance.

2. If the hair is dyed, only natural shades will be permitted.

3. Hair clips or barrettes for female correctional officers shall blend in with the hair, i.e., gold, silver, black or brown of solid color.

~~(k) Safety equipment and clothing:~~ Correctional officers shall wear safety equipment and apparel which is compatible with the needs of the officer's assignment.

~~(l)~~ The following uniform accessories shall be provided by the correctional officer:

1. Shoes;
2. Boots (except for C.E.R.T. and Rapid Response Teams, Canine, Boot Camp staff, and extended day staff);
3. Belts;
4. Socks or stockings;
5. Thermal gloves.

(4) The following provisions shall apply to employees in the positions of correctional officer colonel, correctional officer major, correctional officer captain, correctional officer lieutenant, correctional officer sergeant and correctional officer. For the purposes of this rule, "correctional officer" is used to refer to the individual position or the class which includes all of the above-listed positions:

(a) Class A Uniform:

1. The correctional officer class A uniform issued by the department shall be worn only while performing official duties as determined by the warden.

2. The class A uniform will be mandatory for all court appearances. The class A uniform will consist of:

a. Brown wool blend trousers with black stripes. One pair will be issued.

b. White long sleeve shirt for correctional officer lieutenant and above and long sleeve silver tan shirt for correctional officers and sergeants. One shirt will be issued. Hash marks to denote years of service will be worn on the left sleeve of the class A shirt. Each hash mark will denote three cumulative years of service with the agency. The hash marks will be affixed to the left sleeve with the lowest point one inch above the cuff seam angling backward and up at a forty five degree angle. The rear of the hash mark will align with the pressed crease of the shirt. The class A shirt will be worn fully buttoned at all times.

(b) Class B Uniform:

1. The correctional officer class B uniform shall consist of brown poly cotton trousers with a black stripe and white uniform shirt for lieutenant and above and silver tan uniform shirt for correctional officer and sergeant.

2. The class B uniform will be optional (as determined by the employee) for general institutional duties.

(c) Class C Uniform:

1. The correctional officer class C uniform issued by the department shall consist of poly cotton blend brown Battle Dress Utility (BDU) trousers and white uniform shirt for lieutenant and above and silver tan uniform shirt for correctional officer and sergeant.

2. BDU trousers will be military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDUs will not be worn with low cut shoes regardless of the class of uniform being worn.

3. The class C uniform will be optional (as determined by the employee) for general institutional duties.

(d) Class D Uniform:

1. The correctional officer class D uniform issued by the department shall consist of poly cotton blend brown Battle Dress Utility (BDU) trousers and white polo type shirt for lieutenant and above and silver tan polo type shirt for correctional officer and sergeant.

2. POLO type shirts may only be worn with BDU trousers.

3. Polo type shirts will include an embroidered correctional officer badge over the left shirt pocket. The badge will include the rank of the staff member.

4. BDU trousers will be military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDUs will not be worn with low cut shoes.

5. The class D uniform will be optional (as determined by the employee) for general institutional duties.

(e) Class E Uniform:

1. The correctional officer class E uniform shall be issued only to C.E.R.T. and Rapid Response Team (baton squads and munitions squads) members.

2. The Class E uniform shall consist of a brown battle dress utility pants and shirt for rapid response teams and black for C.E.R.T.

3. The class E uniform shall be worn with military style black jump or combat boots which will be provided by the department.

4. Class E uniforms are only to be worn when the teams are responding to an emergency or during training.

a. During training, the battle dress utility shirt is optional. T-shirts can be worn for training.

b. The department uniform cap shall be worn during training and other events when the helmet is not being worn.

c. The caps and T-shirts will be provided by the department and will match the battle dress utility pants which will be worn during training.

d. Two sets of class E uniforms will be issued to each team member. One uniform shall be maintained with assigned equipment at all times to ensure the team member is in a constant state of readiness.

(f) Class F Uniform:

1. The Class F uniform shall be issued to tracking canine officers and shall consist of:

a. Brown or camouflage BDU or brush pants. The camouflage color shall be appropriate for the season and surrounding terrain as determined by the warden.

b. Brown or camouflage battle dress utility shirt with:

I. Sleeves appropriate for the weather;

II. The correctional officer's first and last name embroidered (in gold for the brown shirt and in black for the camouflage shirt) above the right pocket;

III. K-9 embroidered on the back in gold on the brown shirt, optional in black for the camouflage shirt;

IV. A department patch on the left shoulder with "Tracking Unit" embroidered underneath in gold for the brown shirt and in black for the camouflage; the department patch is not mandatory for the camouflage shirt.

V. A cross flags patch on the right shoulder for the brown shirt. The cross flags patch is not mandatory for the camouflage shirt.

e. T-shirt (optional for field work only), khaki in color or camouflage to match the pants, with "K-9" embroidered on the back in gold for the khaki T-shirt and in black for the camouflage T-shirt;

d. A brown, green or camouflage (color appropriate for surrounding terrain as determined by the warden) field jacket (M-65 military battle dress utility);

e. A black (brown, green or sand option for camouflage) nylon or cloth pistol belt with handcuff case, glove pouch and holster;

f. Military-style combat, jump, or Hi-tech boot;

g. Brown or camouflage uniform cap (optional);

h. Brown or camouflage chaps may be issued to wear over pants legs;

i. Leather badge holder;

j. Heavy duty cut resistant utility gloves;

k. Tactical ballistic vest.

1. Snakebite boots will be provided to K-9 program officers by the department. The boots will be black, khaki, or woodland camouflage design.

2. During actual escape and recapture situations, canine staff may remove any reflective uniform items or any items that would interfere with the stealth of the camouflage uniform.

3. Components of the uniform shall not be mixed, i.e., camouflage pants, shirt and hat will be worn together as will the brown uniform. There will be no color mixing.

4. Wardens shall issue each officer assigned to the K-9 program a minimum of five pairs of pants, three long-sleeve shirts and five short-sleeve shirts.

(g) Class G Uniform. The Class G uniform will be issued to narcotic K-9 handlers and shall consist of:

1. Blue six-pocket BDU style pants, which shall be worn bloused inside the boot.

2. Blue polo style shirt. Insignias will be consistent for all handlers as determined by the Inspector General.

3. Black nylon duty belt. Only department issued or approved items shall be worn on the belt.

4. Black military style jump boot (Hi-tech, Rocky, Bates) provided by the department;

5. Black cut-resistant search gloves. Gloves will be full-fingered.

6. Leather badge holder.

7. Blue baseball style cap with department insignia.

8. Narcotics K-9 handlers will be issued five pairs of pants, three long-sleeved shirts and five short-sleeved shirts.

(h) The following items may be worn with the correctional officer uniform as defined below:

1. Brown outerwear coat authorized for wear with class A, B, C, D, E, F, and G uniforms. Rank may be worn on the coat epaulettes.

2. Brown tie — authorized for wear with the class A uniform only. Tie clasps or tie tacks shall either be plain or have a department emblem or insignia and must match the nameplate and rank insignia in color. The service pin shall be permitted to be worn as a tie tack with the class A uniform.

3. Hat authorized for wear with the class A, B, and C uniform. The hat is no longer a mandatory part of the Class A uniform. Officers who have been issued hats are authorized to wear them, but additional hats will not be ordered for issuance by the department. Excessive rolling of hats will not be permitted.

4. Western style riding hat authorized for wear by correctional officers assigned to field labor squads when outside the secure perimeter of the correctional facility. The western style riding hat will be furnished by the department.

5. Uniform cap — authorized for wear with the Class A, B, C, D, E, F, and G uniform. Caps shall not be worn for formal occasions such as court appearances or funerals. The uniform cap shall be solid brown with a departmental emblem embroidered on the center front above the bill of the cap. Additional lettering, logos or rank insignia are not authorized on caps. The uniform cap will be furnished by the department.

6. Correctional officer badges:

a. Badges shall be issued to all certified correctional officers regardless of their work location.

b. Correctional officer badges will be issued by the department to be worn as part of the class A, class B, and class C uniform.

c. The badge will be worn approximately one-half inch above the left shirt pocket centered on the fashion seam and affixed through the pre-sewn holes, or for uniforms without pre-sewn holes, affixed through the fabric. Officers wearing the polo shirt are authorized to wear the department issued badge on a black leather badge holder furnished by the employee. The badge holder will be affixed to the duty belt and will be worn on the left side of the trousers.

d. The badge shall be routinely cleaned and presented in a manner so as to reflect the pride and professionalism of the Department of Corrections.

e. Use of the issued badges as credentials for personal purposes is prohibited.

f. Only badges issued by the department shall be used to conduct officially designated duties.

g. The badge shall be 2-1/4" x 1-15/16" in size, silver colored metal for correctional officers and sergeants and gold color for lieutenants and above with black lettering, and pre-numbered with a pin clasp for securing to the shirt.

h. The badges shall be issued to certified officers upon employment and will not be provided to uncertified officers until after certification is received.

i. Correctional officers shall be responsible for reimbursing the department for any issued badge which is lost, stolen, or damaged outside the performance of duty.

j. Issued badges are considered state property and, except for retirement under specific conditions, shall be returned to the department upon the officer's termination of employment with the department or removal from a position within the correctional officer class series.

k. Correctional officers who retire from the department under honorable conditions and are eligible to retire under the State of Florida retirement system, including retirement under medical disability, shall be authorized to retain their issued badges.

l. Correctional officers of any rank who are promoted, transferred, or otherwise relocated into a non-security position shall return their badges to the warden of the institution the staff member is departing. If an officer who is being promoted requests to keep the badge, he or she shall be allowed to do so upon reimbursement of the department of the cost of a replacement badge.

m. The institution receiving the staff member will issue a new badge to the officer from that institution's inventory.

n. Badges will not be issued to canines.

7. Rank Insignias.

a. Sergeant pin for correctional officer sergeants shall be worn on the collar military style with Class A, B, C, F, and G uniforms only.

b. Gold colored lieutenant's bar for correctional officer lieutenants shall be worn on the collar military style with Class A, B, C, F, and G uniforms only.

c. Gold colored captain's bar for correctional officer captains shall be worn on the collar military style with Class A, B, C, F, and G uniforms only.

d. Gold colored major's insignia for correctional officer major shall be worn on the collar military style with Class A, B, C, F, and G uniforms only.

e. Gold colored colonel's insignia for correctional officer colonel shall be worn on the collar military style with Class A, B, C, F, and G uniforms only.

f. Rank insignia will not be worn on the polo type shirt.

8. Nameplate—gold or silver to match rank insignia, shall contain the employee's last name and first two initials (no rank abbreviation) shall be worn above the right pocket with Class A, B, and C uniforms only. Replacement nameplates for name

change, loss, normal wear and tear, or other damage outside the performance of normal duty will be the employee's responsibility.

9. Brown skirt for females can be substituted for trousers for religious reasons only upon written authorization of the regional director of institutions following review of the officer's written request. The skirts will be the same fabric as the trousers with no stripe.

10. Whistle, as authorized by the warden worn with Class A, B, C, F, and G uniforms. Whistles will be the same color as the rank insignia and, if worn, must be furnished by the employee.

11. Service Pin. The department service pin is authorized to be worn above the nameplate with Class A, B, and C uniforms only.

12. Shift Supervisor Patch. Correctional officer supervisors assigned as shift supervisors are authorized to wear the shift supervisor patch with Class A, B, and C uniforms. When worn, the shift supervisor patch will be sewn directly above the flag patch on the right shirt sleeve.

13. Meritorious Service Pin.

a. The meritorious service pin (quality award) is worn over the right shirt pocket, one half inch above the nameplate, centered on the military crease (vertical fashion seam) with Class A, B, and C uniforms only.

b. For those staff members who have service in excess of five years and are presently displaying a regular service pin as part of their uniform dress, the regular service pin will be relocated one half inch to the left of the military seam and the meritorious service pin will be displayed one half inch to the right of the military seam. Both pins will be situated one half inch above the nameplate.

c. When additional department issued pins are worn, they will be displayed using the following formula: odd numbers of pins one half inch above the first row of pins and centered on the military crease; even numbers of pins one half inch above and centered over lower rows of pins.

14. Emergency Response Team (E.R.T.) Pin.

a. The E.R.T. pin will be issued to C.E.R.T., emergency response teams and canine teams for wear with class A, B and C uniforms.

b. The E.R.T. pin shall be worn evenly spaced between the bottom of the badge and the top of the left shirt pocket, centered on the military crease.

15. Drill Instructor Pins.

a. Drill instructor pins (for basic training program officers only) will be worn one half inch above the left shirt pocket and centered on the military crease.

b. If worn along with the E.R.T. pin, the drill instructor pin will be worn one half inch above the E.R.T. pin. K-9 or other squad pins will no longer be worn on the uniform.

~~16. American Flag and Certified Public Manager (CPM) pins:~~

~~a. A small American flag pin is authorized to be worn with class A, B or C uniforms.~~

~~b. Graduates of the CPM course are authorized to wear the pin with class A, B or C uniforms.~~

~~c. These pins shall be displayed utilizing the formula outlined in sub-subparagraph (4)(h)13.e. above.~~

~~d. No other non department issued pins are authorized for wear.~~

~~17. Flag Patches. Flag patches shall be sewn one inch below the shoulder crease on the right shirt sleeve of the uniform shirt. When worn, the institutional rocker emblem shall be sewn or otherwise affixed directly over the department emblem on the left shirt sleeve.~~

~~18. Gloves:~~

~~a. Glove pouches for disposable latex or vinyl gloves will be issued to all officers.~~

~~b. Plain black gloves are authorized for wear during cold weather when working outside. Lettering or logos on gloves are not authorized.~~

~~c. Protective gloves will be issued to employees upon request.~~

~~19. Shoes and Boots:~~

~~a. Shoes shall be black, plain-toed military style.~~

~~b. Boots, including Hi-Tech types are permissible with uniform pants but are mandatory with BDU pants. The boots must be black with a plain toe, regular heel, and no decorative stitching. Black side webbing inserts are permissible. Heels shall not exceed one and one half inches in height.~~

~~c. All footwear must be capable of maintaining a high gloss.~~

~~20. Belts. Belts must be black, 1-1/2 to 1-5/8 inches in width, with either a silver colored open-face metal buckle or a bronze buckle bearing the department emblem. Buckles must be approximately the same width as the belt.~~

~~21. Socks:~~

~~a. Socks must be black.~~

~~b. If white socks are needed for medical reasons, the employee shall be required to wear socks with a white foot and black upper part or white socks can be worn under black ones.~~

~~c. Female officers shall be allowed to wear flesh-tone stockings.~~

~~22. Ponchos and Raincoats. Plain see through ponchos or raincoats with no logos are authorized for wear.~~

~~23. Maternity Uniforms. Pregnant officers will be issued maternity uniforms upon request. At least four maternity uniforms will be issued.~~

~~24. Windbreakers. The brown department windbreaker with department emblem on the left chest is authorized to be worn with the class B, C, D, E, F, or G uniform. No other color~~

~~windbreaker is authorized for uniformed staff. Additionally, non-uniformed staff are authorized to wear a brown or black department windbreaker.~~

~~(i) The standard department issue of uniforms will be as follows:~~

~~1. One class A shirt with hash marks;~~

~~2. One pair of wool blend class A trousers;~~

~~3. Two pair of BDU trousers;~~

~~4. Two pair of polyester/cotton class B trousers;~~

~~5. Three uniform shirts;~~

~~6. Two polo type shirts;~~

~~7. One brown outer-wear coat;~~

~~8. One cap;~~

~~9. One glove pouch.~~

~~10. One brown clip-on tie.~~

~~(5) Correctional officers assigned to the recreation department shall wear full uniforms to and from work, but shall be allowed to change into recreational attire during regular duty hours.~~

~~(6) The following guidelines shall apply to those correctional officers assigned to boot camp facilities and those staff assigned to supervise the basic training program for youthful offenders.~~

~~(a) Correctional officers assigned to supervise boot camp facilities, the basic training program and extended day programs shall wear either the class C or class D uniform. The jump boots will be furnished by the department.~~

~~(b) Correctional officers assigned to supervise boot camp facilities shall be authorized to wear military style drill instructor hats provided by the department.~~

~~(c) The uniform shirt shall be tucked into the trousers in the military style tuck.~~

~~(d) Uniforms shall be worn in such a manner that the button flap on the shirt, the right edge of the belt buckle, and the zipper flap on the trousers are in a direct vertical line.~~

~~(e) Uniforms shall be clean and neatly pressed.~~

~~(f) Boots shall be highly polished at the beginning of each work day and shall remain in that condition during all ceremonial inspections of the basic training program inmates.~~

~~(g) The uniform cap shall be worn by all uniformed basic training program staff. Officers of the rank of correctional officer supervisor or higher shall wear their rank insignia on the center front of their caps in lieu of the department emblem.~~

~~(h) Officers supervising physical training are authorized to wear running shoes during physical training for safety and comfort.~~

~~(i) Each basic training program officer shall carry a whistle on a chain attached to the left epaulet and clipped to the left front pocket of the uniform shirt. Whistles will be furnished by the department.~~

~~(j) Each officer shall be issued a pair of class A trousers to be worn as prescribed in paragraph (4)(a).~~

~~(6)(7)~~ No change.

~~(7)(8)~~ No change.

~~(9) Correctional Probation Officer Badges~~

~~(a) Circuit administrators shall maintain control and inventory of correctional probation officer badges within each circuit.~~

~~1. The circuit administrator shall issue badges to officers after certification is received.~~

~~2. The circuit administrator or designee shall conduct quarterly circuit badge inventories and submit the circuit badge inventory to the regional director. The quarterly circuit badge inventory shall include the following information:~~

~~a. Badge number;~~

~~b. Name of officer, in the last name first first name last format (or blank if not issued);~~

~~c. Circuit and office location;~~

~~d. Status (including issued, not issued, stolen, lost, or retired); and~~

~~e. Total counts for each status, including the total number of badges issued, the total number of badges not issued, the total number of badges stolen, the total number of badges lost, and the total number of badges retired.~~

~~3. The regional director or designee shall compile the circuit inventories to complete quarterly regional badge inventories and submit the regional badge inventories to the Director of Community Corrections.~~

~~(b) Only badges issued by the department shall be used to conduct officially designated duties. The badge shall be 2 1/4" by 1 5/16" in size and silver colored metal for correctional probation officers and correctional probation senior officers and gold color for correctional probation specialists, correctional probation supervisors, correctional probation senior supervisors, correctional probation administrators, and fugitive apprehension coordination team correctional services consultants. Badges shall be pre-numbered with black lettering. The badges shall be carried in badge cases which shall be issued by the department.~~

~~(c) Use of the issued badge as a credential for personal purpose is prohibited.~~

~~(d) Badges shall be readily accessible in order for the correctional probation officer to properly identify himself or herself to the public.~~

~~(e) Loss or theft of a badge shall be reported to the officer's immediate supervisor within 72 hours of the officer becoming aware that the badge was stolen or lost. Theft or loss of a badge shall be reported by the officer on the Community Corrections Incident Report, Form DC3-225, followed by a MINS report by the circuit administrator. Form DC3-225 is incorporated by reference in Rule 33-302.104, F.A.C. The officer shall be responsible for reimbursing the department for any issued badge which is lost.~~

~~(f) Correctional probation officers shall maintain their original badge issued if transferred to another circuit or region. The circuit administrator or designee in both circuits shall update their badge inventories accordingly. Once the officer has transferred to another circuit, the sending circuit administrator or designee shall remove the badge information from the circuit's inventory and the receiving circuit administrator or designee shall add the badge information to his or her circuit's inventory.~~

~~(g) Correctional probation officers who leave the department shall return their badges to the circuit administrator prior to departing.~~

~~(h) Correctional probation officers promoted to a position outside the class series or who retire from the department under honorable conditions and who are eligible to retire under the State of Florida retirement system, including retirement under medical disability, who desire to retain their issued badges, shall make a request to the regional director.~~

~~(i) Regional directors shall review requests submitted by employees to maintain their badges and forward recommendations to the Director of Community Corrections for final approval. Officers who retire shall be allowed to retain their issued badges. Officers who are promoted shall be allowed to keep their badges upon reimbursement of the department of the cost of a replacement badge. The badge of a correctional probation officer who is killed in the line of duty shall be presented to the employee's next of kin.~~

~~(8)(10)~~ No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History-- New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02, 2-20-03, 6-26-03, 10-27-03, 12-28-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Sapp

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 17, 2004

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.

SUMMARY: The proposed rule provides that visitors may be approved by the warden, duty warden, or assigned institutional classification officer.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.713 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Sapp

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B32-5.001

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUMMARY: The proposed new language in this rule sets forth the penalties for testing positive on specified drug screening(s).

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

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

SPECIFIC AUTHORITY: 456.079, 468.365(4) FS.

LAW IMPLEMENTED: 456.072, 468.365 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.001 Disciplinary Guidelines.

(1) through (2) No change.

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

(cc) Testing positive in a pre-employment conditions and/or employer ordered drug screen. (456.072(1)(z), F.S.)	First Offense	From six months probation with referral to PRN to revocation and a fine from \$500 to \$2,000.
	Second Offense	From one year probation with conditions and referral to PRN to revocation and an administrative fine from \$1,000 to \$10,000.

(4) through (6) No change.

Specific Authority 456.079, 468.365(4) FS. Law Implemented 456.072, 468.365 FS. History–New 4-29-85, Formerly 21M-37.01, 21M-37.001, Amended 1-3-94, Formerly 61F6-37.001, 59R-74.001, 64B8-74.001, Amended 5-5-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-25.002
Builders Commitments	67-25.010
Loan Processing	67-25.011
Rental of Bond Financed Residences	67-25.014
Waiver of Repayment Terms under Mortgage	67-25.016
Rating of Bonds	67-25.017

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507 FS.

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

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

TIME AND DATE: 10:00 a.m., November 8, 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 IS: David Draper, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

67-25.002 Definitions.

(1) through (21) No change.

(22) "Maximum Acquisition Price" means the maximum purchase price of a Single Family Residence, as prescribed in the IRS Revenue Procedures 2004-24 94-55, hereby incorporated by reference. The Acquisition Price Limits are also subject to the FHA/VA/RD limits for the counties, hereby incorporated by reference. Copies of these documents may be obtained by contacting the Single Family Bonds Program Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329.

(23) "Maximum Annual Family Income" means, with respect to Mortgage Loans originated on new and existing Single Family Residences, the annual family income may not exceed 115% (or 140 120% in targeted areas) of the state or local median income, whichever is greater as required by federal law. Maximum annual family income limits are established by the Corporation under a specific bond program as set forth in the Program Documents.

(24) through (28) No change.

(29) "MCC" means Mortgage Credit Certificate, which shall not exceed 20% of the Eligible Person's annual mortgage interest paid, not to exceed \$2,000.

(30)(29) "New Construction" means a residential dwelling unit which has not previously been occupied.

(31)(30) "Participating Lender" means the entity signing a Master Mortgage Purchase Agreement and the applicable Supplements to the Master Mortgage Purchase Agreement, hereby incorporated by reference. A copy of this document may be obtained by contacting the Single Family Bonds Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1397. By virtue of executing the Master Mortgage Purchase Agreement represents that it is a home mortgage lending institution or entity: (a) Participating in the local private home lending market; (b) That is an FHA-approved mortgagee (with direct endorsement underwriting authority preferred), or a VA-approved lender (with automatic approval authority preferred), or an RD-approved lender (unless waived by the Corporation or its designee); (c) With respect to Conventional Mortgage loans, is a FannieMae or Freddie Mac approved lender in good standing, has errors and omissions coverage of at least \$300,000, meets the requirements of the Corporation or its designee with respect to financial status and is acceptable to a FannieMae or Freddie Mac PMI Insurer; (d) Which can make the representations and warranties and covenants set forth in the Master Mortgage Purchase Agreement; and (e) Which has agreed to and will originate Mortgage Loans itself or through Correspondent Lenders.

(32)(31) "Single-Family Bond Program" means the Corporation's Single-Family Mortgage Revenue Bond Program pursuant to which a trustee, on behalf of the Corporation, will purchase Qualified Mortgage Loans from the participating lenders or obligations secured by Qualified Mortgage Loans from Qualified Lending Institutions.

(33)(32) "Qualified Appraiser" means an individual or firm that is qualified as an appraiser by the society of real estate appraisers or the American Institute of Real Estate Appraisers and acceptable or approved by FHA, VA, FannieMae, Freddie Mac or any private mortgage insurance provider to provide appraisal reports.

(34)(33) "Qualified Lending Institution" means any bank or trust company, mortgage banker, savings bank, credit union, national banking association, savings and loan association, building and loan association, insurance company, the First Housing Development Corporation of Florida, or other financial institution or governmental Corporation authorized to transact business in the state of Florida which institution customarily provides services in the financing of mortgages for real property in Florida. All Qualified Lending Institutions must be qualified FHA, VA, FNMA or FHLMC originators and servicers as required by the program documents.

(35)(34) "Qualified Mortgage Loan" means any loan under the Corporation programs made to an eligible borrower and evidenced by a mortgage note which is secured by a related mortgage on the eligible property.

~~(36)~~⁽³⁵⁾ “Single-Family Residence” means a residential unit used as a single-family residence, which is taxed as real property under the laws of the state and is located in the State, including a condominium unit and a manufactured home meeting conventional or FHA standards, which is acceptable to any insurer providing private mortgage insurance, under the program or FHA, VA or RD. The dwelling structure may consist of two-, three- or four-family dwelling units, one unit of which is to be occupied by the mortgagor of the units and all of which units were first occupied as homes at least five (5) years before the Loan with respect to such Home which: (a) Is designed and intended primarily for residential housing; (b) Is determined by qualified appraisal as provided herein to have an expected useful life of not less than 30 years or the term of the mortgage, whichever is less; (c) Will be occupied by the owner as his or her principal residence within a reasonable time after financing is provided. For purposes of this subparagraph 60 days shall be deemed a reasonable time; (d) Acquisition price does not exceed the maximum acquisition price; and (e) Appurtenant land reasonably maintains the basic livability of the residence and will not be used for business purposes to generate additional income to the Eligible Borrower, (including child care services on a regular basis for compensation) unless such income is used to qualify the borrower for the loan.

~~(37)~~⁽³⁶⁾ “Targeted Area” means those areas within the State listed as Federally Designated Census Tracts, Areas of Chronic Economic Distress (if any) and areas in need of economic revitalization as determined by local government officials and adopted by Resolution, hereby incorporated by reference. A copy of the listing of such areas can be obtained by contacting the Single Family Bonds Program Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329.

~~(38)~~⁽³⁷⁾ “VA” means the Department of Veterans Affairs, an agency of the United States of America.

Specific Authority 420.507(12), (24) FS. Law Implemented 420.509, 420.509(11)(c) FS. History—New 4-15-87, Formerly 9I-25.002, Amended 12-16-03, _____.

67-25.010 Builders Commitments.

~~(1) The Corporation recognizes the need to encourage new construction through the use of bond proceeds and accordingly may authorize or require the setting aside by Qualified Lending Institutions of portions of the funds available for mortgage origination to finance the purchase of newly constructed, not previously occupied, residences in an amount not to exceed 25% of the bond proceeds. The Corporation shall authorize or require such set-asides based upon a determination by the Corporation that the size of the issue and market conditions will allow such set-asides and that such set-asides would be in the best interest of the public. If such set-asides are allowed, the Corporation shall allow the Qualified Lending Institution to sub-commit the new construction set aside to builders and to~~

~~charge the builders a fee for such sub-commitment not in excess of the commitment fee paid to the Corporation for the same funds.~~

~~(2) In the case of set asides for builders, participants will be given a time period established in the program documents, to issue firm commitments to eligible borrowers. Failure to issue such commitments within the time period prescribed will result in forfeiture of the remaining portion of the set aside. In the event of forfeiture, the funds shall be made available to all Participating Lenders statewide on a first come, first served basis or reallocation pursuant to the program documents.~~

Specific Authority 420.507(12) FS. Law Implemented 420.507(14), 420.507(21), 420.508 FS. History—New 4-15-87, Formerly 9I-25.010, 12-16-03, Repealed _____.

67-25.011 Loan Processing.

Proceeds from tax-exempt bonds may not be used to issue MCC and is prohibited from use with a mortgage loan financed through the Single Family Bond Program. All applications for and all Qualified Mortgage Loans are processed by the Participating Lenders in accordance with the Participating Lenders’ standard underwriting criteria and additional criteria which may be imposed by FHA, VA, FannieMae, Freddie Mac, RD or other parties insuring and guaranteeing the Qualified Mortgage Loans. All closed Qualified Mortgage Loans shall be presented to the trustee or to the Qualified Lending Institution issuing obligations secured by the Qualified Mortgage Loans for purchase of the Qualified Mortgage Loans or obligations pursuant to the program documents.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 420.508 FS. History—New 4-15-87, Formerly 9I-25.011, Amended 12-16-03, _____.

67-25.014 Rental of Bond Financed Residences.

(1) through (4) No change.

(5) Requests for authorization to rent a bond-financed residence which are granted shall be granted for a certain period of time ~~certain~~ with extensions being granted only for a demonstrated good cause. For purposes of temporary relocation, authorization for rental shall be for no more than the length of time of the temporary transfer. For purposes of permanent relocation, no authorization shall exceed a period of 12 consecutive months with extensions being granted only upon a showing by the borrower of a continuous good faith effort to sell the residence at its appraised market value.

(6) No change.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History—New 4-15-87, Amended 2-1-89, Formerly 9I-25.014, Amended 12-16-03, _____.

67-25.016 Waiver of Repayment Terms under Mortgage.

The Corporation shall waive the repayment of a portion of the mortgage loan under the program if the Corporation determines, in conjunction with the program guidelines, that it

is necessary to do so in order to comply with arbitrage restrictions as they are defined in the IRC ~~1954~~ code of 1986 and the code, as applicable, or any regulations there under.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History—New 4-15-87, Formerly 91-25.016, Amended _____.

67-25.017 Rating of Bonds.

The Corporation shall determine what rating is required on the bonds. In making that determination, the Corporation will take into consideration the current market ~~marketing~~ conditions and the best interest of the public.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History—New 4-15-87, Formerly 91-25.017, Amended 12-16-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Draper, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels, Deputy Director Homeownership Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-45.001
General Program Restrictions	67-45.003

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.5088 FS.

LAW IMPLEMENTED: 420.507 FS.

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

TIME AND DATE: 9:00 a.m., November 8, 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 RULES IS: David Draper, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

67-45.001 Definitions.

(1) through (11) No change.

(12) “Maximum Acquisition Price” means the maximum purchase price of a Single Family Residence, as prescribed in the IRS Revenue Procedures 2004-24 ~~94-55~~, hereby incorporated by reference. The Acquisition Price Limits are also subject to the FHA/VA/RD limits for the counties. Copies of these documents may be obtained by contacting the Single Family Bonds Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1397.

(13) through (18) No change.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History—New 8-7-95, Formerly 91-45.001, Amended 12-26-99, 12-29-01, 12-7-03, _____.

67-45.003 General Program Restrictions.

Loans will be subject to the following restrictions:

(1) through (6) No change.

(7) No more than one-fifth of the funds available in the Trust Fund may be made available by the Board of Directors to provide loan loss insurance reserve funds to facilitate homeownership for any persons or families whose incomes do not exceed 140 ~~120~~ percent of the State median income or local median income, whichever amount is higher. In the event of default, the reserve funds are authorized to be used to offset losses incurred by both the first mortgagee and the second mortgagee.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History—New 8-7-95, Formerly 91-45.003, Amended 12-26-99, 12-7-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Draper, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels, Deputy Director Homeownership Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLE: Definitions
 RULE NO.: 67-51.001

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.509 FS.

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

TIME AND DATE: 9:30 a.m., November 8, 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 IS: David Draper, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

67-51.001 Definitions.

(1) through (9) No change.

(10) "Maximum Acquisition Price" means the maximum purchase price of a Single Family Residence, as prescribed in IRS Revenue Procedures 2004-24 ~~94-55~~, hereby incorporated by reference. The Acquisition Price limits are also subject to the FHA/VA/RD limits, hereby incorporated by reference. Copies may be obtained by contacting the Single Family Bonds Program Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329.

(11) through (15) No change.

Specific Authority 420.507(12),(24) FS. Law Implemented 420.509(11)(c) FS. History—New 12-7-03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Draper, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels, Deputy Director Homeownership Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE CHAPTER NO.: RULE CHAPTER TITLE:

11D-8 Implied Consent and Alcohol
 Testing Program

RULE NOS.: RULE TITLES:
 11D-8.0036 Approval of Dry Gas Standards
 Source

11D-8.013 Blood Alcohol Permit – Analyst

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 36, of the September 3, 2004 Florida Administrative Weekly:

11D-8.0036 Approval of Dry Gas Standards Source.

(1) The Department shall approve a source of dry gas standards for use by agencies in the State of Florida. The source approved by the Department shall be an entity that manufactures dry gas standards and meets the following requirements:

(b) Each dry gas standard lot ~~cylinder~~ produced by the source must be certified by the source as to its contents and ~~vapor~~ alcohol vapor concentration.

(c) The source must be capable of producing a minimum of 300 ~~800~~ cylinders of dry gas standard during a thirty day period at an ~~a~~ ~~vapor~~ alcohol vapor concentration of 0.08 g/210L.

(2) Dry gas standard cylinders produced by the approved source must not be used beyond ~~in agency or Department inspections within two years of the expiration date of~~ manufacture.

11D-8.013 Blood Alcohol Permit – Analyst.

(3) The department shall approve gas chromatographic analytical procedures and enzymatic analytical procedures based on alcohol dehydrogenase which meet the following requirements:

(d) No change.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302