

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Aquaculture Best Management Practices
 RULE CHAPTER NO.: 5L-3

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend Chapter 5L-3, F.A.C., to reference an updated Aquaculture Best Management Practices Manual.

SUBJECT AREA TO BE ADDRESSED: The Aquaculture Best Management Practices Manual, January 2005 will be revised to include new sections on marine net pens and alligators.

SPECIFIC AUTHORITY: 570.07(23), 597.004(2)(b) FS.

LAW IMPLEMENTED: 597.002, 597.003, 597.004 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kal Knickerbocker, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, phone: (850)488-4033

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: State Highway System Connection Permits
 RULE CHAPTER NO.: 14-96

RULE TITLE: Connection Categories and Fees
 RULE NO.: 14-96.004

PURPOSE AND EFFECT: The method of payment for fees is being expanded to include the use of personal or business checks.

SUBJECT AREA TO BE ADDRESSED: Rule subsection 14-96.004(4) is amended to include the use of personal or business checks for payment of fees.

SPECIFIC AUTHORITY: 334.044(2), 335.182(2), 335,183, 335.184 FS.

LAW IMPLEMENTED: 334.044(14), 335.18-.187 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-96.004 Connection Categories and Fees.

All connections, public or private, shall be determined by the Department to be in one of the following categories:

(1) through (3) No change.

(4) Fee Payment Type. Full payment of fees shall be made by cashier's check, certified check, personal or business check, cash, or money order, and shall be made payable to the State of Florida Department of Transportation at the time of application. Checks drawn on governmental entity accounts will be accepted by the Department. The use of pre-paid accounts are also allowed in accordance with the Department's pre-paid account practices. If at any time during the application process a check for the fee is returned for insufficient funds, the applicant will be notified that the application is not complete and no further processing will occur until a cashier's check, certified check, personal or business check, cash, or money order is presented. The application fee is non-refundable, as required by Section 335.183, Florida Statutes.

Specific Authority 334.044(2), 335.182(2), 335,183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History--New 4-18-90, Amended 7-16-95, 1-23-03, 1-25-04, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE CHAPTER TITLE: Minimum Flows and Levels
 RULE CHAPTER NO.: 40B-8

RULE TITLES: Definitions
 RULE NOS.: 40B-8.021

Minimum Surface Water Levels and Flows for Madison Blue Spring
 40B-8.031

Minimum Surface Water Levels and Flows for Lower Suwannee River, Little Fanning Spring, Fanning Spring, and Manatee Spring
 40B-8.041

PURPOSE AND EFFECT: The purpose of the rule development is to codify minimum flows and levels for the Lower Suwannee River, Little Fanning Spring, Fanning

Spring, and Manatee Spring within Chapter 40B-8, F.A.C. The effect of the rule will be to provide protection for these areas from significant harm resulting from uses of ground and surface water.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will establish minimum flows and levels for Lower Suwannee River, Little Fanning Spring, Fanning Spring, and Manatee Spring, in accordance with Rule 62-40.473, F.A.C., and Sections 373.042 and 373.0421, F.S.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.103 FS.

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

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

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Minimum Surface Water Levels and Flows and Groundwater Levels

RULE NO.: 40C-8.031

PURPOSE AND EFFECT: The purpose and effect of these proposed rule amendments is to establish a minimum flow regime for Blue Spring, Volusia County, pursuant to the mandates of Sections 373.042 and 373.0421, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Minimum mean flows will be established for Blue Spring. The minimum flows proposed increase incrementally during the time period from 2006 to 2024. As with the minimum flows and levels previously established by the District, if adopted, this rule amendment would require an applicant for a permit, pursuant to Chapter 40C-2, 40C-20, 40C-4, or 40C-40, F.A.C., to provide assurance that minimum flows would not be violated by a proposed water withdrawal or the construction or operation of a proposed surface water management system.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

TIME AND DATE: 6:00 p.m. – 7:30 p.m., December 6, 2005
PLACE: City of Deltona Council Chambers, 2345 Providence Blvd., Deltona, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459, email nmesser@sjrwmd.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) The following minimum surface water levels and flows and minimum groundwater levels are established:

(a) through (f) No change.

(g) Blue Spring, Volusia County.

<u>Minimum Long Term Mean</u>	<u>Flow</u> <u>Cfs</u>
<u>(effective date) through March 31, 2009</u>	<u>132</u>
<u>April 1, 2009 through March 31, 2014</u>	<u>136</u>
<u>April 1, 2014 through March 31, 2019</u>	<u>140</u>
<u>April 1, 2019 through March 31, 2024</u>	<u>145</u>
<u>After March 31, 2024</u>	<u>157</u>

(2) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103, 373.415 FS. History—New 9-16-92. Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-11-03, 11-10-03, 1-12-04,_____

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Water Levels and Rates of Flow

RULE CHAPTER NO.: 40D-8

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next priority lake pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lake Marion in Levy County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

TIME AND DATE: 6:00 p.m., Monday, December 12, 2005

PLACE: City of Williston Community Center, 50 Northwest Main Street, Williston, FL 32696

Public workshop on proposed minimum lake levels and guidance levels for Lake Marion in Levy County, Florida.

One or more governing board or basin board members may attend.

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: (800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Time for Compliance with Final Order
 RULE NO.: 61G4-12.008

PURPOSE AND EFFECT: The Board proposes to delete a circumstance when probation may be tolled.

SUBJECT AREA TO BE ADDRESSED: Tolling of probation.

SPECIFIC AUTHORITY: 455.227(2), 489.108 FS.

LAW IMPLEMENTED: 455.227(2), 489.129(2), (6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Qualification for Certification
 RULE NO.: 61G4-15.001

PURPOSE AND EFFECT: The Board proposes to add an additional category of person who can verify experience.

SUBJECT AREA TO BE ADDRESSED: Qualifications for certification.

SPECIFIC AUTHORITY: 489.111 FS.

LAW IMPLEMENTED: 489.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLES: Application and Examination Fees
 RULE NOS.: 61G10-12.001
 Fees 61G10-12.002

PURPOSE AND EFFECT: The Board proposes to adjust examination fees and add fees for consideration of null and void license applications.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 481.306, 481.307, 455.217, 455.219(6) FS.

LAW IMPLEMENTED: 481.307, 455.217, 455.219(6) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FAW.

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLE: Schedule of Fees Adopted by the Board
 RULE NO.: 61G16-3.001

PURPOSE AND EFFECT: The Board proposes to amend the rule to raise the biennial renewal fee, for professional geologists in active status, from \$125 to \$150.

SUBJECT AREA TO BE ADDRESSED: Biennial licensure renewal fee for active status geologists.

SPECIFIC AUTHORITY: 455.213(2), 455.217, 455.219, 455.271, 492.104, 492.1101 FS.

LAW IMPLEMENTED: 455.213(2), 455.217, 455.219, 455.271, 492.105, 492.106, 492.1101, 492.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John T. Knap, Executive Director, Board of Professional Geologists, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G16-3.001 Schedule of Fees Adopted by the Board.

The following fees are prescribed by the Board:

- (1) through (3) No change.
- (4) License and Certificate Renewal, Reactivation:
 - (a) The biennial renewal for licensure as a professional geologist in an active status shall be one hundred fifty dollars (\$150) ~~twenty-five dollars (\$125)~~.
 - (b) through (e) No change.
 - (5) No change.

Specific Authority 455.213(2), 455.217, 455.219, 455.271, 492.104, 492.1101 FS. Law Implemented 455.213(2), 455.217, 455.219, 455.271, 492.105, 492.106, 492.1101, 492.111 FS. History—New 4-27-88, Amended 3-15-90, 2-21-91, 10-27-91, Formerly 21DD-3.001, Amended 5-22-96, 5-14-97, 9-18-97, 11-23-99, 11-16-04, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Renewal of Inactive Registrations, Licenses and Certifications
 RULE NO.: 61J1-4.007
 PURPOSE AND EFFECT: The Board is updating the requirements for renewal of inactive registrations, licenses, and certifications.
 SUBJECT AREA TO BE ADDRESSED: Renewal of Inactive Registrations, Licenses and Certifications.
 SPECIFIC AUTHORITY: 475.614, 475.619 FS.
 LAW IMPLEMENTED: 475.618, 475.619 FS.

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Supervision of Registered Trainee Appraisers
 RULE NO.: 61J1-4.010
 PURPOSE AND EFFECT: The Board is updating the rule regulating the supervision of registered trainee appraisers.
 SUBJECT AREA TO BE ADDRESSED: Supervision of Registered Trainee Appraisers.
 SPECIFIC AUTHORITY: 475.614 FS.
 LAW IMPLEMENTED: 475.611, 475.6221, 475.6222 FS.

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

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Retired Status Fee
 RULE NO.: 64B2-12.020
 PURPOSE AND EFFECT: The Board proposes to establish a retired status fee.
 SUBJECT AREA TO BE ADDRESSED: Retired Status Fee.
 SPECIFIC AUTHORITY: 456.036(4)(b), 460.405 FS.
 LAW IMPLEMENTED: 456.036(4)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-12.020 Retired Status Fee.

The fee for an active or inactive status licensee who chooses retired status is \$50.00.

Specific Authority 456.036(4)(b), 460.405 FS. Law Implemented 456.036(4)(b) FS. History–New

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE TITLE: Retired Status License

RULE NO.: 64B2-13.008

PURPOSE AND EFFECT: The Board proposes to establish this rule to delineate requirements for active status licensee conversions to retired status license and licensee conversions from retired status license back to active status.

SUBJECT AREA TO BE ADDRESSED: Retired Status License.

SPECIFIC AUTHORITY: 456.036(10), 460.405 FS.

LAW IMPLEMENTED: 456.036(10) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-13.008 Retired Status License.

(1) Any licensee may elect at the time of licensure renewal to place the license on retired status by paying the retired status fee of \$50.00.

(2) A retired status licensee may change to active status provided:

(a) The licensee must meet the continuing education requirements of Rules 64B2-13.004 and 64B2-13.0045, F.A.C., for each biennium the licensee was in retired status and pay all past renewal fees;

(b) If the license has been in retired status for more than 5 years, the licensee must retake and pass the examination as set forth in Rule 64B2-11.001, F.A.C., and retake an approved laws and rules course as set forth in Rule 64B4-6.0045, F.A.C.

Specific Authority 456.036(10), 460.405 FS. Law Implemented 456.036(10) FS. History–New

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE TITLE: Guidelines for the Disposition of Disciplinary Cases

RULE NO.: 64B2-16.003

PURPOSE AND EFFECT: The Board proposes to add a new guideline in this rule.

SUBJECT AREA TO BE ADDRESSED: Guidelines for the Disposition of Disciplinary Cases.

SPECIFIC AUTHORITY: 456.039(3), 456.072, 456.079, 460.405, 460.413 FS.

LAW IMPLEMENTED: 456.039(3), 456.072, 456.079, 460.413(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-16.003 Guidelines for the Disposition of Disciplinary Cases.

(1) When the Board finds that an applicant or licensee whom it regulates pursuant to Chapter 460, F.S., has violated the below-listed provisions, it shall issue a final order imposing appropriate penalties, for each count, as set forth in Section 456.072(2), F.S., within the ranges recommended in the following disciplinary guidelines. The identification of offenses are descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included. For all persons subject to this rule, conditions of probation may be required following any period of suspension of license and probation will require compliance with conditions as set forth in subsection (3). For applicants, all offenses listed herein are sufficient for refusal to certify an application for licensure. If the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient. In addition to any other discipline imposed, the Board

shall assess the actual costs related to the investigation and prosecution of a case. In addition to or in lieu of any guideline penalties provided herein, if the violation is for fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000 per count or offense.

(a) through (zz) No change.

(aaa) Section 456.072(1)(gg), F.S., for being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, F.S., for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program – from a minimum of suspension until compliant with contract to \$1000 fine and/or revocation. For subsequent offenses, suspension until compliant with contract to \$10,000 and/or revocation.

(2) through (3) No change.

Specific Authority 456.039(3), 456.072, 456.079, 460.405, 460.413 FS. Law Implemented 456.039(3), 456.072, 456.079, 460.413(4) FS. History–New 1-10-80, Formerly 21D-16.03, Amended 1-28-87, 1-28-90, 6-24-93, Formerly 21D-16.003, Amended 10-26-93, Formerly 61F2-16.003, Amended 7-18-95, Formerly 59N-16.003, Amended 11-4-98, 6-6-02, 5-23-04, 4-13-05, 9-15-05,_____.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Retired Status License

RULE NO.: 64B4-6.0014

PURPOSE AND EFFECT: The Board proposes to update requirements for a retired status license.

SUBJECT AREA TO BE ADDRESSED: Retired Status License.

SPECIFIC AUTHORITY: 456.036(10), 491.004(5) FS.

LAW IMPLEMENTED: 456.036(10) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-6.0014 Retired Status License.

(1) Any licensee may elect at the time of licensure renewal to place the license on retired status by paying the retired status fee of \$50.00.

(2) A retired status licensee may change to active status provided:

(a) If the license has been in retired status for less than 10 years, the licensee must meet the continuing education requirements of Rules 64B4-6.001 and 64B4-6.002, F.A.C., for each biennium the licensee was in retired status and pay all past renewal fees;

(b) If the license has been in retired status for more than 10 years, the licensee must retake and pass the applicable examination for the licensee’s profession set forth in Rule 64B4-3.003, F.A.C., and retake an approved laws and rules course as set forth in Rule 64B4-6.0045, F.A.C.

Specific Authority 456.036(10), 491.004(5) FS. Law Implemented 456.036(10) FS. History–New_____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Colonic Irrigation

RULE NO.: 64B7-31.001

PURPOSE AND EFFECT: To require licensees resuming practice from retired status to pass an examination on colonic irrigation prior to practicing colonic irrigation.

SUBJECT AREA TO BE ADDRESSED: Colonic Irrigation.

SPECIFIC AUTHORITY: 480.035(7), 480.041(4), 456.036 FS.

LAW IMPLEMENTED: 480.032, 480.033, 480.041(4), 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Standards for Transfer of Credit

RULE NO.: 64B7-32.004

PURPOSE AND EFFECT: To designate which schools may transfer credit.

SUBJECT AREA TO BE ADDRESSED: Standards for Transfer of Credit.

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.033(9), 480.041(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Citations
 RULE NO.: 64B10-14.006
 PURPOSE AND EFFECT: The Board proposes to review this Rule to determine if changes or deletions are necessary.
 SUBJECT AREA TO BE ADDRESSED: Citations.
 SPECIFIC AUTHORITY: 456.073, 456.077 FS.
 LAW IMPLEMENTED: 456.077 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: License by Endorsement
 RULE NO.: 64B32-2.001
 PURPOSE AND EFFECT: The Board proposes to amend the rule to add language with regard to applicants seeking reentry into the profession, after 5 years of non-practice.
 SUBJECT AREA TO BE ADDRESSED: Applicants seeking reentry into the profession after 5 years of non-practice.
 SPECIFIC AUTHORITY: 468.353(1), 468.358(3) FS.
 LAW IMPLEMENTED: 468.358(2), (3), 468.365 FS.

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

TIME AND DATE: 10:00 a.m., January 13, 2006
 PLACE: 4052 Bald Cypress Way, Third Floor, Room 301, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this meeting are asked to advise the Board at least five

business days prior to the meeting by contacting the Board's Call Center at (850)488-0595. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

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

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Fees
 RULE NO.: 64B32-4.001
 PURPOSE AND EFFECT: The Board proposes to amend the rule to add language for retired status fees.
 SUBJECT AREA TO BE ADDRESSED: Retired status fees.
 SPECIFIC AUTHORITY: 456.025(1), 456.036(7), (8), 456.065, 468.353(1), 468.364 FS.
 LAW IMPLEMENTED: 456.025(1), (6), 456.036, 456.065, 468.364 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B32-4.001 Fees.
- (1) through (7) No change.
- (8) The retired status fee shall be \$50.00.

Specific Authority 456.025(1), 456.036(7), (8), 456.065, 468.353(1), 468.364 FS. Law Implemented 456.025(1), (6), 456.036, 456.065, 468.364 FS. History—New 4-29-85, Formerly 21M-36.04, Amended 5-10-92, Formerly 21M-36.004, Amended 9-21-93, 1-3-94, Formerly 61F6-36.004, Amended 7-18-95, Formerly 59R-73.004, 64B8-73.004, Amended 4-27-00, 8-13-02, 5-15-05,_____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLES: Disciplinary Guidelines
 Citations
 RULE NOS.: 64B32-5.001
 64B32-5.007

PURPOSE AND EFFECT: The Board proposes to amend the rules to add language to the disciplinary guidelines regarding terminations of PRN contracts, and practicing with a delinquent, retired, or inactive status license, while deleting citation language regarding practicing with a delinquent, retired, or inactive status license under Section 468.365(1)(x), F.S.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines and citations.

SPECIFIC AUTHORITY: 456.077, 456.079, 468.365(4) FS.

LAW IMPLEMENTED: 456.072, 456.072(3), 456.077, 468.365 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-5.001 Disciplinary Guidelines.

(1) through (3)(cc) No change.

(dd) Termination of PRN Contract – Reprimand to revocation, plus an administrative fine from \$250 to \$2,000.

(ee) Practicing with a delinquent, retired, or inactive status license – Reprimand to revocation, plus an administrative fine from \$2,000 to \$10,000. If fraud is shown, \$10,000 fine per count.

(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, 12-5-04, 5-15-05,_____.

64B32-5.007 Citations.

(1) No change.

(2) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

(a) through (b) No change.

~~(c) Practicing on a delinquent license under Section 468.365(1)(x), F.S.: \$200.~~

~~(c)(d)~~ Failure to notify the Board of current address as required by Rule 64B32-1.006, F.A.C.: \$50 fine.

~~(d)(e)~~ Failure to keep written respiratory care records justifying the reason for the action taken on only one patient under Section 468.365(1)(t), F.S.: \$100 fine.

~~(e)(f)~~ Circulating misleading advertising in violation of Section 468.365(1)(e), F.S.: \$500 fine.

~~(f)(g)~~ Exercising influence on a patient to exploit the patient for financial gain by promoting or selling services, goods, appliances or drugs under Section 468.365(1)(u), F.S.: \$1,000 fine.

~~(g)(h)~~ Failure to submit compliance documentation after receipt of the continuing education audit notification under Section 468.365(1)(x), F.S.: \$150 fine.

~~(h)(i)~~ Failure to provide satisfaction including the costs incurred following receipt of the Department’s notification of a check dishonored for insufficient funds under Section 468.365(1)(l), F.S.: \$150 fine.

~~(i)(j)~~ Failure to pay required fees and/or fines in a timely manner under Section 468.365(1)(i), F.S.: \$150 fine.

(3) through (6) No change.

Specific Authority 456.077 FS. Law Implemented 456.072(3), 456.077 FS. History–New 5-19-96, Formerly 59R-74.006, 64B8-74.006, Amended 1-6-02, 5-31-04,_____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: _____ RULE NO.:

Continuing Education Requirements for Reactivation of License 64B32-6.007

PURPOSE AND EFFECT: The Board proposes to amend the rule to add language for the reactivation of licenses, after 5 years of non-practice.

SUBJECT AREA TO BE ADDRESSED: Reactivation of inactive licenses.

SPECIFIC AUTHORITY: 456.036, 468.353 FS.

LAW IMPLEMENTED: 468.363 FS.

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

TIME AND DATE: 10:00 a.m., January 13, 2006

PLACE: 4052 Bald Cypress Way, Third Floor, Room 301, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this meeting are asked to advise the Board at least five business days prior to the meeting by contacting the Board’s Call Center at (850)488-0595. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

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

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

(8) Open Water Hazard – means any body of water such as canals, creeks, holding ponds, rivers, lakes, or swamps which are unrestricted by a barrier at least 4 feet in height, on or abutting to the property of a community based residential facility. This term does not include pools or spas and small ornamental fish ponds or above ground fountains which are less than 24 inches deep and have less than 200 square feet of surface area.

(9) Personal Services – means providing supervision, custodial care, or assisting a resident with the tasks or functions in their daily living activities, such as bathing, dressing, laundry, eating, ambulation, grooming, toileting, or monitoring medications.

(10) Potentially Hazardous Food – means any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form:

(a) Capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; or

(b) Capable of supporting the slower growth of Clostridium botulinum.

(c) The term “potentially hazardous food” does not include foods which have a pH level of 4.6 or below, or a water activity (Aw) value of 0.85 or less, or air-cooled hard-boiled eggs with the shell intact.

(11) Renovation – means any structural or equipment changes in the food storage, service, preparation, or dining area. This does not include replacing existing equipment with like equipment. Substantial renovation includes structural changes to an existing establishment which costs in excess of 33 percent of the assessed value of the facility as determined by the county property appraiser.

(12)(2) Resident – means a person living residing in and receiving personal services ~~care~~ from a community based residential facility, or personal services through coordinated outsourcing, typically due to a specific emotional, social, or health related condition.

(13) Wading Pool – means a temporary and portable pool that holds water, is less than 24 inches in depth, without motors, and only allowed in private single-family residences. It may also be known as a kiddie pool.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History–New 6-18-87, Amended 8-7-96, Formerly 10D-23.002, Amended _____.

64E-12.003 Water Supply.

(1) Water supplies shall be adequate to serve the demands of the facility and shall be constructed, operated and maintained in accordance with requirements of Chapters 62-550 and 62-555 or Chapter 64E-8, Florida Administrative Code (F.A.C.).

(a) Facilities served by a private well drinking water supply not regulated by Chapter 64E-8 or 62-550, F.A.C., must submit bacteriological water test results to the local county

health department (CHD). Laboratory test results must be submitted on forms provided by the testing laboratory. Laboratory test results must be negative for bacteriological contamination. Testing shall be conducted at least every 12 months, before opening, or when a facility relocates. Testing can be obtained through the local county health department or a certified independent laboratory.

(b) Positive test results require the facility to temporarily provide potable water from a source approved by law for the purpose of drinking, cooking, and oral contact until test results are negative.

(c) A private well drinking water supply not regulated by Chapter 64E-8 or 62-550, F.A.C., shall be disinfected, flushed, and tested for bacterial contamination before being placed in service after construction, repair, or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system.

(2) Drinking water shall be accessible to all residents. When drinking fountains are available, they shall be designed in compliance with the Florida Building Code first edition including the 2002 Florida Code Inserts, Plumbing Volume May, 2001 and State Plumbing Code, Section 553.06, Florida Statutes (F.S.). When no approved drinking fountains are available, residents shall be provided with single service cups or clean drinking utensils which shall be stored and dispensed in a manner to prevent contamination. Common drinking cups are prohibited.

(3) No change.

Specific Authority 381.006(16), FS. Law Implemented 381.006(6), (16) FS. History–New 6-18-87, Amended 8-7-96, Formerly 10D-23.003, Amended _____.

64E-12.004 Food Service.

There shall be three levels of food service with different minimal requirements in community based residential facilities based on facility type or the number of residents in care. When applying food standards, only one level of food service standards listed in subsections (1)-(3) below may be applied to a facility. Facilities receiving or providing catered food must meet applicable standards as described in subsection (4) below.

(1) Facilities meeting the definition of “adult family-care home” regardless of the number of residents as defined in Section 400.618, F.S., “family foster home” regardless of the number of residents as defined in Section 409.175(2)(e), F.S., and other community based residential facilities housing less than 4 residents, shall comply with the following requirements: If food service is provided in the facility for 10 or fewer residents in care, the facility shall comply with the following requirements:

(a) Food used in the facility shall be clean, wholesome, free from spoilage and safe for human consumption. Home canned food shall not be used. Canned food shall be from sources that are approved by law.

(b) The facility shall ~~store, prepare and serve foods in such a manner as to~~ protect food from dust, flies, rodents and other vermin, toxic materials, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding by sewage, overhead leakage and all other sources of contamination at all times during storage, food preparation, transportation both on and off premises, and service.

(c) Food storage equipment shall be provided to keep all potentially hazardous foods at safe temperatures, ~~415°F degrees Fahrenheit~~ or below or ~~140°F degrees Fahrenheit~~ or above, except during necessary periods of preparation and service. Potentially hazardous food shall not have been out of temperature more than 4 cumulative hours during the course of thawing, preparation, service and cooling.

(d) At least ~~a two compartment one sink or a single compartment sink and a residential use dishwasher~~ with hot and cold potable water under pressure shall be provided in the food preparation area. Facilities regulated by the department or licensed by other State Agencies prior to July 1, 2006, that have been in continuous operation since initial regulation or licensing, are exempt from the two compartment sink requirement and may have only a single compartment sink in the food preparation area. If the facility changes ownership, moves, or relocates, this exemption is not transferable to the new location, new facility, or from one owner to another.

(e) Refrigeration units and hot food storage units used for the storage of potentially hazardous foods shall be provided with a numerically scaled indicating thermometer accurate to plus or minus 3°F. The thermometer shall be located in the warmest or coldest part of the units as may be applicable and of such type and so situated that the temperature can be easily and readily observed.

(2) ~~Except as described in subsection (1) above, if~~ food service is provided in ~~a the facility housing from for 4 to 10 residents 11 or fewer more, but fewer than 25, residents in care,~~ the facility shall comply with the following requirements:

(a) Sections 64E-11.002, Definitions; 64E-11.003, Food Supplies; 64E-11.004, Food Protection; 64E-11.005(1), (2)(b) c., e., f., (3), (4), (5), Personnel; 64E-11.013(3)(c)1., 2., 4. of Chapter 64E-11, F.A.C., shall apply.

(b) The following shall apply to facilities opening, initially licensed by the licensing agency, or renovating on or after July 1, 2006. Prior to construction or renovation of a food service operation or substantial facility renovation, notification and plans of the proposed construction or renovation shall be given to the department at least 90 days prior to the start of the project for review and approval. Plans shall be submitted by the owner, prospective operator, or their designated representative. All plans shall be in compliance with this section, shall be drawn to scale, describe the layout, construction, finish schedule, general operation of the facility,

equipment design and installation, and similar aspects of the facility's food service operation. A copy of the intended menu shall be provided to the Department as part of the plan review.

~~(c)(b)~~ The floor surfaces in kitchens, all the rooms and areas in which food is stored or prepared and in which utensils are washed or stored, shall be of smooth, nonabsorbent material and constructed so ~~they~~ it can be easily cleaned and shall be kept clean and in good repair.

~~(d)(e)~~ The walls and ~~shelving ceilings~~ of all food preparation ~~areas, food storage areas,~~ utensil washing and handwashing rooms or areas shall have smooth, easily cleanable surfaces. Walls shall be washable up to the highest level reached by splash or spray.

~~(e)(d)~~ Hot and cold running water under pressure shall be easily accessible where food is prepared and where utensils are washed.

~~(f)(e)~~ ~~A h~~Handwashing ~~sink facilities,~~ provided with hot and cold running water ~~under pressure,~~ shall be located within the food preparation area ~~and labeled as such in new residential facilities and residential facilities which are extensively altered. A hand washing sink shall not be used for any other purpose. Existing facilities shall have until July 1, 2007, to comply with this requirement.~~

(g) In addition to the designated one compartment handwashing sink in paragraph (f) above, a two compartment sink or one compartment sink and a residential use dishwasher shall be provided for warewashing. Notwithstanding the provisions in paragraph (f) above, if a facility has a two compartment sink and a residential dishwasher, one compartment of the two compartment sink can be designated as a handwashing sink when labeled and used exclusively as such. Existing facilities shall have until July 1, 2007, to comply with this requirement.

~~(h)(f)~~ Multi-use equipment and utensils shall be constructed and repaired with materials that are non-toxic, corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable and durable under conditions of normal use; and shall not impart odors, color or taste nor contribute to the contamination of food.

~~(i)(g)~~ All multi-use eating and drinking utensils shall be thoroughly cleaned with hot water and an effective detergent, then shall be rinsed free of such solution, ~~then effectively sanitized as defined in Chapter 64E-11, F.A.C.~~

~~(h)~~ ~~A three compartment sink or two compartment sink and dishwasher with an effective, automatic sanitizing cycle, shall be provided. Machine sanitization may be accomplished by the use of chemical solutions, hot water or hot air. After sanitizing, utensils shall be air dried and properly stored. Other types of warewashing devices may be approved by the county health unit.~~

~~(j)(i)~~ Refrigeration units and hot food storage units used for the storage of potentially hazardous foods shall be provided with a numerically scaled indicating thermometer accurate to

plus or minus 3 degrees Fahrenheit. The thermometer shall be located in the warmest or coldest part of the units as may be applicable and of such type and so situated that the temperature can be easily and readily observed.

~~(j) No live animals shall be kept or allowed in the food storage, preparation and serving area.~~

(k) Potentially hazardous foods that are in a form that is edible without washing, cooking, or additional preparation, including previously cooked foods such as leftovers, must be stored in accordance with the date marking and disposition requirements of subsections 64E-11.004(14) and (15), F.A.C.

(l) The facility shall protect food and food equipment from all sources of contamination at all times during storage, food preparation, service, and transportation both on and off premises.

(m) Live animals and pets living in or visiting a community based residential facility shall be restricted from the kitchen and any food preparation areas when food is being prepared or served. Restriction must be effective and may consist of passive restraint through obedience training, use of physical barriers such as a gate, physical restraint such as limiting the animal to a room outside of the kitchen or food preparation area, or any other effective means approved by the department. Animals and pets shall not be fed, watered, bedded, kept, or caged in the kitchen, food preparation, food storage, or dining area. Animal care supplies shall not be kept in the kitchen or other food storage areas. If live animals have access to kitchen and dining areas during non-food preparation and service times, then the facility shall effectively sanitize the dining tables, kitchen counter top surfaces, food preparation surfaces, and other similar surfaces immediately before the next meal service or food preparation begins. Persons handling or having direct physical contact with an animal must wash their hands immediately prior to preparing or serving food.

(n) As part of an organized activity, residents may participate in food preparation under direct supervision of the designated staff person in charge of food service activities, who is knowledgeable in food hygiene safety.

(3) If food service is provided in the facility for 11 25 or more residents, it shall comply with Chapter 64E-11, F.A.C. Existing facilities shall have until September 30, 2007, to comply with the requirements of this Chapter except for item paragraph (b) below.

(a) Upon initial approval by the department and prior to any organized activity, residents may participate in food preparation as part of an organized activity, under the direct supervision of a trained food service employee per Rule 64E-11.012, F.A.C.

(b) Facilities with capacities of 11-24 residents that have been in continuous operation since initial regulation or licensing by the department prior to July 1, 2006, are exempt

from subsection 64E-11.008(8), F.A.C., until the facility remodels the kitchen or dining area, or substantially remodels the facility.

~~(4) If food is catered from outside sources, the caterer shall be licensed or regulated by a state or federal regulatory food program with Chapter 64E-11, F.A.C. Catered food once delivered to a community based residential facility must be adequately protected. If a community based residential facility caters to outside sources, it must meet Chapter 64E-11, F.A.C., standards and licensing regardless of its license capacity.~~

(a) When catering is provided as the primary means of food supply, a copy of a current catering agreement shall be provided to the local county health department at least annually or when a change in the agreement occurs. The agreement shall minimally include the designated delivery times, method of hot and cold holding once food is delivered, whether bulk or individually portioned food will be provided, and a designated responsible party for cleaning and sanitizing any multi-use equipment and utensils.

(b) Catered food once delivered to a community based residential facility must be adequately protected from contamination. The facility shall maintain a daily log indicating the date and time of delivery, name or type of potentially hazardous food(s), and the food temperatures upon arrival. Entries in the log shall be made at the time of delivery. These temperature logs shall be maintained and retained at the facility for a period not less than 6 months. The records required by this section must be made available for review by the department upon department request.

(c) Catering requirements listed in paragraphs (a) and (b) above, do not apply in the occasional carry-out or delivery to the facility of items such as, pizza, wings, sub-sandwiches, fried chicken, or barbecued food.

Specific Authority 381.006(16), 381.0072(2)(a) FS. Law Implemented 381.006(6), (16), 381.0072(2)(a),(b),(c), 386 FS. History—New 6-18-87, Formerly 10D-23.006, Amended _____.

64E-12.005 Housing.

(1) The facility shall provide safe and sanitary housing free from objects, materials, and conditions that constitute a danger to the residents.

(2) Floors, walls, ceilings, windows, doors and all appurtenances of the structures shall be of sound construction, properly maintained, easily cleanable and shall be kept clean.

(a) Floor surfaces shall be of non-slip type and maintained free of loose or broken tiles and boards, holes, uneven projections, protruding nails, tears, splinters, water spillage and other tripping hazards. Bathtubs and showers shall contain slip-resistant strips, slip-resistant rubber bath mats, or slip-resistant surfaces.

(b) through (c) No change.

(d) All external windows designed to open shall be accessible and operable.

(3) No change.

(4) All areas of the facility shall be well lighted. Dormitories, bedrooms, toilets, bathing rooms, shower rooms, and dayrooms shall have light fixtures that provide capable of providing at least 20 foot candles of illumination in all areas of the room, measured at a distance 30 inches from the floor, to permit observation, cleaning and maintenance. Light fixtures shall be maintained to work as designed and kept clean.

(5) through (6) No change.

(7) Mechanical cooling devices shall be used and in working condition ~~made available for use~~ in those areas of buildings occupied by residents when inside temperatures exceed 85° Fahrenheit. Exceptions are made when the resident is capable and in control of the thermostat or cooling devices in their personal area and chooses for it to exceed 85° Fahrenheit.

(8) All heating and cooling systems shall be consistent with current building and fire code rules applicable to the area where the facility is located, as determined by building and fire officials.

(9) No change.

(10) Plumbing shall be maintained in compliance with the requirements of the Florida Building Code first edition, including the 2002 Florida Code Inserts, Plumbing Volume May, 2001 and State Plumbing Code, Chapter 553.06, F.S.

(11) through (12) No change.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Amended 8-7-96, Formerly 10D-23.009, Amended _____.

64E-12.006 Vermin Insect and Rodent Control.

Effective control measures shall be utilized to minimize the presence of rodents, flies, cockroaches and other vermin insects on the premises. The primary means of pest control shall be the use of integrated pest management (IPM) systems and tools approved by the department. This does not restrict the use of licensed pest control companies or individuals. IPM tools, such as “Integrated Pest Management for Schools: How-to Manual” which are recognized by the United States Environmental Protection Agency, are department approved practices for the control of pests throughout a residential facility. The manual is available at <http://www.epa.gov/pesticides/ipm/schoolipm/index.html> or by writing for a free copy to EPA Pesticides Section, U.S. EPA Region 9, 75 Hawthorne Street (CMD-5), San Francisco, CA 94105. The creation, maintenance or causing of any condition capable of propagating insects, ~~or~~ rodents, or other vermin will not be permitted. All buildings shall be effectively rodent-proofed, free of rodents and maintained in a rodent-proof and rodent-free condition. All outside openings shall be effectively sealed or screened with 16 mesh screening or equivalent, to prevent entry of insects, ~~or~~ rodents, or other vermin, except in wilderness programs when mosquito netting is provided to each resident.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Amended 8-7-96, Formerly 10D-23.010, Amended _____.

64E-12.008 Laundry.

(1) No change.

(2) Laundry rooms shall have fixtures that provide at least 30 foot-candles of illumination, kept clean and free of lint build-up, and be properly ventilated as specified in the Florida Building Code first edition, including the 2002 Florida Code Inserts. Lighting will be measured 30 inches above the floor. Laundry rooms shall be well lighted and properly ventilated. Clothes dryers shall be vented to the exterior. Carts used for transporting dirty clothes, linens and towels shall not be used for transporting clean articles unless the carts have been thoroughly cleaned and sanitized.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Formerly 10D-23.012, Amended _____.

64E-12.009 Medications, Alcohol, Poisonous or Toxic Substances.

(1) Poisonous, or toxic substances compounds are to be stored apart from food and other areas that would constitute a hazard to the residents. All containers are to be clearly labeled indicating their contents. All toxic, poisonous, and alcoholic substances shall be kept in locked areas, such as a locked office, locked cabinet, or locked cupboard at all times when not in use.

(2) Medications shall be kept in locked areas, such as a locked office, locked cabinet, or locked box at all times when not in use. This is in addition to a childproof medicine bottle cap, lid, or other packaging. Exceptions are extended to life saving medications such as epinephrine pens, insulin, nitro glycerin, or asthma inhalers that may be needed by the resident who is capable of self-medication in an emergency due to illness or disease. Medicine containers or packaging must be clearly labeled indicating the prescribed individual’s name and its contents. Medications requiring refrigeration or which are stored in a food service or food storage area, shall be stored in such a manner that they do not pose a contamination hazard to food.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Formerly 10D-23.013, Amended _____.

64E-12.011 Recreational Areas.

(1) through (2) No change.

(3) If swimming pools, wading pools, spas, or open water hazards are located on the property of a available in community based residential facilities, the facility shall provide direct pools should be supervised by an adult when in used or when the area is occupied by minors children and other residents that are not capable of self-preservation. The individual responsible for supervision during water activities

or near water hazards must have successfully completed the community water safety course specified in paragraph (b) below.

(a) Private single-family homes using a wading or kiddie pool must empty the pool immediately after use and sanitize the pool whenever the water becomes soiled, such as when a fecal accident occurs.

(b) All community based residential facilities with swimming pools, spas, or open water hazards must have a person on staff or parent who has completed a community water safety course administered by the American Red Cross, YMCA, or any aquatic training program granted approval under paragraph 64E-9.008(1)(d), F.A.C.

(c) All residential pools and spas, regardless of construction date, shall meet the requirements of Chapter 515, F.S.

(d) Water safety devices shall be provided for pools and any open water hazard located on the property used as a swimming or recreational water sport area. A shepherd's hook shall be provided securely attached to a one piece pole not less than 16 feet in length, and at least one 18 inch diameter lifesaving ring with sufficient rope attached to reach all parts of the pool from the pool deck and at least 25 feet into the water from the edge of the swimming area. Safety equipment shall be mounted in a conspicuous place and be readily available for use. Spas, hot tubs, and kiddie pools under 200 square feet of surface area, with 24 inches or less of water depth are exempt from this requirement.

(f) Facilities with staff or parents who are hearing impaired and responsible for resident supervision shall install a visual alarm, in addition to any required audio alarm, for all exterior doors and windows.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Amended 8-7-96, Formerly 10D-23.015, Amended _____.

64E-12.012 Radon Testing.

Radon Testing shall be conducted in accordance with requirements listed in Chapter 404 of the Florida Statutes. Radon testing information can be obtained at (800)543-8279.

Specific Authority 404.056(4). (6) FS. Law Implemented 404.056(4) FS. History—New _____.

64E-12.013 Animal Health and Safety.

(1) Animals requiring rabies vaccination under Section 828.30, F.S., must be vaccinated for rabies and their vaccinations must be current at the time of inspection. Proof of rabies vaccination or veterinary certification of vaccination exemption shall be kept on the premises at all times.

(2) All animals must be kept in good health and free from disease or under treatment by a licensed veterinarian. Animals frequenting the outside must have an annual screening for internal parasites by a licensed veterinarian. Animals positive for internal parasites must be treated appropriately by the

licensed veterinarian. Animals being kept or having access to the indoors must be treated for flea control throughout the year to prevent infestations.

(3) Aggressive, venomous, or potentially dangerous animals must be restricted from access by the residents at all times and kept in such a manner so as not to be able to become free roaming and cause or inflict harm to the residents, visitors, or employees. These animals may not be housed in the residents' sleeping quarters.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

RULE TITLE: Special Provisions
RULE NO.: 65A-1.702

PURPOSE AND EFFECT: The purpose of this proposed rule is to keep the subject matter of Emergency Rule 65AER05-2 in effect without interruption for the provision of Medicaid benefits to eligible evacuees of the Hurricane Katrina disaster. Medicaid for Hurricane Katrina Evacuees provides payment for medical care and treatment on a temporary basis to evacuees from Louisiana, Mississippi and Alabama.

SUBJECT AREA TO BE ADDRESSED: Specific provisions for Medicaid for Hurricane Katrina Evacuees include definitions, application processing, verification, disability, child support enforcement, eligibility and benefits, and the affected population.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.16 FS.

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

TIME AND DATE: 2:00 p.m., December 12, 2005

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, telephone (850)921-0253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65A-1.702 Special Provisions.

(1) through (16) No change.

(17) Medicaid for Hurricane Katrina Evacuees.

(a) Definitions.

1. Emergency Area means a geographic area or region in which a National Disaster has been declared as a result of Hurricane Katrina. For the purposes of this program, the

relevant disaster is limited to affected counties or parishes in the States of Louisiana, Mississippi and Alabama declared by FEMA as requiring individual assistance.

2. Evacuee means an individual who is a resident of the emergency area, affected by a national disaster as declared by the President of the United States pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and has been displaced from his or her home by the emergency, and is not a non-qualified alien and meets the definition of eligible population.

3. Evacuee Status means a temporary eligibility status, not to exceed five months, during which evacuees will be able to access specified Medicaid benefits and services.

4. Home State means the state in which the national disaster has been declared and from which the evacuee has been displaced.

5. Host State means the state in which an evacuee is temporarily residing.

(b) Application Processing.

1. Applications will be accepted from August 24, 2005, through January 31, 2006, and may be retroactive to August 24, 2005. Any eligibility prior to September 1, 2005, will not count against an evacuee's eligibility period. The duration of the program is from August 24, 2005 through June 30, 2006.

2. The application process described in Administrative Rule 65A-1.205, F.A.C., will be used. The Hurricane Katrina Emergency Assistance Program for Evacuees Supplement to the Application for Assistance, Form CF-ES 2346, Sept. 2005, incorporated by reference, may be attached to the application.

(c) The Host State will, to the greatest extent possible, verify circumstances of eligibility, residency, and citizenship, to prevent fraud and abuse in the program. Evacuation status can be established by self-attestation of displacement, income, and immigration status. Evacuees must be required to cooperate in demonstrating evacuee status and other eligibility requirements.

(d) Proof of disability must be requested of individuals under age 65, who do not meet family-related Medicaid criteria, and who self-attest to a disability that prevents them from working for at least twelve months. Information for Social Security Administration available on a Medicare card or via data exchange is sufficient verification. If proof of disability is not available prior to application disposition, applicants must be given or mailed a Confirmation of Disability Letter, Form CF-ES 2347, Sept. 2005, incorporated by reference.

(e) Child support enforcement cooperation and the requirement to file for other benefits do not apply to applications processed under this emergency program.

(f) The population that may be certified under this rule is described in a Section 1115 waiver obtained from the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services. It consists of evacuees who

are parents, pregnant women, children under age 19, individuals with disabilities, low income Medicare recipients potentially eligible for the Qualified Medicare Beneficiary program (QMB), and low income individuals in need of long-term care with incomes up to and including the Host state's Medicaid levels. Pregnant women from Alabama must have income below 133% of poverty to qualify for Medicaid, in accordance with the requirements of the Section 1115 waiver. Two months of post partum benefits will also be provided to women whose pregnancies end during the five month eligibility period, even if the two months extend Medicaid eligibility beyond the five month period. Presumptive eligibility for newborns, transitional and extended Medicaid and continuous eligibility policies do not apply to this emergency program. Ex parte reviews will not be conducted, in accordance with the authority granted by the Section 1115 waiver.

(g) Evacuees who meet the requirements of this section will receive benefits under these provisions and funding mechanisms. Eligible individuals who receive Medicaid under these provisions cannot receive regular Medicaid for the same time period. Eligible evacuee households that were approved for food stamp or cash assistance benefits prior to implementation of this rule may request Medicaid benefits without a separate application.

(h) Fair hearings and/or appeals are not provided as part of this emergency Medicaid program.

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History—
New _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Office of Human Resources

RULE TITLE:

RULE NO.:

Appointments and Status

65C-32.002

PURPOSE AND EFFECT: This notice advises of the agency's desire to obtain an exception to the uniform personnel rules of the Department of Management Services set forth in Rule 60L-33.002, F.A.C. If approved by the Administration Commission, and following adoption by the agency, the rule shall provide that the person to be appointed must not be a prior agency employee who was dismissed for cause by the agency, or a former agency employee who resign their employment in lieu of dismissal or while the subject of a pending agency investigation.

SUBJECT AREA TO BE ADDRESSED: Employability and discipline of former agency employees.

SPECIFIC AUTHORITY: 110.201, 110.217 FS.

LAW IMPLEMENTED: 110.131, 110.201, 110.211, 110.213, 110.227, 110.403, 110.604, 110.605 FS.

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

TIME AND DATE: 2:00 p.m., December 21, 2005
PLACE: 1317 Winewood Boulevard, Building 1, Room 103, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David R. DiSalvo, Human Resources Director-DCF, 1317 Winewood Blvd., Bldg. 1, Room 106C, Tallahassee, Florida 32399, (850)488-2840

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Definitions
RULE NO.: 68A-1.004

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to provide definitions for language in rules of the Fish and Wildlife Conservation Commission, during calendar year 2006.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include rule language definitions.
SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: General Prohibitions
RULE NO.: 68A-4.001

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2006, associated with general prohibitions pertaining to wildlife and freshwater fish resources.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general prohibitions pertaining to wildlife and freshwater fish resources.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Quota Hunt Permits and Special-Opportunity Permits
RULE NO.: 68A-5.005

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish or revise procedures for application, selection, or issuance of quota hunt or special-opportunity hunt permits, during the 2006 calendar year.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include the application, selection and issuance of Quota Hunt Permits and Special-opportunity Permits.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.57(4)(f) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES: RULE NOS.:

- Permits for Hunting or Other Recreational Use on Wildlife Management Areas 68A-9.004
- Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing 68A-9.007
- Permits for Physically Disabled 68A-9.008

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2006, associated with recreational use permits and related fees on Wildlife Management Areas; special-use permits, short-term use permits, special-opportunity hunting and fishing permits, and any related fees; and permits for the physically disabled.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include recreational use permits; special-use permits, short-term use permits, special-opportunity hunting and fishing, and related fees; and permits for the physically disabled.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution. LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.121, 372.57, 375.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES: RULE NOS.:

- General Methods of Taking Game; Prohibitions 68A-12.002
- Taking Destructive Birds and Mammals 68A-12.009

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish or revise rule provisions to regulate general methods of taking game and destructive birds or mammals, during calendar year 2006.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include provisions to regulate methods of taking game and destructive birds and mammals.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES: RULE NOS.:

- Open Season for Taking Game; Bag and Possession Limits 68A-13.001
- Migratory Birds; Adoption of Federal Statutes and Regulations 68A-13.002
- Hunting Regulations for Ducks, Geese, and Coots 68A-13.003

Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits to Private Landowners	68A-13.004
Hunting on National Wildlife Refuges	68A-13.006
Hunting Regulations on Public Small-Game Hunting Areas	68A-13.007
Hunting Regulations for Migratory Birds Other than Ducks and Coots	68A-13.008

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is, during calendar year 2006, to (1) establish open seasons, bag limits and possession limits for taking game; (2) establish hunting regulations for ducks, geese, coots, and other migratory birds; (3) provide for adoption of Federal statutes and regulations pertaining to migratory birds and hunting on National Wildlife Refuges; (4) establish hunting regulations for public small-game hunting areas; and (5) provide for the issuance of antlerless deer permits to private landowners.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include regulations for taking game including waterfowl and other migratory birds, issuance of antlerless deer permits to private landowners, public small-game hunting area regulations, adoption of Federal statutes and regulations, and hunting on National Wildlife Refuges.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 372.021 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:	RULE NO.:
Establishment Orders	68A-14.001

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2006, to make reference to Commission Establishment Orders that (1) establish land as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas, (2) adjust acreage of said lands; and (3) make technical changes to Establishment Orders.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include establishment orders for wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
General Regulations Relating to Wildlife Management Areas	68A-15.004
Quota Permits; Antlerless Deer Permits	68A-15.005
Regulations Relating to Miscellaneous Areas	68A-15.006
Specific Regulations for Wildlife Management Areas – Southwest Region	68A-15.061
Specific Regulations for Wildlife Management Areas – North Central Region	68A-15.062
Specific Regulations for Wildlife Management Areas – Northwest Region	68A-15.063
Specific Regulations for Wildlife Management Areas – South Region	68A-15.064
Specific Regulations for Wildlife Management Areas – Northeast Region	68A-15.065

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2006, to (1) establish or revise general regulations relating to Wildlife Management Areas (WMA); (2) establish or adjust hunter quotas for WMAs; (3) establish or modify specific area regulations for WMAs; and (4) adjust hunting season dates on WMAs to conform with proposed 2005-2006 hunting season dates for the appropriate hunting zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general regulations, quota hunt permits, hunting season dates and specific area regulations pertaining to WMAs.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.57, 372.121, 375.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
General Regulations Relating to Wildlife and Environmental Areas	68A-17.004
Specific Regulations on Wildlife and Environmental Areas	68A-17.005

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2006, to (1) establish general regulations relating to Wildlife and Environmental Areas (WEA); (2) establish or modify specific area regulations for WEAs; and (3) adjust hunting season dates on WEAs to conform with proposed 2005-2006 hunting season dates for the appropriate hunting zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include hunting season dates, general regulations and specific area regulations pertaining to WEAs.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.57, 372.121, 375.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
Establishment	68A-21.002
General Regulations Relating to Wild Hog Areas	68A-21.004

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2006, associated with general regulation of wild hog areas.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general regulation of wild hog areas.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 372.021 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
Feeding or Enticement of Alligators or Crocodiles Unlawful	68A-25.001
General Provisions for Taking, Possession and Sale of Reptiles	68A-25.002
Taking and Disposal of Nuisance Alligators Statewide	68A-25.003
Regulations Governing the Operation of Alligator Farms	68A-25.004
Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands	68A-25.031
Regulations Governing the Establishment of Alligator Management Programs on Private Lands	68A-25.032
Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale	68A-25.042
Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts	68A-25.052

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2006, to establish regulations for taking and possessing alligators that will ensure conservation of alligator populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include requirements for taking and possessing alligators and other reptiles.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 370.081, 372.6672, 372.6673, 372.6674, 372.86, 372.87, 372.88, 372.89, 372.90, 372.91, 372.92, 372.921, 372.922 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
Killing Endangered Species	68A-27.0011
Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern	68A-27.0012
Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property	68A-27.002
Designation of Candidate Species; Prohibitions, Permits	68A-27.0021
Designation of Endangered Species; Prohibitions; Permits	68A-27.003
Designation of Threatened Species; Prohibitions, Permits	68A-27.004
Designation of Species of Special Concern; Prohibitions; Permits	68A-27.005
Reward Program	68A-27.006

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2006, to add species to, reclassify species, and/or remove species from the Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include listing, delisting, and reclassifying species to the Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 372.021 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.073 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Thomas Eason, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Firesafety In Educational Facilities	69A-58
RULE TITLES:	RULE NOS.:
Administration and General Requirements	69A-58.001
Scope: New Construction and Existing Facilities	69A-58.002
Definitions	69A-58.003
New Construction	69A-58.0031
Firesafety Inspections	69A-58.004
Serious Life Safety Hazards	69A-58.005
Inspections in General	69A-58.006
Counties, Municipalities, and Special Districts Having Firesafety Responsibilities, Without Firesafety Inspectors	69A-58.007
Standards and Requirements for Existing Buildings; Exceptions to Rule Chapter 69A-60, the Florida Fire Prevention Code	69A-58.008
Means of Egress	69A-58.0081
Relocatable Buildings	69A-58.0082
Protection from Hazards	69A-58.0083
Seclusion Time Out Rooms	69A-58.0084
Florida Firesafety School Evaluation System	69A-58.009
Other Applicable Codes and Standards	69A-58.010

PURPOSE AND EFFECT: The purpose of the rule development proceedings is to update the firesafety codes and standards for educational facilities after experience in administering the rules currently in existence and after extensive and continued consultation with the Department of Education and representatives from various school boards and local fire officials. In addition, these rulemaking proceedings are intended to include a substantial re-write of Rule 69A-58.008, F.A.C., in new sections to provide better organization and more clarity to the rule subjects. The effect of the rule development proceedings will be to adopt changes which will result in the administration of Sections 633.01(7), 633.022 and 1013.12, F.S., relating to educational facilities, in a more efficient and economic manner.

SUBJECT AREAS TO BE ADDRESSED: Firesafety in educational facilities.

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

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

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW. IF NOT REQUESTED, A WORKSHOP WILL NOT BE HELD.

TIME AND DATE: 9:00 a.m., December 9, 2005

PLACE: Peterson Building Conference Room, 200 North Kentucky Avenue, Lakeland, Florida

TIME AND DATE: 9:00 a.m., December 14, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 East Gaines street, Tallahassee, FL 32399-0342, phone: (850)413-3171; Fax: (850)414-6119; E-mail: Jim.Goodloe@fldfs.com.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-58.001 Administration and General Requirements.

The Division of State Fire Marshal ~~division~~ in consultation with the Department of Education hereby adopts firesafety rules for the use by boards and the authorities having jurisdiction ~~local fire officials~~ when conducting plans reviews for new construction and firesafety inspections of new construction and existing buildings located in educational facilities, educational plants, ancillary plants, and auxiliary facilities to ensure the safety of occupants.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New 2-18-03, Formerly 4A-58.001, Amended.

69A-58.002 Scope: New Construction and Existing Facilities.

(1) This rule chapter establishes uniform requirements to provide a reasonable degree of safety from fire in new construction and existing buildings located in educational facilities, educational plants, ancillary plants, and auxiliary facilities under the jurisdiction of a school board or a community college board of ~~trustees~~ trustees' jurisdiction.

(2) Nothing in this rule chapter is intended to require that existing construction ~~to~~ be more restrictive than a similar requirement for new construction.

(3) This rule chapter includes procedures for withdrawal of sites and facilities from use until unsafe conditions are corrected.

(4) ~~These rules apply to charter schools unless a charter school has elected to comply with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to Section 1013.37, F.S., as permitted by Section 1002.33(18), F.S. built on school district property and to charter schools electing to be constructed to State Requirements for Educational Facilities, or Florida Building Code, Section 423 Standards. Charter schools that are not located on school district property and elect not to be constructed under State Requirements for Educational Facilities, or Florida Building Code, Section 423 Standards, shall meet the firesafety standards set forth in NFPA 1 and NFPA 101, the editions as adopted in Rule 69A 3.012, F.A.C.~~

(5) Existing educational and ancillary facilities shall comply with the applicable provisions in NFPA 101, the edition adopted in Rule 69A-60.004 69A-3.012, F.A.C., except as modified by Chapter 1013, F.S., and this rule chapter.

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

(6) Any time NFPA 1 or NFPA 101 refers to any other NFPA standard that has been adopted by the division, the referenced standard shall be the edition adopted in Rule Chapter 69A-60, F.A.C., the Florida Fire Prevention Code 69A 3.012, F.A.C.

(7) Community colleges shall comply with the applicable chapters of NFPA 1 and NFPA 101, Florida Editions, in accordance with the following: These rules do not apply to any state-owned building.

(a) Instructional buildings, classrooms with a capacity of fewer than 50 persons, and instructional laboratories are classified as a business occupancy.

(b) Classrooms with a capacity of 50 persons or more are classified as an assembly occupancy.

(c) Non-instructional laboratories are classified as an industrial occupancy.

(8) Nothing contained in these rules prohibits a county, municipality, or special district having firesafety responsibility and a school board or community college from entering into an agreement or an understanding which governs inspections, reviews, and approvals of new construction in the subject jurisdiction.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New 2-18-03, Formerly 4A-58.002, Amended _____.

69A-58.003 Definitions.

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

(1) "Ancillary plant" is comprised of the building, site, and site improvements necessary to provide such facilities as vehicle maintenance, warehouses, maintenance, or administrative buildings necessary to provide support services to an educational program.

~~(2) "Authority having jurisdiction" means the county, municipality, or special district having firesafety responsibility or, where the context requires, the State Fire Marshal.~~

~~(2)(3) "Auxiliary facility" means the spaces located at educational plants which are not designed for student occupant stations.~~

~~(3)(4) "Building" or "board building" means any building or structure located on, upon, or in any educational facility, educational plant, ancillary plant, or auxiliary facility owned, rented, leased, or under lease-purchase agreement or lease-purchase option with a board. "Building" includes any permanent, fixed, relocatable, and manufactured building or structure.~~

~~(4) "District authority having jurisdiction" means the school district or community college employing or contracting with a firesafety inspector certified pursuant to Section 633.081(2), F.S., with authority to make inspections of buildings and to enforce the firesafety codes, as required by this rule, which establish standards for design, construction, erection, alteration, repair, modification, or demolition of school district buildings, structures, or facilities.~~

~~(5) "Division" including the lower case "division" means the Division of State Fire Marshal.~~

~~(6) "Educational facilities" means the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by the boards. As used in these rules and unless otherwise clearly indicated by the context, "educational facilities" includes each educational facility, educational plant, ancillary plant, and auxiliary facility and all buildings and structures contained therein and thereon.~~

~~(7) "Educational plant" comprises the educational facilities, site and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the education program of each plant.~~

~~(8) "Existing" facility means a facility or building that has been issued a certificate of occupancy prior to the effective date of this edition of this rule chapter occupied for one year or longer.~~

~~(9) "Florida Building Code" means the Florida Building Code as adopted in Rule 9B-3.047, F.A.C., adopted pursuant to Section 552.73, F.S.~~

~~(10) "Florida Fire Prevention Code" means the Florida Fire Prevention Code as adopted in Rule Chapter 69A-60 69A 3.012, F.A.C.~~

(11) “Local authority having jurisdiction” means the county, municipality or special district having firesafety responsibility employing or contracting with a firesafety inspector certified pursuant to Section 633.081(2), F.S., with jurisdiction to make inspections of buildings and to enforce the firesafety codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities or, where the context requires, the State Fire Marshal, as referred to in Section 1013.12(2)(b), F.S. “Local fire official” or “fire official” means a firesafety inspector certified under Section 633.081(2), F.S., and employed by or under contract with a county, municipality, or special district having firesafety responsibilities, and includes the chiefs of county, municipal, and special district fire departments. The term does not include a special state firesafety inspector employed by the board certified to conduct inspections of buildings as defined herein under Section 633.081(3), F.S.

(12) “New” facility means a facility that has not been occupied nor issued a certificate of occupancy prior to the effective date of this edition of this rule chapter for more than one year.

(13) NPFA 1 means National Fire Protection Association Code 1, the Uniform Fire Code, the Florida edition as adopted in Rule 69A-60.003, F.A.C.

~~(14)~~(13) “NFPA 101” means National Fire Protection Association Code 101, the Life Safety Code, the edition as adopted in Rule 69A-3.012, F.A.C.

~~(15)~~(14) “Special district that has firesafety enforcement responsibilities” means a special fire control district or a special district which was created for the purposes of fire prevention, fire suppression, or fire protection.

~~(16)~~(15) The definitions in Section 1013.01, F.S., of words and terms found in Section 1013.12, F.S., or of words or terms found in this rule chapter apply to this rule chapter; however, in the event of a conflict between the definitions in Section 1013.01 or 1013.12, F.S., and these rules, the definitions in Sections 1013.01 and 1013.12, F.S., control.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History—New 2-18-03, Formerly 4A-58.003, Amended _____.

69A-58.0031 New Construction.

(1) There are two authorities having jurisdiction in each school district:

- (a) A district authority having jurisdiction, and
- (b) A local authority having jurisdiction.

(2) New construction and new buildings are subject to and controlled by the Florida Edition of NFPA 1, 2003 edition, relating to “Educational occupancies” and the Florida Edition of NFPA 101, 2003 edition, Chapter 14, “New educational occupancies,” except where specifically otherwise provided in

this rule chapter. Notwithstanding any rule or adopted code or standard in conflict herewith, the following procedures apply with respect to new construction and new buildings:

(a) Prior to commencement of any new construction or remodeling:

1. Either.

a. The district authority having jurisdiction shall approve or cause to be approved the plans, drawings, designs, proposals, blueprints, and other construction or remodeling documents and evaluate the same for complete compliance with the Florida Fire Prevention Code in accordance with Section 1013.38(2), F.S. or

b. The board must show compliance with all applicable firesafety codes and standards by at least one of the other means provided in Sections 1013.38(2)(a) through (d), F.S.

2. The board shall provide in writing to the local authority having jurisdiction the method(s) employed to achieve compliance with the Florida Fire Prevention Code.

3. The board shall provide a full copy of all current construction documents to the local authority having jurisdiction.

(b) The local authority having jurisdiction shall immediately notify the district authority having jurisdiction of any condition discovered that is not compliant with all applicable statutes, these rules, and all applicable firesafety codes and standards.

1. At least one time after construction begins, and at least one additional time immediately prior to the issuance of a certificate of occupancy, the local authority having jurisdiction shall inspect or cause to be inspected the structure for complete compliance with all applicable statutes, these rules, and all applicable firesafety codes and standards.

2. The district and local authorities having jurisdiction are permitted to perform an inspection of new construction or remodeling as many times as deemed necessary to insure compliance with all applicable statutes, these rules, and all applicable firesafety codes and standards.

3. A certificate of occupancy shall not be issued until the district authority having jurisdiction and the local authority having jurisdiction have determined that the building or structure complies with all applicable statutes, these rules, and all applicable firesafety codes and standards.

(3) Horizontal exits as permitted in NFPA 101, section 14-2.2.5 and exit passageways as permitted in NFPA 101, section 14-2.2.7 shall not be permitted.

(4) In the event of a conflict between the local authority having jurisdiction and the district authority having jurisdiction on the interpretation of any provision of this rule chapter or Rule Chapter 69A-60, F.A.C., the Florida Fire Prevention Code, the conflict shall be resolved by agreement between the local authority having jurisdiction and the district authority having jurisdiction in favor of the requirement of the code

which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.

(5) If the local authority having jurisdiction and the district authority having jurisdiction are unable to agree on which system provides the highest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction, either one may petition the division for a declaratory statement setting forth each one's positions and reasons therefor. If both choose to file a petition, a joint petition should be filed. The division will make every effort to expedite the process of issuing a declaratory statement commensurate, however, with the time and publication requirements of Chapter 120, F.S.

(6) The local authority having jurisdiction and the district authority having jurisdiction are permitted to seek an informal nonbinding interpretation pursuant to Rule 69A-60.011, F.A.C. If such an informal opinion is requested, the request shall be given the highest priority by the Regional Interpretation Committee and every effort shall be made to expedite a response.

(7)(a) Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by a school district are exempt from Section 119.07(1), F.S., and Section 24(a), Art. I of the State Constitution, by operation of Sections 119.071(3)(b), F.S. (2005) and 119.011(2), F.S. (2005).

(b) Information made exempt by Section 119.071(3)(b), F.S. (2005) may be disclosed to another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities; to a licensed architect, engineer, or contractor who is performing work on or related to the building, arena, stadium, water treatment facility, or other structure owned or operated by an school district; or upon a showing of good cause before a court of competent jurisdiction.

(c) Any entity or person receiving such information shall maintain the exempt status of the information, as required by Section 119.071(3)(b), F.S. (2005).

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

69A-58.004 Firesafety Inspections.

(1) There shall be two annual inspections of existing educational facilities, ancillary plants, and auxiliary facilities, as follows:

(a) Pursuant to Section 1013.12(1)(b), F.S., a firesafety inspection inspections of each building of each educational plant and each ancillary plant shall be made annually by a district authority having jurisdiction person certified by the

division to conduct firesafety inspections of educational and ancillary plants pursuant to Section 633.081(3), F.S., which may be an employee of the board.

(b) Pursuant to Section 1013.12(2)(b), F.S., a firesafety inspection of each building of each educational plant and each ancillary plant shall be made annually by the local authority having jurisdiction each county, municipality, or special district having firesafety responsibilities shall, by and through a local firesafety inspector certified pursuant to Section 633.081(2), F.S., conduct at least one firesafety inspection of each building of each educational plant and each ancillary plant, whether owned or leased, each calendar year to determine compliance with this rule chapter.

(2) The inspections in subsection (1), paragraphs (a) and (b):

(a) Are applicable to all buildings owned, leased, or being lease-purchased by the board, including all permanent and relocatable buildings;

(b) Shall begin not sooner than one year after a new building has been occupied;

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

(d) Are permitted and encouraged to be conducted jointly and documented on one inspection form. If the inspection is performed jointly, the inspection form shall clearly identify the name of each inspector and his or her employer. Each inspector must sign the inspection report. Are not applicable to new construction or new buildings. New construction and new buildings are subject to and controlled by Section 1013.38, F.S.

(3) Reports of the inspections in subsection (1) shall be filed with the local school board and the local site administrator.

(4) A plan and schedule for correction of any deficiency in the inspection report shall be developed by any firesafety inspector finding a deficiency in conjunction with the board and shall be adopted and complied with by the board.

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

(a) The name of the school district or community college;

(b) The name of the district authority having jurisdiction and the local authority having jurisdiction (i.e., municipality, county, or special district);

(c) The name of the facility inspected;

(d) The type of facility inspected (i.e., K-5, 6-9, 10-12, CC, other);

(e) The facility address;

(f) The number of the facility as listed in the Florida Inventory of School Houses inventory of school houses (FISH number #);

(g) The name, address, and phone number of each inspector, and the designation of whether such inspector is a district authority having jurisdiction or a local authority having jurisdiction ~~special firesafety inspector or a municipal firesafety inspector~~;

(h) The date of the inspection;

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

1. The building name or number and, if applicable, the FISH room number of the room building in which the violation was noted;

2. A description of the violation or deficiency;

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

4. The estimated correction date;

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

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

7. The date of the scheduled reinspection;

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

9. A statement that the county, municipality, or special district having firesafety responsibility ~~local authority having jurisdiction~~ has or has not complied with Section 1013.12(2)(c), F.S., as applicable;

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

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

~~(6) When the violation or deficiency has been corrected, the board sending the report required by paragraph (i) shall notify the division of such correction.~~

~~(6)(7) The inspection reports required by in subsection (1) together with the plan and schedule for correction of any deficiency shall be submitted to the division by electronic submission into the "School Inspection Reporting System" to the division by June 30, of each year.~~

(7) Any firesafety inspector authorized by a unit of government who is certified in accordance with Section 633.081(2) or 633.081(3), F.S., may access the "School Inspection Reporting System" via the internet at www.fldfs.com/sfm.

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

69A-58.005 Serious Life Safety Hazards.

(1) Serious life safety hazards as set forth in Section 1013.12, F.S., and in paragraph (b), below, require prompt corrective action by the board or withdrawal of the educational or ancillary plants or affected portion thereof from use until corrected.

(2)(a) Serious life safety hazards include:

1. A non-functional ~~Non-functional~~ fire alarm system ~~systems~~;

2. A non-functional ~~Non-functional~~ fire sprinkler system;

3. A door ~~Doors~~ with a padlock ~~padlocks~~ or other lock ~~locks~~ or device ~~devices~~ which precludes ~~preclude~~ egress at any time;

4. An inadequate exit ~~Inadequate exits~~;

5. A hazardous ~~Hazardous~~ electrical system condition ~~conditions~~;

6. Potential structural failure;

7. Storage conditions that create a fire hazard.

(b) Other conditions may be identified to the division by the district or local authority having jurisdiction for designation as a serious life safety hazard, including but not limited to:

1. The placement ~~Placement~~ of a functional smoke and heat detector ~~detectors~~ in a manner not consistent with NFPA 72, the edition as adopted in Rule 69A-60.005 ~~69A-3.012~~, F.A.C.;

2. An inaccessible ~~Inaccessible~~ or expired fire extinguisher ~~extinguishers~~; and

3. A door required to be self-closing ~~Fire doors with a doorstop, wedge, or other device or object~~ doorstops or wedges holding it ~~them~~ open.

(c) The criteria to be used by the division to determine whether such other condition shall be designated as a serious life safety hazard shall be either:

1. Those conditions located in subdivision ~~Section~~ 6.2, NFPA 101, the edition as adopted in Rule 69A-60.004 ~~69A-3.012~~, F.A.C., to wit:

a. The relative danger of ~~to~~ the start and spread of fire,

b. The danger of smoke or gases generated, and

c. The danger of explosion or other occurrence potentially endangering the life ~~lives~~ and safety of any occupant ~~the occupants~~ of the building or structure.

2. Hazard of contents shall be determined by the applicable authority having jurisdiction on the basis of the character of the contents and the processes or operations conducted in the building or structure. For the purposes of these rules, where different degrees or hazard of contents exist in different parts of a building or structure, the most hazardous shall govern the classification unless hazardous areas are separated or protected as specified in subdivision ~~Section~~ 8.4

and the applicable subdivisions sections of Chapters 11 through 42 of NFPA 101, the edition as adopted in Rule 69A-60.004 69A-3.012, F.A.C.; or

~~3.2.~~ The criteria located in NFPA 1 ~~of~~ the Florida Fire Prevention Code, subdivision Section 2-28.1, the edition as adopted in Rule 69A-60.003 69A-3.012, F.A.C., for hazardous occupancies, to wit, the total amount of Class A combustibles and Class B flammables present, in storage, production, use, finished product, or combination thereof, is over and above those expected in occupancies classed as ordinary (moderate) hazard. Those occupancies could consist of woodworking, vehicle repair, cooking areas, product displays, and storage and manufacturing processes such as painting and coating, including flammable liquid handling. Also included is warehousing of or in-process storage of other than Class I and Class II commodities as defined by NFPA 13, *Standard for the Installation of Sprinkler Systems*, subdivision Section 10:1-5.3, the edition as adopted in Rule 69A-60.003 69A-3.012, F.A.C.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History—New 2-18-03, Formerly 4A-58.005, Amended _____.

69A-58.006 Inspections in General.

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

(2) The board shall forward one copy of the completed inspection report to the division electronically by entering it into the "School Inspection Reporting System" database of the completed inspection report to the division and retain the original one copy.

(3) The board shall maintain with each yearly inspection report a list of corrected deficiencies from the prior fiscal year report.

~~(4) Remodeling and Renovation shall be performed in accordance with the requirements of the Florida Building Code Section 423.~~

~~(4)(5)~~ Returning Buildings to Use. Any existing building which has been removed from instructional use for more than 180 days shall be inspected for deficiencies, and remodeled, renovated, or have its deficiencies corrected in accordance with the new construction requirements of the Florida Fire Prevention Building Code before returning it to instructional purposes.

~~(5)(6)~~ Abandoned Buildings. Board buildings no longer in use and abandoned shall be free of combustible waste and secured in such a manner as to prevent safety hazards and unauthorized unlawful entry and undue vandalism from occurring.

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

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

(1) Any county, municipality, or special district having firesafety responsibilities which does not employ or has not contracted with a firesafety inspector certified under Section 633.081(1), F.S., to enforce the Florida Fire Prevention Code as required by Section 633.025(2), F.S., at the time of the adoption of this rule chapter is permitted to may contact the division and request that the division perform the inspections required by the local authority having jurisdiction pursuant to Section 1013.12(2), F.S., and this rule chapter and performed under Section 633.081(1), F.S.

(2) Upon receiving such request, the division shall perform the inspections required by this rule chapter during the period of time the county, municipality, or special district is not in compliance with Section 633.081(1), F.S., and does not employ or is not under contract with a firesafety inspector certified under Section 633.081(1), F.S., not, however, to exceed one annual inspection per facility.

(3) Each such county, municipality, or special district having firesafety enforcement responsibilities shall, ~~if practicable,~~ employ or contract with a firesafety inspector certified under Section 633.081(2)(4), F.S., pursuant to the requirement of Section 633.081(1), F.S., to fulfill the obligation imposed by Section 633.025(2), F.S. within one year after the county, municipality, or special district first contacted the division requesting the division to perform the inspection.

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

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History—New _____.

(Substantial rewording of Rule 69A-58.008 follows. See Florida Administrative Code for present text.)

69A-58.008 Standards and Requirements for Existing Buildings; Exceptions to Rule Chapter 69A-60, the Florida Fire Prevention Code Building.

(1) General Safety Requirements for all Buildings in all Facilities or Plants.

(2) Except as set forth in this rule chapter, educational facilities are subject to Rule Chapter 69A-60, F.A.C., the Florida Fire Prevention Code.

(3) The standards and requirements in this rule chapter pertain to educational facilities and are exceptions to Rule Chapter 69A-60, F.A.C. In the event of a conflict between this

rule and Rule Chapter 69A-60, F.A.C., relating to educational facilities, the provisions of this rule chapter control the standards and requirements for educational facilities.

(4) Fire department access roads: Paved fire department access roads shall not encircle an educational plant or portions thereof.

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

69A-58.0081 Means of Egress.

(1) Doors.

(a) All doors in fire rated or smoke proof corridors shall be self-closing doors.

(b) Opposite swinging smoke stop doors in smoke partitions within the corridor shall meet the smoke compartment separation requirements.

(c) Darkroom doors.

1. In darkrooms with a capacity of 10 or more persons, a revolving darkroom door, if used, shall:

a. Have a pop-out safety feature; and

b. Be equipped with a remotely located side-hinged door for secondary egress.

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

3. A Revolving darkroom doors with a pop-out safety feature shall be conspicuously labeled.

4. In buildings designed on or after October 18, 1994, the requirements of this section apply to darkrooms with an occupancy of 6 or more.

(d) Exit doors shall swing in the direction of exit travel.

(e) All egress doors and gates, regardless of use or location serving spaces designed to be occupied by 6 or more persons, shall swing in the direction of exit travel.

(2) Existing smoke stop doors shall be 1 ¾ inch solid core wood, or equivalent.

(a) Smoke stop doors may be used to:

1. Create a secondary means of egress from interior instructional spaces; or

2. Divide corridors into segments not to exceed 300 feet in aggregate length.

(b) View panels of clear fire-rated glazing (including existing wire glass) mounted in steel frames shall be permitted in smoke stop doors.

(c) When a pair of smoke stop doors is located within a corridor, each leaf shall be designed to swing in a direction opposite from the other and each leaf in the pair of doors shall swing in a right-hand direction.

(d) Door stops shall be provided at the head and sides of smoke stop door frames.

(e) Smoke stop door frames shall be free of center mullions.

(f) Smoke stop doors shall be free of locking devices and may be held in the open position only in accordance with section 7.2.1.8 of NFPA 101.

(3) Special Function Doors.

(a) Special function doors such as revolving doors, power operated doors, or horizontal sliding doors shall not be used as a means of egress.

(b) Revolving doors shall have a side-hinged exit door within 10 feet and within the same wall.

(c) Turnstiles shall be placed to allow free access through a means of egress or have an emergency break-away feature or other similar type feature.

(4) Folding Doors and Folding Partitions. Where permanently mounted folding or movable partitions are used to divide a room into smaller spaces capable of being occupied by 6 or more persons a separate exit from each space or a permanent full height 5 foot wide opening between the spaces shall be provided. This requirement applies to spaces occupied by 10 or more persons in buildings occupied prior to October 18, 1994.

(5) Gates used to secure buildings or used for egress shall be side-hinged and shall allow egress at all times without assistance from the side from which egress is to be made.

(6) Screen and storm doors on exits shall be hinged on the same side as the exit door and swing in the direction of exit travel.

(7) Doors and gates shall be equipped with hardware which allows egress at all times.

(8) All fire-rated doors and solid core doors in partitions rated at 1/2 hour or more, or installed in smoketight partitions, shall be self-closing.

(9) Emergency Rescue (Escape) Openings (Secondary Means of Egress).

(a) In existing non-sprinklered buildings, every instructional space, and other spaces normally subject to student occupancy of 10 or more, shall have at least one (1) window, panel, or door leading to the exterior or to a separate atmosphere.

(b) For buildings designed after October 18, 1994, the emergency rescue (escape) opening shall be provided in rooms over 250 square feet used for classroom or other educational purposes or normally subject to student occupancy of 6 or more.

(c) Windows and panels shall be operable from the inside by a single operation and without the use of tools.

(d) A security screen or grill installed on a window or panel shall be operable from the inside by the same single operation as the window or panel and without the use of tools. The release device shall be readily identifiable and accessible.

(10) Interior instructional spaces shall be provided with side-hinged or double acting communicating doors providing secondary means of egress and emergency rescue (escape). The door shall provide direct access to:

- (a) A separated exit corridor;
- (b) A separate atmosphere;
- (c) At least one enclosed exit stair; or
- (d) Another classroom which has a minimum of two doors that open to separate atmospheres.

(11) Specialties & Signage.

(a) Emergency rescue openings shall be marked with a sign that reads: "EMERGENCY RESCUE – KEEP AREA CLEAR".

(b) Secondary means of egress and emergency escape openings shall be marked with a sign that reads: "EMERGENCY ESCAPE" or "EMERGENCY EGRESS – KEEP AREA CLEAR".

(c) Where manual pull stations are located inside student-occupied spaces, a permanently affixed sign reading "FIRE ALARM PULL STATION INSIDE" shall be placed outside that space and adjacent to the door. The door to the occupied space shall be unlocked at all times the facility is occupied.

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

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

(12) Open Plan Schools.

(a) Each space designed to be occupied by 50 persons or more shall have 2 or more means of egress.

(b) Open plan assembly areas shall have exits leading directly to the exterior and shall be separated from other required exits of the open plan.

(13) Maximum travel distances.

(a) Exits shall be maintained so that the maximum length of travel from any point in the building or space (including places of assembly) to an exit shall not exceed 150 feet.

(b) In a building equipped with a fully automatic fire sprinkler system, the travel distance to an exit may be increased to 200 feet.

(c) Open mezzanines shall be permitted to exit to the exterior from within the space below.

(14) Corridors and hallways.

(a) Corridors shall be arranged so that each end leads to an exit and shall be without pockets or dead ends more than 20 feet in length.

(b) Hallway widths in office and service areas shall be a minimum of 44 inches in width.

(c) Interior corridors, including contiguous dead-end cross corridors, shall be divided by smoke stop doors in sections not to exceed 300 feet in length.

(d) Child Care. Areas designated for children's sleeping mats, cots, or cribs shall include a clearly marked exit passageway.

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

(a) The minimum clear width of stairways serving as a required means of egress for student occupied areas shall be 44 inches.

(b) All interior stairways shall open directly to the exterior, into a protected vestibule or into a protected corridor that opens to the exterior.

(c) The areas above or below exit stairs and ramps, whether interior or exterior, shall not be used as a closet for storage of any kind, or for any other purpose.

(d) Interior corridors or stairwells shall be free of piping systems designed for flammable liquids or gases.

(16) Kilns.

(a) Kiln rooms and areas shall be provided with adequate exhaust to dispel emitted heat to the exterior.

(b) Kilns shall be located away from paths of egress or exits.

(c) Kilns shall be located in separate rooms when serving students through grade three.

(d) Kiln rooms shall be provided with automatic heat or smoke detection devices appropriate for the environment.

(17) Boiler Rooms.

(a) Boilers shall comply with Chapter 554, F.S., and Rule Chapter 69A-51, F.A.C. A valid boiler inspection certificate of compliance issued by the State Fire Marshal shall be displayed and clearly visible.

(b) All Boiler rooms housing equipment with an input capacity of 60,000 BTU's per hour and that is intended to supply hot water or steam shall be equipped with heat detectors connected to any required fire alarm system.

1. Each boiler room door shall open directly to the outside and, if opening toward a building or path of egress, shall have opening protection in accordance with Section 8.3.4 of NFPA 101.

2. If an additional door serving a boiler room opens into the interior of the building, the door shall swing into the boiler room and have opening protection in accordance with Section 8.3.4 of NFPA 101.

(18) Shade Houses or Green Houses.

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

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

(c) Fire alarm horns shall be audible inside the shade or greenhouse.

(19) Stages and Platforms.

(a) Stages, and platforms, including props and equipment, shall conform to the specific requirements of this section.

(b) All curtains and flies on stages shall have attached labels verifying their flame resistance or equivalent documentation as approved by the AHJ.

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

(d) All steps leading to a stage shall have a minimum of 1 handrail.

(20) Electrical.

(a) Emergency lighting shall be provided in all student-occupied areas and group toilets.

(b) The exception of NFPA 101, Section 15.3.4.2.1 shall apply except in spaces with a capacity of 100 or more or in other spaces as required by the applicable authority having jurisdiction, provided the requirements of subparagraph 69A-58.008(6)(a)3., F.A.C., are met and:

(c) The fire alarm system shall be free of any drill switches. Exception: Computerized fire alarm systems.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New

69A-58.0082 Relocatable Buildings.

(1) Relocatable buildings: Relocatable buildings sited after March 1, 2002 shall be separated as required by the Florida Building Code.

(a) Relocatable buildings shall be located to allow access by emergency vehicles to at least one elevation of each building as approved by the local fire fighting authority that services the site in accordance with Chapter 18 of NFPA 1.

(b) Relocatable buildings sited within a cluster in accordance with this section are permitted to achieve emergency vehicle access by providing vehicular access to within 200 feet of the entrance of the most remote relocatable unit and an independent fire alarm system shall be provided with a manual pull station within 100 feet of each egress door and the following shall be met:

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

2. Minimum separation between individual units is 20 feet,

3. Nearest permanent building or cluster is 60 feet,

4. Maximum of 20% unprotected opening between adjacent wall spaces,

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

6. Minimum setback for Type I, II or IV (non-combustible) relocatable buildings shall be 25 feet or less if permitted by local zoning requirements.

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

(a) Classroom units of Type III or Type V (combustible) construction shall have 2 remotely located doors opening directly to the outside.

(b) Multi-classroom units of Type I, II or IV (non-combustible) construction shall have a primary exit door opening directly to the exterior or if served by interior corridors, shall have a primary exit door and an emergency rescue opening in each space designed to be occupied by 6 or more students.

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

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

(3) Fire Alarm Systems.

(a) In Type III and Type V (combustible) construction, heat or smoke detectors connected to the building's fire alarms system shall be installed in every classroom, unsupervised space, storage space, and custodial closet.

(b) In Type I, II or IV (non-combustible) construction, heat or smoke detectors connected to the buildings fire alarm system is located in storage and custodial closets.

(c) Relocatable buildings sited a minimum of 60 feet from another relocatable building and a minimum of 60 feet from any permanent building may be served by an independent fire alarm system.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New

69A-58.0083 Protection from Hazards.

(1) Interior vertical openings such as stairways, elevator shafts, light and ventilation shafts and all service chutes between floors shall be enclosed or protected to prevent the spread of fire and smoke, and shall be maintained in their original fire and smoke-tight condition.

(2) Draftstopping. Any concealed space, such as a utility chase, attic, crawl space, or other vertical or horizontal opening between floors in which combustible material is exposed shall either be:

(a) Provided with draftstopping and automatic heat detection, or

(b) Provided with automatic fire sprinklers.

(3) Fire extinguishers: Fire extinguishers may be located inside student-occupied spaces only when:

(a) The fire extinguisher is located adjacent to the primary exit door;

(b) The door remains unlocked when the facility is occupied; and

(c) There is posted a permanently affixed sign reading "FIRE EXTINGUISHER INSIDE."

(4) Existing on-site incinerators and waste burners shall be equipped with a wire screen stack guard and shall be used for burning Class A materials only.

(5) High Rise Buildings. All existing high-rise structures and buildings more than 4 stories or 45 feet in height shall be equipped with automatic fire sprinkler systems.

(6) Home Economics Instructional Spaces. Residential style ranges installed in home economics instructional spaces, classrooms, faculty lounges, and similar areas shall not be required to comply with the provisions for commercial cooking appliances under NFPA 96 provided all of the following requirements are met:

(a) The space contains only residential-type ranges with hoods vented to the outside.

(b) Fire extinguishers are installed in accordance with NFPA 10.

(c) The space containing the residential style range is not classified as an assembly.

(7) These requirements place no limitations on the use of other residential type appliances within the space.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History—New

69A-58.0084 Seclusion Time Out Rooms.

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

(2) Locking devices.

(a) Locking devices on secured seclusion time-out rooms are prohibited, provided that the division is permitted to approve the use of locking devices on secured seclusion time-out rooms if such locking devices meet the criteria in this section.

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

(c) An electro-magnetic locking device is the only approved device to secure a secured seclusion time-out room. The lock shall remain engaged only when the human hand is in contact with it placing pressure on it.

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

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

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

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

(3) Door Requirements. The door shall have only a push panel exposed on the interior of the room. A vision panel shall be provided in the door, and it shall be no larger than 12"x12" (144) square inches. The view panel shall consist of clear one-quarter (1/4) inch thick unbreakable plastic panel, flush with the face of the door on the inside. The view panel shall be positioned in the door so that a staff member continuously keeps the student under observation. The view panel shall not be covered with any material.

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

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

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

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

(8) During each unannounced inspection, the local authority having jurisdiction is permitted to inspect secured seclusion time-out rooms for compliance, interview teachers, review staff development activities, and conduct other activities as deemed appropriate to ensure compliance with this rule chapter.

(9) Permit Required.

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

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

(c) Each district or school wishing to use a secured seclusion time-out room shall apply to the local authority having jurisdiction for a permit to operate a secured seclusion time-out room.

(d) Each secured seclusion time-out room must be constructed and operated in accordance with this rule chapter.

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

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

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

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

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

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New

69A-58.009 Florida Firesafety School Evaluation System.

(1) Any Florida school building which was initially occupied prior to January 1, 1985, is permitted to use the Florida Firesafety School Evaluation System originally dated September 19, 2000, and Amended June 28, 2001, which is located in Form DI4-1546, (Rev. 10-02) and which is hereby adopted and incorporated by reference, in lieu of or as an alternative to the requirements of Rule 69A-58.008, F.A.C.

(2) The Florida Firesafety School Evaluation System, Form DI4-1546, may be obtained by writing to the Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(3) The Florida Firesafety School Evaluation System must be authorized by the local authority having jurisdiction fire official prior to the implementation of any of its alternative code provisions; however, a local authority having jurisdiction fire official is not permitted to prohibit the use of the Florida Firesafety School Evaluation System for any building which was initially occupied prior to January 1, 1985.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New 2-18-03, Formerly 4A-58.009, Amended

69A-58.010 Other Applicable Codes and Standards.

Except as otherwise provided in this rule chapter, the codes and standards adopted in Rules 69A-60.003, 69A-60.004 and 69A-60.005, F.A.C., which are not in conflict with any provision of this rule chapter are applicable to all buildings and structures to which this rule chapter is applicable.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New 2-18-03, Formerly 4A-58.010, Repromulgated

DEPARTMENT OF FINANCIAL SERVICES

Division of Agent and Agency Services

RULE TITLES:	RULE NOS.:
Purpose	69B-231.010
Scope	69B-231.020
Definitions	69B-231.030
Calculating Penalty	69B-231.040
Prosecutorial Discretion	69B-231.070
Penalties for Violation of Section 626.611	69B-231.080
Penalties for Violation of Section 626.621	69B-231.090
Penalties for Violation of Subsection 626.9541(1)	69B-231.100
Penalties for Violation of Other Specific Provisions of the Florida Insurance Code	69B-231.110
Penalties for Violation of Other Insurance Code Provisions	69B-231.120
Penalties for Violation of Department Rules	69B-231.130
Penalties for Violation of Department Orders	69B-231.140
Criminal Proceedings	69B-231.150
Aggravating/Mitigating Factors	69B-231.160

PURPOSE AND EFFECT: The purpose of the proposed rule development is to update the rules that govern suspension and revocation of licenses of insurance agents, customer representatives, service representatives and adjusters. The rules are updated by adding new laws adopted by the Florida Legislature and deleting laws that have been repealed. The rules are also updated by increasing penalties for violating certain laws in order to reflect the Department's experience in dealing with the frequency and severity of these violations. The purpose of other changes is to clarify the rules.

SUBJECT AREA TO BE ADDRESSED: Rule Chapter 69B-231, F.A.C., contains rules that the Department uses as guidelines for imposing suspension and revocation of licenses of insurance agents, customer representatives, service representatives and adjusters. The guidelines contain set forth the length of license suspension for violating various provisions of the Florida Insurance Code; which violations will result in license revocations; and which violations will result in imposition of an administrative fine.

SPECIFIC AUTHORITY: 624.308(1), 626.201(2) FS.

LAW IMPLEMENTED: 624.307(1), 626.201(2), 626.308, 626.611, 626.621, 626.631, 626.641, 626.681, 626.691, 626.9521, 626.9541, 626.9561, 626.9571, 626.9581 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:30 p.m. – 3:30 p.m., December 11, 2005
 PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Barry Lanier, Chief of the Bureau of Investigations, Division of Agent & Agency Services, Department of Financial Services, 200 E. Gaines Street, Room 412, Larson Building, Tallahassee, FL 32399-0319, (850)413-5601

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Serica Johnson, (850)413-4241.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-231.010 Purpose.

The purpose of this rule chapter is to implement the Department’s duty under Sections 624.307(1) and 626.201(2), F.S., to enforce Sections 626.611, 626.621, 626.631, 626.641, 626.681, 626.691, F.S., by establishing standards for penalties described in those statutory sections, and interpreting provisions in those sections as they relate to penalties imposed upon licensees specified in Rule 69B-231.020, F.A.C.

Specific Authority 624.308, 626.201(2) FS. Law Implemented 624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.631, 626.641, 626.681, 626.691, FS. History–New 7-13-93, Amended 9-23-02, Formerly 4-231.010, Amended.

69B-231.020 Scope.

(1) This rule chapter shall apply to all resident and nonresident insurance agents, customer representatives, ~~solicitors~~, adjusters and service representatives ~~claims investigators~~ licensed under Chapter 626, F.S., who are subject to discipline under Sections 626.611 and 626.621, F.S.

(2) This rule chapter does not apply to insurance agencies, title insurance agencies, title insurance agents, insurance administrators, surplus lines agents, bail bond agents or managing general agents.

Specific Authority 624.308, 626.201(2) FS. Law Implemented 624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Amended 8-15-00, 9-23-02, Formerly 4-231.020, Amended.

69B-231.030 Definitions.

The following definitions shall apply for purposes of this rule chapter.

(1) through (3) No change.

(4) “Crimes involving moral turpitude” means each felony crime identified in subsection 69B-211.042(~~21~~)(~~23~~), F.A.C., and each felony crime not identified in Rule 69B-211.044, F.A.C., that is substantially similar to a crime identified in subsection 69B-211.044(3), F.A.C.

(5) through (9) No change.

Specific Authority 624.308, 626.201(2) FS. Law Implemented 624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Amended 9-23-02, Formerly 4-231.030, Amended.

69B-231.040 Calculating Penalty.

(1) through (2) No change.

(3) Final Penalty.

(a) The final penalty which will be imposed against a licensee under these rules shall be the total penalty, as adjusted to take into consideration any aggravating or mitigating factors; ~~provided however~~

(b) ~~The Department may shall~~ convert the total penalty to an administrative fine and probation if the licensee has not previously been subjected to an administrative penalty and the current action does not involve in the absence of a violation of Section 626.611, F.S.; if warranted upon

(c) ~~The Department’s will~~ consideration of the factors set forth in rule subsection 69B-231.160(1), F.A.C., in determining whether to convert the penalty to an administrative fine and probation.

(d) In the event that the final penalty would exceed a suspension of twenty-four (24) months, the final penalty shall be revocation.

Specific Authority 624.308, 626.201(2) FS. Law Implemented 624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.641, 626.681, 626.691 FS. History–New 7-13-93, Formerly 4-231.040, Amended.

69B-231.070 Prosecutorial Discretion.

Specific Authority 624.308, 626.201(2) FS. Law Implemented 624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691, 626.9521, 626.9561, 626.9571, 626.9581 FS. History–New 7-13-93, Formerly 4-231.070.

69B-231.080 Penalties for Violation of Section 626.611.

If it is found that the licensee has violated any of the following subsections of Section 626.611, F.S., for which compulsory suspension or revocation of license(s) and appointment(s) is required, the following stated penalty shall apply:

(1) Section 626.611(1), F.S. – revocation ~~surrender of license~~

(2) Section 626.611(2), F.S.

(a) Suspension 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and Department licensing rules applicable to the

application at the time the Department issued the license, and the documentation in the applicant's file at the time the Department issued the license.

(b) Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license.

(3) Section 626.611(3), F.S. – revocation ~~surrender of license~~

(4) Section 626.611(4), F.S. – suspension 6 ~~3~~ months

(5) Section 626.611(5), F.S. – suspension 9 ~~6~~ months

(6) Section 626.611(6), F.S. – suspension 9 ~~6~~ months

(7) through (9) No change.

(10) Section 626.611(10), F.S. – suspension 12 ~~9~~ months

(11) Section 626.611(11), F.S. – suspension 6 months.

This provision does not apply if the facts constitute a violation of Section 626.753, F.S.

(12) through (14) No change.

(15) Section 626.611(15), F.S. – suspension 12 ~~3~~ months

(16) No change.

Specific Authority 624.308, 626.201(2) FS. Law Implemented 624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Amended 9-23-02, Formerly 4-231.080, Amended

69B-231.090 Penalties for Violation of Section 626.621.

If it is found that the licensee has violated any of the following subsections of Section 626.621, F.S., for which suspension or revocation of license(s) and appointment(s) is discretionary, the following stated penalty shall apply:

(1) Section 626.621(1), F.S. – revocation ~~suspension 3 months~~

(2) through (5) No change.

(6) Section 626.621(6), F.S. – see ~~suspension 6 months or Rule 69B-231.100, F.A.C.~~

(7) through (11) No change.

(12) Section 626.621(12), F.S. – suspension 6 ~~3~~ months

Specific Authority 624.308, 626.201(2) FS. Law Implemented 624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Formerly 4-231.090, Amended

69B-231.100 Penalties for Violation of Subsection 626.621(6) ~~626.9541(1)~~.

If a licensee is found to have violated subsection 626.621(6), F.S., by engaging in unfair methods of competition or in unfair or deceptive acts or practices as defined in any of the following paragraphs of subsection 626.9541(1), F.S., the following stated penalty shall apply:

(1) through (4) No change.

(5) Section 626.9541(1)(e), F.S. – suspension 6 months; except that the penalty for a violation of Section 626.9541(1)(e)1., F.S., shall be a suspension of 12 months.

(6) through (10) No change.

(11) Section 626.9541(1)(k), F.S. – suspension 9 ~~6~~ months

(12) Section 626.9541(1)(l), F.S. – suspension 9 ~~6~~ months

(13) Section 626.9541(1)(m), F.S. – suspension 3 ~~2~~ months

(14) through (26) No change.

(27) Section 626.9541(1)(aa), F.S. – suspension 9 months

(28) Section 626.9541(1)(bb), F.S. – suspension 3 months

Specific Authority 624.308, 626.201(2) FS. Law Implemented 624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691, 626.9541(1) FS. History–New 7-13-93, Formerly 4-231.100, Amended

69B-231.110 Penalties for Violation of Other Specific Provisions of the Florida Insurance Code.

If the licensee is found to have violated any of the following provisions of the Insurance Code, the following stated penalty shall apply:

(1) Section 624.318(2) ~~626.041(2)~~, F.S. – suspension 3 months

~~(2) Section 626.051(2), F.S. – suspension 3 months~~

~~(3) Section 626.062(2), F.S. – suspension 3 months~~

~~(2)(4) Section 626.112(2), F.S. – suspension 3 months~~

~~(3)(5) Section 626.342(1), F.S. – suspension 3 months~~

~~(4)(6) Section 626.441, F.S. – suspension 6 months~~

(5) Section 626.536, F.S. – administrative fine of \$500

~~(6)(7) Section 626.541, F.S. – suspension 2 months~~

(7)(8) Section 626.551, F.S. – administrative fine of not more than \$250 for the first violation; administrative fine of not less than \$500 for each subsequent violation; suspension 2 months for the third and subsequent violations.

~~(8)(9) Section 626.561(1), F.S. – suspension 9 months~~

~~(9)(10) Section 626.561(2), F.S. – suspension 3~~ 2 months

~~(10)(11) Section 626.572, F.S. – suspension 3 months~~

~~(11)(12) Section 626.591 ~~626.592(1)~~, F.S. – suspension 6 ~~3~~ months~~

~~(13) Section 626.592(4), F.S. – suspension 6 months~~

~~(14) Section 626.592(5), F.S. – suspension 9 months~~

~~(15) Section 626.592(6), F.S. – suspension 6 months~~

~~(16) Section 626.592(7), F.S. – suspension 3 months~~

(12) Section 626.593, F.S. – suspension 3 months

~~(13)(17) Section 626.601(2), F.S. – suspension 3 ~~2~~ months~~

~~(14)(18) Section 626.631(1), F.S. – revocation~~

~~(15)(19) Section 626.641(4), F.S. – revocation~~

(16) Section 626.7315, F.S. – suspension 3 months

~~(17)(20) Section 626.741(3), F.S. – suspension 3 months~~

~~(18)(21) Section 626.741(4), F.S. – suspension 6 months~~

~~(19)(22) Section 626.747, F.S. – suspension 3 months~~

~~(20)(23) Section 626.748, F.S. – suspension 2 months~~

~~(21)(24) Section 626.752, F.S. – suspension 3 months~~

~~(22)(25) Section 626.753, F.S. – revocation~~

(23) Section 626.7845, F.S. – suspension 3 months

~~(24)(26) Section 626.792(3), F.S. – suspension 3 months~~

~~(25)(27) Section 626.792(6), F.S. – revocation~~

- ~~(26)(28)~~ Section 626.793, F.S. – suspension 2 months
- ~~(27)(29)~~ Section 626.794, F.S. – suspension 6 months
- ~~(28)(30)~~ Section 626.798, F.S. – suspension 2 6 months
- ~~(29)~~ Section 626.8305, F.S. – suspension 3 months
- ~~(30)(31)~~ Section 626.835(3), F.S. – suspension 3 months
- ~~(31)(32)~~ Section 626.835(6), F.S. – revocation
- ~~(32)(33)~~ Section 626.837, F.S. – suspension 6 months
- ~~(33)(34)~~ Section 626.8373, F.S. – suspension 6 months
- ~~(34)(35)~~ Section 626.838, F.S. – suspension 6 months
- ~~(35)(36)~~ Section 626.901(1), F.S. – suspension 6 months
- ~~(36)(37)~~ Section 626.901(2), F.S. – suspension 12 months
- ~~(37)~~ Section 626.4554, F.S. – suspension 12 months
- ~~(38)~~ Section 627.901, F.S. – suspension 3 months

Specific Authority ~~624.308, 626.201(2)~~ FS. Law Implemented ~~624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691~~ FS. History–New 7-13-93, Formerly ~~4-231.110, Amended~~.

69B-231.120 Penalties for Violation of Other Insurance Code Provisions.

If the licensee is found to have violated a provision of the Insurance Code, the stated penalty, unless otherwise prescribed in these rules or in the code provision violated, shall be a six (6) month suspension if the violation was willful, or shall be a three (3) month suspension if the violation was nonwillful.

Specific Authority ~~624.308, 626.201(2)~~ FS. Law Implemented ~~624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691~~ FS. History–New 7-13-93, Formerly ~~4-231.120, Repromulgated~~.

69B-231.130 Penalties for Violation of Department Rules.

If the licensee is found to have violated a Department rule, the stated penalty, unless otherwise prescribed in these rules or in the specific rule violated, shall be a six (6) month suspension if the violation was willful, or shall be a three (3) month suspension if the violation was nonwillful.

Specific Authority ~~624.308, 626.201(2)~~ FS. Law Implemented ~~624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691~~ FS. History–New 7-13-93, Formerly ~~4-231.130, Repromulgated~~.

69B-231.140 Penalties for Violation of Department Orders.

If a licensee is found to have violated a Department order, the stated penalty shall be a six (6) month suspension if the violation was willful, or shall be a three (3) month suspension if the violation was nonwillful, unless the penalty is prescribed in the order itself; except that if a licensee or an affiliated party knowingly transacts insurance in violation of an order of suspension, the penalty shall be revocation of license(s) and appointment(s) if the violation was willful, or shall be an additional suspension of three (3) months if the violation was nonwillful.

Specific Authority ~~624.308, 626.201(2)~~ FS. Law Implemented ~~624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691~~ FS. History–New 7-13-93, Formerly ~~4-231.140, Amended~~.

69B-231.150 Criminal Proceedings.

~~(1) If it is found that a licensee has violated either Section 626.611(14) or 626.621(8), F.S., the following stated penalty shall apply:~~

~~(1)(a) If a the licensee is convicted by a court of a violation of the Insurance Code or a felony (regardless of whether or not such felony is related to an insurance license), the penalty shall be immediate revocation.~~

~~(b) If the licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, which involves moral turpitude and is a crime involving breach of trust or dishonesty, the penalty shall be revocation.~~

~~(2)(c) If a the licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, which involves moral turpitude or is a crime involving breach of trust or dishonesty, the penalties are as follows:~~

~~(a)1- If the conduct directly relates to activities involving an insurance license, the penalty shall be revocation a 24 month suspension.~~

~~(b)2- If the conduct indirectly relates to activities involving an insurance license involves dishonesty or breach of trust such as mishandling or misappropriation of money, the penalty shall be a 12 month suspension.~~

~~(c)3- If the conduct is not related to an insurance license, the penalty shall be a 6 month suspension.~~

~~(3)(d) If a the licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the laws of the United States of America or of any state thereof or under the law of any other country, which does not involve moral turpitude and is not a crime involving breach of trust or dishonesty, the penalties are as follows:~~

~~(a)1- If the conduct directly relates to activities involving an insurance license, the penalty shall be a 24-month suspension.~~

~~(b)2- If the conduct indirectly relates to activities involving an insurance license involves dishonesty or breach of trust such as mishandling or misappropriation of money, the penalty shall be a 12-month suspension.~~

~~(c)3- If the conduct is not related to an insurance license, the penalty shall be a 3-month suspension.~~

~~(2) Foreign Law Enforcement Records. In the event that a law enforcement record includes convictions, charges, or arrests outside the United States, the Department shall consider the following factors to reduce, eliminate, or apply a waiting period:-~~

~~(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;~~

~~(b) The degree of penalty associated with the same or similar crimes in the United States; and~~

~~(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.~~

Specific Authority ~~624.308, 626.201(2)~~ FS. Law Implemented ~~624.307(1), 624.308, 626.201(2), 626.601, 626.611, 626.621, 626.631, 626.631(1), 626.681, 626.691~~ FS. History—New 7-13-93, Amended 9-23-02, Formerly 4-231.150, Amended _____.

69B-231.160 Aggravating/Mitigating Factors.

The Department shall consider the following aggravating and mitigating factors and apply them to the total penalty in reaching the final penalty assessed against a licensee under this rule chapter. After consideration and application of these factors, the Department shall, if warranted by the Department’s consideration of the factors, either decrease or increase the penalty to any penalty authorized by law.

(1) For penalties other than those assessed under Rule 69B-231.150, F.A.C.:

- (a) through (e) No change.
- (f) Motivation of licensee agent;
- (g) Financial gain or loss to licensee agent;
- (h) through (m) No change.
- (2) No change.

Specific Authority ~~626.308, 626.201(2)~~ FS. Law Implemented ~~624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.631, 626.681, 626.9541~~ FS. History—New 7-13-93, Formerly 4-231.160, Amended _____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Third Party Administrator Annual Report and Licensure Application

RULE NO.: 69O-136.019

PURPOSE AND EFFECT: To adopt forms, Third Party Administrators must submit to the Office of Insurance Regulation to apply to do business in Florida and to submit financial information. The forms reflect new 2005 legislation, which in part requires Third Party Administrators to submit audited financial statements.

SUBJECT AREA TO BE ADDRESSED: Form implementation for Third Party Administrators.

SPECIFIC AUTHORITY: 626.8991 FS.

LAW IMPLEMENTED: 626.8805, 626.89 FS.

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

TIME AND DATE: 11:00 a.m., December 15, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail: sandra.dupont@fldfs.com.

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

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

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE TITLE: Prohibited Business Practices for Dealers and Their Associated Persons

RULE NO.: 69W-600.013

PURPOSE AND EFFECT: On August 29, 2003, the Securities and Exchange Commission (SEC) approved the adoption of the National Association of Securities Dealers (“NASD”) Rule 2370, which prohibited registered persons from borrowing money from or lending money to a customer unless certain criteria were met. The NASD subsequently adopted amendments to NASD Rule 2370, which were approved by the SEC on February 18, 2004. Rule 69W-600.013, F.A.C., is being amended to allow registered persons to borrow from or lend to customers under certain conditions. Rule 69W-600.13, F.A.C., is also being amended to reflect Regulation SHO as adopted by the SEC under the Securities and Exchange Act of 1934.

SUBJECT AREA TO BE ADDRESSED: Prohibited business practices of broker dealers and their associated persons.

SPECIFIC AUTHORITY: 517.1217, 517.03(1) FS.

LAW IMPLEMENTED: 517.1217, 517.081, 517.161(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bridget D. Dervish, Area Financial Manager, Bureau of Securities Regulation, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0374, telephone: (850)410-9805

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

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE TITLES: **RULE NOS.:**

Investment Advisers and Their Associated Persons 69W-600.0131

Custody of Client Funds or Securities by Investment Advisers 69W-600.0132

Books and Records Requirements 69W-600.014

PURPOSE AND EFFECT: Section 517.1215(1), F.S., requires the Commission to specify by rule requirements for investment advisers deemed to have custody of client funds. The statute requires that the following areas be addressed: (a) notification of custody of, maintenance of, and safeguards for client funds; (b) communications with clients and independent representatives; (c) requirements for investment advisers who have custody of pooled investments; and (d) exceptions to the custody requirements. Section 517.1215(2), F.S., requires the Commission to prescribe rules of conduct and prohibited business practices for investment advisers and their associated persons. To implement the foregoing statutory requirements, the Commission is proposing to create a new rule titled "Custody of Client Funds or Securities by Investment Advisers" and amend existing Rules 69W-600.0131 and 69W-600.014, F.A.C. Rule 69W-600.014, F.A.C., is also being amended to update book and records requirements for dealers, branch offices, and associated persons.

SUBJECT AREA TO BE ADDRESSED: Custody requirements, conduct, prohibited business practices, and books and records of Investment Advisers and their associated persons; and books and records requirements for dealers, branch offices, and associated persons.

SPECIFIC AUTHORITY: 517.1215, 517.03(1), 517.121(1) FS.

LAW IMPLEMENTED: 517.1215, 517.12, 517.161(1), 517.121(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bridget D. Dervish, Area Financial Manager, Bureau of Securities Regulation, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0374, telephone: (850)410-9805

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE TITLES: **RULE NOS.:**

Constitutional Amendment Ballot Position 1S-2.0011

Constitutional Amendment by Initiative Petition 1S-2.009

Constitutional Amendment Initiative Petition Submission Deadline; Verifying Elector's Signatures 1S-2.0091

PURPOSE AND EFFECT: The purpose of the proposed amendments to these rules is to conform the statutory deadline with the constitutional deadline for the Secretary of State to receive certified initiative petition signatures from the supervisors of elections from 91 days before the general election to February 1 of each general election year, in order for the initiative to be placed on the ballot at the November general election. The change in the initiative petition deadline was approved by the electorate in 2004. Additionally, the proposed amendments reflect changes in practice and procedure and implement changes made during the 2005 Legislative Session in Chapter 2005-278, Laws of Florida, that pertain to the procedures governing the submission and approval of initiative petitions and ballot position assignments for constitutional amendments.

SUMMARY: The proposed amendments update the rule to reflect current practices, procedures and legislative changes relating to the procedures governing the submission and approval of initiative petitions and ballot position assignments for constitutional amendments.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 20.10, 100.371, 101.161 FS.

LAW IMPLEMENTED: Art. XI, Fla. Const.; 100.371, 101.161 FS.

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

TIME AND DATE: 1:00 p.m., Wednesday, December 14, 2005

PLACE: Rm. 307, Plaza Level, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule workshop should contact the Department of State at (850)245-6536 no later than December 9, 2005. Any person who is hearing or speech impaired may