

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

Private School Scholarship

Compliance Form

RULE NO.:

6A-6.03315

PURPOSE AND EFFECT: The purpose of the proposed rule development is to review the current deadline of January 1 by which private schools participating in K-12 state scholarship programs must submit compliance reporting requirements to the Florida Department of Education and the incorporated form to determine if changes should be considered. The effect of this development is to provide consistency to private schools, students, and families during the school year to prevent possible disruptions in private school eligibility, in scholarship payments, and in the provision of educational services to children.

SUBJECT AREA TO BE ADDRESSED: Deadline for submitting private school scholarship compliance information.

SPECIFIC AUTHORITY: 1002.38, 1002.39, 1002.42 FS.

LAW IMPLEMENTED: 220.187, 316.615, 381.006, 381.0072, 404.056, 440.02, 443.1216, 607.0128, 617.0128, 623.03, 1002.38, 1002.39, 1003.22, 1003.23, 1002.42 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

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

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE:

Payment and Minimum Contributions

RULE NO.:

19B-16.004

PURPOSE AND EFFECT: To revise the financial requirements for the establishment of an account in the Florida College Investment Plan.

SUBJECT AREA TO BE ADDRESSED: The financial requirements for establishing an account in the Florida College Investment Plan.

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.981 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., March 7, 2005

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.004 Payment and Minimum Contributions.

(1) through (3) No change.

(4) To establish an account, a benefactor must submit, together with the completed application, one of the following:

(a) A deposit of not less than two-hundred fifty dollars (\$250.00) ~~twenty-five dollars (\$25.00)~~; or

(b) An authorization for a payroll deduction or automatic contribution plan in an amount not less than twenty-five dollars (\$25.00) ~~fifteen dollars (\$15.00)~~.

~~(5) After an account is established, all subsequent contributions to the account shall be:~~

~~(a) In an amount of not less than twenty-five dollars (\$25.00); or~~

~~(b) Made through an authorization for a payroll deduction or automatic contribution plan in an amount not less than fifteen dollars (\$15.00).~~

~~(5)(6)~~ A benefactor may make a contribution to the account at any time.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981 FS. History—New 5-30-02, Amended 11-27-02, 12-28-03, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Termination and Withdrawal; Distributions

RULE NO.: 19B-16.010

PURPOSE AND EFFECT: To provide for the transition to and application of the revised financial requirements for the establishment and maintenance of an account in the Florida College Investment Plan for accounts established prior to April 1, 2005 and to establish when accounts in the Florida College Investment Plan that were established prior to April 1, 2005, will be subject to termination for failure to comply with the revised requirements for the establishment and maintenance of accounts in the Florida College Investment Plan.

SUBJECT AREA TO BE ADDRESSED: The application of the revised financial requirements for accounts in the Florida College Investment Plan for accounts established prior to April 1, 2005, and when accounts in the Florida College Investment Plan that were established prior to April 1, 2005, will be subject to termination for failure to comply with the revised requirements for the establishment and maintenance of accounts in the Florida College Investment Plan.

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.981(3) 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., March 7, 2005

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.010 Termination and Withdrawal; Distributions.

(1) through (3) No change.

(4) Notwithstanding the provisions of subsection (3), accounts established prior to April 1, 2005, will not be terminated for failing to comply with the requirements of subsection 19B-16.004(4), F.A.C., until the first day of any calendar month that is more than twenty-seven months following the date on which the Board received the benefactor's application and initial contribution to the Program, unless the Board receives a special petition seeking waiver of this rule pursuant to Rule 19B-12.001 and subsection 19B-12.003(2), F.A.C.

~~(5)(4)~~ Upon involuntary termination of a participation agreement, the benefactor will be entitled to a refund of the account balance.

~~(6)(5)~~ A benefactor may request a distribution by submitting a written request to the Board. Distributions may be made from an account by any method allowed pursuant to s. 529 of the Internal Revenue Code.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981(3) FS. History--New 5-30-02, Amended 11-27-02, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Fee Schedule

RULE NO.: 19B-16.012

PURPOSE AND EFFECT: To revise the circumstances when the termination fee applies to accounts in the Florida College Investment Plan.

SUBJECT AREA TO BE ADDRESSED: The application of the termination fee to accounts in the Florida College Investment Plan.

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.971(4)(n), 1009.981 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., March 7, 2005

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.012 Fee Schedule.

The following fee schedule will apply to all participation agreements, benefactors and designated beneficiaries:

(1) through (3) No change.

(4) Termination Fee – Benefactors will automatically be assessed a fifty dollar (\$50.00) fee for the termination of any account pursuant to paragraphs 19B-16.010(1)(a) or (b) ~~or (2)(a) or (c), or subsection (3), F.A.C.~~ The termination fee will not be collected when an account is terminated due to the death or disability of the designated beneficiary or the receipt by the designated beneficiary of a scholarship, provided the Board receives documentation of those circumstances.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.971(4)(n), 1009.981 FS. History--New 11-27-02, Amended _____.

WATER MANAGEMENT DISTRICTS**St. Johns River Water Management District**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Environmental Resource Permits:

Surface Water Management Systems 40C-4

PURPOSE AND EFFECT: The St. Johns River Water Management District gives notice that it is developing rules in Chapters 40C-4, 40C-41, and 40C-42, F.A.C., and the associated Applicant's Handbooks incorporated by reference, to provide that the post-development recharge volume conditions within the geographic area described as the Wekiva Study Area in subsection 369.318(4), F.S., (2004) approximate pre-development recharge volume conditions.

SUBJECT AREA TO BE ADDRESSED: Requirement that the post-development recharge volume within the geographic area described as the Wekiva Study Area in subsection 369.318(4), F.S., (2004) approximate the pre-development recharge volumes.

SPECIFIC AUTHORITY: 369.318, 373.044, 373.113, 373.415 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.414, 373.415, 373.416 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: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwmd.com

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

WATER MANAGEMENT DISTRICTS**St. Johns River Water Management District**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Environmental Resource Permits:

Surface Water Management Systems 40C-41

PURPOSE AND EFFECT: The St. Johns River Water Management District gives notice that it is developing rules in Chapters 40C-4, 40C-41 and 40C-42, F.A.C., and the associated Applicant's Handbooks incorporated by reference, to provide that the post-development recharge volume conditions within the geographic area described as the Wekiva Study Area in subsection 369.318(4), F.S., (2004) approximate pre-development recharge volume conditions.

SUBJECT AREA TO BE ADDRESSED: Requirement that the post-development recharge volume within the geographic area described as the Wekiva Study Area in subsection 369.318(4), F.S., (2004) approximate the pre-development recharge volumes.

SPECIFIC AUTHORITY: 369.318, 373.044, 373.113, 373.415 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.414, 373.415, 373.416 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: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwmd.com

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

WATER MANAGEMENT DISTRICTS**St. Johns River Water Management District**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Environmental Resource Permits:

Surface Water Management Systems 40C-42

PURPOSE AND EFFECT: The St. Johns River Water Management District gives notice that it is developing rules in Chapters 40C-4, 40C-41, and 40C-42, F.A.C., and the associated Applicant's Handbooks incorporated by reference, to provide that the post-development recharge volume conditions within the geographic area described as the Wekiva Study Area in subsection 369.318(4), F.S., (2004) approximate pre-development recharge volume conditions.

SUBJECT AREA TO BE ADDRESSED: Requirement that the post-development recharge volume within the geographic area described as the Wekiva Study Area in subsection 369.318(4), F.S., (2004) approximate the pre-development recharge volumes.

SPECIFIC AUTHORITY: 369.318, 373.044, 373.113, 373.415 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.414, 373.415, 373.416 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: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwmd.com
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: RULE NO.:

Continuing Education for Interior Designers 61G1-21.001

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

SUBJECT AREA TO BE ADDRESSED: Continuing education for interior designers.

SPECIFIC AUTHORITY: 481.2055 FS.

LAW IMPLEMENTED: 481.215,(3),(4),(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 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 Architecture and Interior Design

RULE TITLE: RULE NO.:

Continuing Education for Architects 61G1-24.001

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

SUBJECT AREA TO BE ADDRESSED: Continuing Education for architects.

SPECIFIC AUTHORITY: 481.2055 FS.

LAW IMPLEMENTED: 481.215,(3),(4),(5) FS.

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

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:

Examination Grading System and Examination

Requirements for Dental Examination 64B5-2.013

PURPOSE AND EFFECT: The Board proposes the amendment to provide dental examination candidates flexibility to assess suitable board patients in order to rule out any significant health problems that might pose a potential risk during the clinical board examination.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would allow dental examination candidates under direct supervision to assess suitable patients as board patients.

SPECIFIC AUTHORITY: 456.017(1)(b), 466.004(4), 466.006(4) FS.

LAW IMPLEMENTED: 456.017(1)(b),(2), 466.006(4), 466.009 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH**Board of Dentistry**

RULE TITLE:	RULE NO.:
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Licensure Requirements for Applicants from Accredited Schools or Colleges	64B5-2.014
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PURPOSE AND EFFECT: The Board proposes to review the rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Requirements for submitting an application for licensure.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 466.006, 466.007, 466.0075, 466.028, 456.033 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH**Board of Dentistry**

RULE TITLE:	RULE NO.:
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Required Training	64B5-16.002
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PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Formal training courses and programs required of dental hygienists and dental assistants in order to perform remediable tasks.

SPECIFIC AUTHORITY: 466.004, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH**Board of Medicine**

RULE TITLE:	RULE NO.:
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Examinations	64B8-5.001
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PURPOSE AND EFFECT: The Board proposes the development of rule amendments intended to clarify criteria with regard to the licensure examination.

SUBJECT AREA TO BE ADDRESSED: Licensure examination.

SPECIFIC AUTHORITY: 456.017(1), 458.309, 458.311(1)(h), 458.313(4) FS.

LAW IMPLEMENTED: 456.017(1), 458.311, 458.313 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: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH**Division of Environmental Health**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
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Emergency Medical Services	64E-2
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RULE TITLES:	RULE NOS.:
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Definitions	64E-2.001
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Emergency Medical Technician	64E-2.008
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Paramedic	64E-2.009
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Voluntary Inactive Certification	64E-2.0094
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Involuntary Inactive Certification	64E-2.0095
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Examinations	64E-2.010
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Records and Reports	64E-2.013
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PURPOSE AND EFFECT: Definitions: Provides a definition for "conviction" to help clarify its meaning when used in rule.

Emergency Medical Technician and Paramedic: Specifies qualifications and procedures for certification of out of state or military trained individuals. The amendment adds a requirement for applicants to possess a high school diploma or GED. The amendment updates NSC references to "National Standard Curriculum" and, when applicable, updates the reference to reflect the current curriculum. Clarification of testing application deadlines has been revised. Removes the December 2, 2002, requirement for recertifying paramedics to comply with 30 hours of refresher training conducted in accordance with the 2001 U.S. DOT EMT Paramedic Refresher NSC.

Examinations: States that the department shall notify candidates of exam results. Removes the option for requesting exam regrades. Removes the option for the candidate to challenge any questions or subject matter in the review process. The amendment clarifies the examination review process and provides minimum eligibility requirements for candidates who have failed the exam. The amendment removes the current unused reference to the minimum scores required to pass the state developed EMT exam, the NREMT paramedic (Assessment Examination), and the NREMT paramedic (Certification Examination). A new form specifically for requesting a reexamination has been incorporated. The amendment simplifies the process to accommodate exam candidates with documented learning disabilities.

Records: The amendment allows a licensee to meet the personnel record's requirement of maintaining affirmative evidence of current certification status to include forms of documentation other than just a copy of the actual certificate. This amendment permits the use of documentation of certification status from the department's own web certificate lookup system.

SUBJECT AREA TO BE ADDRESSED: Definitions, EMT and Paramedic Certification and Recertification requirements, EMT and Paramedic Certification Examinations, Evidence of current certification status.

SPECIFIC AUTHORITY 401.27, 401.30, 401.35 FS.

LAW IMPLEMENTED: 401.27, 401.30, 401.33, 401.35 FS.

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

TIME AND DATE: 10:00 a.m. (EST), March 9, 2005

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida

TIME AND DATE: 10:00 a.m. (EST), March 11, 2005

PLACE: Department of Health, Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Victoria Parsons, Program Specialist, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2768, e-mail: victoria_parsons@doh.state.fl.us; Fax (850)488-9408

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-2.001 Definitions.

(1) through (4) No change.

(5) Department – means the Florida Department of Health (DH), Division of Emergency Medical Operations, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.

(6) No change.

(7) Conviction – means a determination of guilt of a felony in any court of competent jurisdiction which is the result of a trial or the entry of a plea of guilty or a plea of nolo contendere, regardless of whether adjudication is withheld.

~~(8)(7)~~ Emergency Medical Services Provider – means any entity licensed in the State of Florida to provide air, or ground ambulance, whether basic life support (BLS) or advanced life support (ALS), and whether a non-transportation or a transportation service.

~~(9)(8)~~ Glasgow Coma Scale Score – means the neurological assessment developed by G. Teasdale and B. Jennitte in “Assessment of Coma and Impaired Consciousness: A Practical Scale” Lancet, 1974; 2: 81-84, which is incorporated by reference and available from the department.

~~(10)(9)~~ ICD-9-CM – means the “International Classification of Disease, 9th Revision, Clinical Modification”, March, 1989, U.S. Department of Health and Human Services Publication No. (PHS) 89-1260; an internationally applied method by which diseases or groups of medical conditions or injuries are coded for the purpose of statistical analyses. This book is incorporated by reference and available for purchase from the American Hospital Association, Central Office on ICD-9-DM, 1(800)242-2626, AHA, Post Office Box 92683, Chicago, IL 67675-2683.

~~(11)(10)~~ Injury Severity Score (ISS) – means the sum of the squares of the highest AIS-90 code in each of the three most severely injured body regions. The method for computing ISS is found in the “Abbreviated Injury Scale 1990 Revisions.”

~~(12)(11)~~ Neonatal Ambulance – means an ALS permitted vehicle which is designated solely to interfacility transports of neonates to a Level II or Level III neonatal intensive care unit.

~~(13)(12)~~ Neonatal Transport – means the transport of any neonate requiring emergency transfer from a hospital licensed under Chapter 395 F.S., to a Level II or Level III neonatal intensive care unit.

~~(14)(13)~~ Neonate – means an infant less than 28 days of life and or less than 5 kg.

~~(15)(14)~~ “Operate”, “Operates” or “Operation” – means providing, offering to provide, soliciting, or advertising prehospital or interfacility ALS services or BLS transportation services as further described in Rule 64E-2.032, F.A.C.

~~(16)(15)~~ Patient Care Record – means the record used by each EMS provider to document patient care, treatment and transport activities that at a minimum includes the information required under paragraphs 64E-2.003(5)(a), (b), Rule 64E-2.013, subsections 64E-2.015(5), 64E-2.017(5), (6), (7), 64E-2.0175(4), F.A.C.

~~(17)(16)~~ Pediatric Trauma Patient – means a trauma patient with anatomical and physical characteristics of a person 15 years of age or younger.

~~(18)(17)~~ Provisional State-Approved Pediatric Trauma Referral Center (SAPTRC) – means a hospital licensed under Chapter 395, F.S., which submits an application indicating that

the hospital meets the trauma center requirements provided in DHP 150-9 and is approved by the department to provide pediatric trauma care services until approval or denial as a SAPTRC.

~~(19)(18)~~ Provisional State-Approved Trauma Center (SATC) – means a hospital licensed under Chapter 395, F.S., which submits an application indicating that the hospital meets the requirements provided in DHP 150-9 and is approved by the department to provide trauma care services until approval or denial as a SATC.

~~(20)(19)~~ Training Program – means an educational institution having one designated program director, one designated medical director, and single budget entity; for the purposes of providing EMT or paramedic education programs, as approved by the department.

~~(21)(20)~~ Trauma – means a blunt, penetrating or burn injury caused by external force or violence.

~~(22)(21)~~ Trauma Alert – means a notification initiated by EMS informing a hospital that they are en route with a patient meeting the trauma alert criteria.

~~(23)(22)~~ Trauma Alert Patient – means a person whose primary physical injury is a blunt, penetrating or burn injury, and who meets one or more of the adult trauma scorecard criteria in Rule 64E-2.017, F.A.C., or the pediatric trauma scorecard criteria in Rule 64E-2.0175, F.A.C.

~~(24)(23)~~ Trauma Patient – means any person who has incurred a physical injury or wound caused by trauma and who has accessed an emergency medical services system.

~~(25)(24)~~ Trauma Registry – means a statewide database which integrates medical and system information related to trauma patient diagnosis and the provision of trauma care by prehospital, hospital, SATC, SAPTRC, providers and medical examiners.

~~(26)(25)~~ Trauma Transport Protocols (TTPs) – means a document which describes the policies, processes and procedures governing the dispatch of vehicles, and the triage and transport of trauma patients.

Specific Authority 381.0011(13), 395.401, 395.4025(13), 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.25, 401.35, 401.435 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, 11-2-86, 4-12-88, 8-3-88, 8-7-89, 6-6-90, Formerly 10D-66.485, Amended 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.0485, Amended 8-4-98, 7-14-99, 2-20-00, 11-3-02, _____.

64E-2.008 Emergency Medical Technician.

(1) Qualifications and Procedures for Certification in addition to those contained in Section 401.27, F.S. – To be qualified for EMT certification, an individual must:

(a) 1 successfully complete an initial EMT training program ~~that was~~ conducted in accordance with the 1994 U.S. DOT EMT-Basic National Standard Curriculum, NSC, which is incorporated by reference and is available for purchase from the Government Printing Office by telephoning (202)512-1800, or

~~2.(b)~~ If out of state or military trained in accordance with the 1994 U.S. DOT EMT-Basic National Standard Curriculum, currently hold a valid EMT certification from the National Registry of Emergency Medical Technicians or ~~be currently certified in another U.S. state or U.S. territory which has and have the certifying authority to submit to the department DH Form 1164, January 05, January 00, Statement of Good Standing which is incorporated by reference and available from the department, and~~

~~(b)(e)~~ Apply for Florida EMT certification on DH Form 1583, January 05, April 02, Emergency Medical Technicians and Paramedics Certification Application/Examination Scheduling which is incorporated by reference and available from the department, and:-

(c) Possess a high school diploma or a General Education Development (GED) diploma.

(2) Recertification – To be eligible for recertification as an EMT an individual shall submit DH Form 622, January 05, April 02, EMT/Paramedic Recertification Application, which is incorporated by reference and available from the department; and within 2 years prior to the expiration date of his or her EMT certification complete one of the following:

(a) Complete 30 hours of EMT refresher training based on the ~~1996 1994~~ U.S. DOT EMT-Basic National Standard Refresher Curriculum, NSC, an additional 2 hours of HIV AIDS refresher training, in accordance with Section 381.0034, F.S.; and maintain a current CPR card as provided in Section 401.27(4)(e)2., F.S., and Rule 64E-2.038, F.A.C. CPR shall be included in the 30 hours of refresher training, provided that the CPR training is taken with a continuing education provider recognized by the department pursuant to Section 401.2715, F.S. The ~~1996 1994~~ U.S. DOT EMT-Basic National Standard Refresher Curriculum NSC shall be the criteria for department approval of refresher training courses. The department shall accept either the affirmation of a licensed EMS provider's medical director; or a certificate of completion of refresher training from a department approved Florida training program or a department approved continuing education provider as proof of compliance with the above requirements. ~~Effective December 2, 2002, the 30 hours of EMT refresher training shall be conducted in accordance with T~~he 1996 U.S. DOT EMT-Basic National Standard Refresher Curriculum NSC ~~which~~ is incorporated by reference and available for purchase from the Government Printing Office by telephoning (202)512-1800.

(b) Successfully pass the EMT certification examination during the current certification cycle; and complete 2 hours of HIV AIDS refresher training, in accordance with Section 381.0034, F.S.; and maintain a current CPR BLS card for the professional rescuer. Prior to taking the examination, a candidate shall submit DH Form 1583, January 05, April 02, Emergency Medical Technicians and Paramedics Certification Application/Examination Scheduling to the department so as to

be received by the department in accordance with the department's published examination application deadlines, no later than 30 calendar days prior to the date of the certification examination for which the applicant desires to be scheduled, and pay the required fees.

(c) Satisfactorily complete the first semester of the paramedic training course at a department approved Florida training center within the current immediately preceding 2-year certification cycle. Complete 2 hours of HIV AIDS refresher training in accordance with Section 381.0034, F.S., and also maintain a current CPR card for the professional rescuer.

(d) through (4)(b) No change.

Specific Authority 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.41, 401.35, 401.411, 401.414 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.56, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.056, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-03-02, _____.

64E-2.009 Paramedic.

(1) Qualifications and Procedures for Certification in addition to those contained in Section 401.27, F.S. – To be qualified for paramedic certification, an individual must:

(a) 1. Successfully complete an initial paramedic training program that was conducted in accordance with the 1998 U.S. DOT EMT-Paramedic (EMT-P) National Standard Curriculum, (NSC), which is incorporated by reference and is available for purchase from the Government Printing Office by telephoning (202)512-1800, or

2. ~~(b)~~ If out of state or military trained in accordance with the 1998 U.S. DOT EMT-Paramedic (EMT-P) NSC, currently hold a valid paramedic certification from the National Registry of Emergency Medical Technicians or be currently certified in another U.S. state or U.S. territory which has and have the certifying authority to submit to the department DH Form 1164, January 05, January 00, Statement of Good Standing, which is incorporated by reference in Rule 64E-2.008, F.A.C., and

(b) ~~(e)~~ Apply for Florida paramedic certification in accordance with the department's published examination application deadlines on DH Form 1583, January 05, April 02, Emergency Medical Technicians and Paramedics Certification Application/Examination Scheduling which is incorporated by reference in Rule 64E-2.008, F.A.C.; and

(c) Possess a high school diploma or a General Education Development (GED) diploma.

(2) Recertification – To be eligible for recertification as a paramedic an individual shall submit DH Form 622, January 05, April 02, EMT/Paramedic Recertification Application which is incorporated by reference in subsection 64E-2.008(2), F.A.C., and within 2 years prior to the expiration date of his or her paramedic certification complete one of the following:

(a) Complete 30 hours of paramedic refresher training based on the 1998 U.S. D.O.T. EMT-Paramedic NSC, an additional 2 hours of HIV AIDS refresher training in accordance with Section 381.0034, F.S., and also maintain a current Advanced Cardiac Life Support (ACLS) card as provided in Section 401.27(4)(e)2., F.S., and Rule 64E-2.038, F.A.C. ACLS shall be included in the 30 hours of refresher training, provided that the ACLS training is taken with a continuing education provider recognized by the department pursuant to Section 401.2715, F.S. The department shall accept either the affirmation of a licensed EMS provider's medical director; or a certificate of completion of refresher training from a department approved Florida training program, or a department approved continuing education provider as proof of compliance with the above requirements. ~~Effective December 2, 2002, the 30 hours of paramedic refresher training shall be conducted in accordance with the 2001 U.S. DOT EMT-Paramedic Refresher NSC which is incorporated by reference and available for purchase from the Government Printing Office by telephoning 202-512-1800.~~

(b) Successfully pass the paramedic certification examination during the current certification cycle; complete 2 hours of HIV AIDS refresher training in accordance with Section 381.0034, F.S.; and also maintain a current ACLS card. Prior to taking the examination, a candidate shall submit DH Form 1583, January 05, April 02, Emergency Medical Technicians and Paramedics Certification Application/Examination Scheduling to the department so as to be received by the department in accordance with the department's published examination application deadlines, no later than 30 calendar days prior to the date of the certification examination for which the applicant desires to be scheduled, and pay the required fees.

(3) through (4) No change.

Specific Authority 381.0011, 381.0034, 381.0035, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.57, Amended 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.057, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-03-02, _____.

64E-2.0094 Voluntary Inactive Certification.

An EMT or paramedic who is currently certified can place their certificate on inactive status by sending a written request to the department and paying a fee of \$50. Any EMT or paramedic whose certificate has been placed on inactive status shall not function as an EMT or paramedic until such time as he or she has completed the following requirements for reactivating the certificate:

(1) through (b) No change.

(2) An EMT whose certificate has been on inactive status for more than 1 year can activate his or her certificate by completing the following:

(a) 30 hours of EMT refresher training which shall be based on the 1996 ~~1994~~ U.S. DOT EMT-Basic National Standard Refresher Curriculum NSC and 2 hours of human immunodeficiency virus and acquired immune deficiency syndrome (HIV AIDS) training. ~~Effective December 2, 2002, the 30 hours of EMT refresher training shall be conducted in accordance with~~ The 1996 U.S. DOT EMT-Basic National Standard Refresher Curriculum NSC which is incorporated by reference in Rule 64E-2.008, F.A.C. The training:

1. through (d) No change.

(e) After completion of the above requirements, submit to the department:

1. DH Form 622, January 05, ~~April 02~~, EMT/Paramedic Recertification Application which is incorporated in subsection 64E-2.008(2), F.A.C.

2. DH Form 1583, January 05, ~~April 02~~, Emergency Medical Technicians and Paramedics Certification Application/Examination Scheduling, which is incorporated by reference in Rule 64E-2.008, F.A.C.

3. No change.

(3) A paramedic whose certificate has been on inactive status for more than 1 year can activate his or her certificate by completing the following:

(a) 30 hours of paramedic refresher training which shall be based on the 1998 U.S. DOT EMT-Paramedic NSC, which is incorporated by reference in Rule 64E-2.009, F.A.C., and 2 hours of human immunodeficiency virus and acquired immune deficiency syndrome (HIV AIDS) training. ~~Effective December 2, 2002, the 30 hours of EMT Paramedic refresher training shall be conducted in accordance with the 2001 U.S. DOT EMT Paramedic refresher NSC which is incorporated by reference in Rule 64E-2.009, F.A.C.~~ The training:

1. through (d) No change.

(e) After completion of the above requirements, submit to the department:

1. DH Form 622, January 05, ~~April 02~~, EMT/Paramedic Recertification Application which is incorporated by reference in subsection 64E-2.008(2), F.A.C.

2. DH Form 1583, January 05, ~~April 02~~, Emergency Medical Technicians and Paramedics Certification Application/Examination Scheduling which is incorporated by reference in Rule 64E-2.008, F.A.C.

3. No change.

Specific Authority 401.27, 401.35 FS. Law Implemented 401.27, 401.34, 401.35 FS. History—New 8-4-98, Amended 1-3-99, 9-3-00, 4-21-02, 6-3-02, 11-3-02, _____.

64E-2.0095 Involuntary Inactive Certification.

(1) No change.

(2) Such certificates may be reactivated if the applicant submits the recertification fee required by Section 401.34, F.S., and a late renewal fee of \$25 and the following items to the department:

(a) DH Form 622, January 05, ~~Jan. 00~~, EMT/Paramedic Recertification Application, which is incorporated by reference in subsection 64E-2.008(2), F.A.C.

(b) through (3) No change.

Specific Authority 401.27, 401.35 FS. Law Implemented 401.27, 401.34, 401.35 FS. History—New 8-4-98, Amended 1-3-99, 9-3-00, 4-15-01, _____.

64E-2.010 Examinations.

(1) Grade Notification – The department shall notify each candidate of the examination results. If a candidate fails the ~~state~~ certification examination developed or required by the department, he or she shall ~~will~~ be notified by the department ~~of the requirements for regrade,~~ examination review, and appeal rights and procedures.

(2) Examination Regrades — ~~If the candidate desires a regrading of his or her state examination, he or she must submit a written request to the department for a rescore within 30 days of the date indicated on the failure notice.~~

~~(2)(3)~~ Examination Review.

(a) A ~~The~~ candidate who failed the examination shall notify the department, in writing, that he or she desires an examination review within 21 ~~30~~ days of the date indicated on the failure notice and include the required review fee of \$50 ~~\$30~~ payable by cashier's check or money order to the department. Upon receipt of payment, the department shall notify the candidate of a review appointment. ~~Upon payment of the fee, an examination review by candidate can be scheduled.~~

(b) Each candidate, who has taken and failed the examination, shall have the right to review the examination booklet and a copy of his or her answer sheet.

(c) The candidate's attorney can be present at the review.

(d) Examination reviews shall be conducted in the presence of a representative of the department and scheduled at a location designated by the department. The review shall be conducted between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding official state holidays. A candidate shall attend only one review per examination administration. If the candidate is scheduled for an examination review date and fails to appear, the review fee shall be forfeited.

(e) The candidate shall be allowed one-half the time, ~~not to extend beyond the time~~ allowed for the original administration of the examination; to review the examination materials provided. Neither the candidate nor the attorney shall be allowed to bring any material for documenting or recording any test material into the review session.

(f) through (g) No change.

(h) Any candidate who fails the examination and attends an examination review, pursuant to this section, shall not be eligible for reexamination for at least 30 days after the examination review. ~~The department representative shall provide the candidate with a writing utensil and paper to document his or her review questions. The candidate shall not~~

copy questions from the examination booklet. The candidate shall write any objection or question concerning the examination.

(i) The candidate shall leave the written objections and questions with a representative of the department when he or she leaves the review.

(j) The candidate's objections shall then be analyzed by a representative of the department. If the representative finds that the original grade awarded was consistent with the grading criteria, then the candidate shall be notified in writing.

(k) If the department representative finds that the candidate's objection requires further review, the representative, in conjunction with the Chief, shall review each objection and grade the items in accordance with the standards established to govern the examination.

(l) If the department finds that the original grade was not rendered in accordance with the grading criteria, the representative shall re-grade the examination. At the conclusion of the reevaluation of the examination, the candidate shall be notified in writing of the decision and the candidate's review fee shall be refunded.

(4) Examination Requirements:

(a) No change.

(b) The following grades are the minimum scores required to pass the below-listed examinations:

1. State developed EMT Examination, 70 percent or higher.

1.2. Florida Paramedic Certification Examination, 80 percent or higher.

3. NREMT paramedic (Assessment Examination), 70 percent or higher.

4. NREMT paramedic (Certification Examination), 70 percent or higher, and a passing score on each subpart.

2.5. NREMT EMT-Basic Examination, 70 percent or higher.

(5) To be scheduled for a reexamination ~~rescheduled for the state certification examination~~, the requestor shall submit DH Form 1975 4583, January 05, April 02, Emergency Medical Technicians and Paramedics Certification-Application/Examination Scheduling RE-EXAM which is incorporated by reference and available from the department in Rule 64E-2.008, F.A.C. The request shall be submitted so as to be received by the department in accordance with the department's published deadlines for examinations ~~no later than 30 calendar days prior to the date of the scheduled examination~~.

(6) An EMT candidate must meet all the examinations requirements of the National Registry of Emergency Medical Technicians. The candidate must document successful completion of 24 hours of department-approved refresher training based on the 1994 U.S. DOT EMT-Basic National Standard Curriculum prior to being scheduled for another attempt at the examination after three failures. An EMT

applicant who has failed the examination six times is disqualified from certification and must successfully complete a full EMT training program, pursuant to paragraph 64E-2.008(1)(a), F.A.C., prior to being considered for subsequent examination and certification.

(7) A paramedic candidate must document successful completion of 48 hours of department-approved refresher training based on the 1998 U.S. DOT EMT-Paramedic National Standard Curriculum prior to being scheduled for another attempt at the certification examination after three failures. A paramedic applicant who has failed the examination six times is disqualified from certification and must successfully complete a full paramedic education program, pursuant to paragraph 64E-2.009(1)(a), F.A.C., prior to being considered for subsequent examination and certification.

(8)(6) Persons with documented learning disabilities in the areas of reading decoding or reading comprehension or some form of documented disability or cognitive processing deficit specifically in the reading area which would negatively impact on the candidate's performance on the written examination may be eligible for special accommodations with the written certification examination. The person requesting the accommodation must provide documentation of the diagnosis before any decision shall be made by the department for accommodation in the administration of the paramedic examination and by the National Registry of Emergency Medical Technicians for accommodation in the administration of the EMT examination regarding the request for special accommodation.

(a) Documentation of a specific learning disability shall include one of the following:

1. Diagnosis of a learning disability in the area of reading decoding or reading comprehension based upon the results of standardized psycho-educational assessment including an appropriate standardized measure of intelligence and an appropriate standardized measure of achievement in reading decoding or reading comprehension. Two recognized instruments acceptable to the department which provide the disability diagnosis and which are standardized for adults are:

a. Wechsler Adult Intelligence Scale-Revised.

b. Woodcock-Johnson Psycho-Educational Battery-Revised: Tests of Achievement.

2. School or work records which demonstrate that special education services or accommodations were provided due to a learning disability in the area of reading decoding or reading comprehension. Documentation of the learning disability shall be required.

(a)(b) Individuals who qualify for special accommodation on the written examination due to a documented learning disability as described above shall be required permitted to take the standard format of the examination, but shall receive

an additional time ~~hour~~ in which to complete the examination based on the department's assessment of the severity of the learning disability.

(b)(e) Other types of accommodations to meet the needs of applicant's documented disabilities may be granted with appropriate documentation of disability as determined by the department.

Specific Authority 381.0011, 401.27, 401.35 FS. Law Implemented 381.001, 401.27, 401.35 FS. History—New 4-26-84, Amended 3-11-85, Formerly 10D-66.575, Amended 4-12-88, 12-10-92, 12-10-95, 1-26-97, Formerly 10D-66.0575, Amended 8-4-98, 6-3-02, 11-3-02, _____.

64E-2.013 Records and Reports.

(1) through (a) No change.

(b) Personnel records for each employee, to include date of employment, training records, employee application, documentation ~~copy~~ of current certification, card, and confirmation that each driver is in compliance with Section 401.281, F.S.

(c) through (13) No change.

Specific Authority 381.0011, 395.405, 401.30, 401.35 FS. Law Implemented 381.001, 381.0205, 395.401-395.405, 401.23, 401.25, 401.27, 401.30, 401.35, 401.411 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.60, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.060, Amended 7-14-99, 2-20-00, 4-15-01, 11-3-02, _____.

P.O. DO29262

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLE: Physical Environment

RULE NO.: 65C-22.002

PURPOSE AND EFFECT: The modifications to the Physical Environment, General Requirements will clarify that the provision which prohibits firearms or weapons as defined in Section 790.001, F.S., in any building or conveyance, or upon any person located on the premises of a child care facility, does not apply to state or federal law enforcement officers.

SUBJECT AREA TO BE ADDRESSED: Child Care Standards.

SPECIFIC AUTHORITY: 402.302, 402.305 FS.

LAW IMPLEMENTED: 402.302, 402.305 FS.

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

TIME AND DATE: 9:00 a.m., March 7, 2005

PLACE: Room 361A, Bldg. 6, 3rd Floor, Department of Children and Family Services, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Abbie Messer, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 388, Tallahassee, FL 32399, (850)488-4900

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-22.002 Physical Environment.

(1) General Requirements.

(a) through (d) No change.

(e) No firearms or weapons as defined in Chapter 790.001, F.S., shall be allowed within any building or conveyance, or upon any person located on the premises, excluding federal or state Law Enforcement Officers.

(f) No narcotics, alcohol, or other impairing drugs shall be present on the premises.

(g) through (h) No change.

(2) through (9) No change.

Specific Authority 402.302, 402.305 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02, 7-13-03, 9-12-04, _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: Fire Prevention – General Provisions

RULE CHAPTER NO.: 69A-3

RULE TITLE: Standards of the National Fire Protection

RULE NO.: 69A-3.012

Association Adopted

PURPOSE AND EFFECT: The purpose of the rules is to update Chapter 69A-3, Florida Administrative Code, to accommodate revisions in the standards previously adopted which pertain to structures subject to the uniform rules governing the entities and subjects listed in Sections 633.022(1)(a) and (1)(b), Florida Statutes. The effect of this rule development will be to modernize the standards in use for the various entities listed in Section 633.022, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Updated Standards of the National Fire Protection and Other Standards for entities and subjects subject to Section 633.022, Florida Statutes.

SPECIFIC AUTHORITY: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.022 FS.

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

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

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-3.012 Standards of the National Fire Protection Association Adopted.

(1) Except as specifically modified by statute or by the State Fire Marshal's rules, NFPA 101, Life Safety Code, 2003 ~~2000~~ edition and NFPA 1, 2003 ~~2000~~ edition, are hereby adopted and incorporated by reference as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S. In addition, the following standards as referenced in Chapter 2 of NFPA 101, 2003 ~~2000~~ edition and Chapter 32 of NFPA 1, 2003 ~~2000~~ edition, except as specifically modified in the rule chapters in Rule Title 69A, are hereby adopted and incorporated by reference and shall take effect on the effective date of this rule, as a part of the uniform firesafety standards adopted by rule by the State Fire Marshal and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S.:

NFPA 10-2002 ~~1998~~, Standard for Portable Fire Extinguishers
 NFPA 11-2002 ~~1998~~, Standard for Low-, Medium, and High-Expansion Foam
 NFPA 11A-1999, Standard for Medium and High Expansion Foam Systems
 NFPA 12-2000, Standard on Carbon Dioxide Extinguishing Systems
 NFPA 12A-1997, Standard on Halon 1301 Fire Extinguishing Systems
 NFPA 13-2002 ~~1999~~, Standard for the Installation of Sprinkler Systems
 NFPA 13D-2002 ~~1999~~, Standard for the Installation of Sprinkler Systems in One- and Two- Family Dwellings and Manufactured Homes
 NFPA 13R-2002 ~~1999~~, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height
 NFPA 14-2003 ~~2000~~, Standard for the Installation of Standpipe and Hose Systems, except 2-7 shall be omitted

NFPA 15-2001 ~~1996~~, Standard for Water Spray Fixed Systems for Fire Protection
 NFPA 16-2003 ~~1999~~, Standard for the Installation of ~~on~~ ~~Deluge~~ Foam-Water Sprinkler and Foam-Water Spray Systems
 NFPA 17-2002 ~~1998~~, Standard for Dry Chemical Extinguishing Systems
 NFPA 17A-2002 ~~1998~~, Standard on Wet Chemical Extinguishing Systems
 NFPA 20-1999, Standard for the Installation of Stationary Pumps for Fire Protection
 NFPA 22-2003 ~~1998~~, Standard for Water Tanks for Private Fire Protection
 NFPA 24-2002 ~~1995~~, Standards for the Installation of Private Fire Service Mains and Their Appurtenances
 NFPA 25-2002 ~~1998~~, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, except that quarterly flow tests shall be required for those systems supplied by a municipal water supply.
 NFPA 30-2000 ~~1996~~, Flammable and Combustible Liquids Code
 NFPA 30A-2000 ~~1996~~, Code for Motor Fuel Dispensing Facilities and Repair Garages ~~Automotive and Marine Service Station Code~~
 NFPA 30B-2002 ~~1998~~, Code for the Manufacture and Storage of Aerosol Products
 NFPA 31-2001 ~~1997~~, Standard for the Installation of Oil Burning Equipment
 NFPA 32-2000 ~~1996~~, Standards for Drycleaning Plants
 NFPA 33-2000 ~~1995~~, Standard for Spray Application Using Flammable and Combustible Materials
 NFPA 34-2000 ~~1995~~, Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids
 NFPA 35-1999, Standard for the Manufacture of Organic Coatings
 NFPA 36-2001 ~~1997~~, Standard for Solvent Extraction Plants
 NFPA 37-2002 ~~1998~~, Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines
 NFPA 40-2001 ~~1997~~, Standard for the Storage and Handling of Cellulose Nitrate ~~Motion Picture~~ Film
 NFPA 45-2000 ~~1996~~, Standard on Fire Protection for Laboratories Using Chemicals
 NFPA 50-2001 ~~1996~~, Standard for Bulk Oxygen Systems at Consumer Sites
 NFPA 50B 1999, Standard for Liquid Hydrogen Systems at Consumer Sites
 NFPA 51-2002 ~~1997~~, Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes
 NFPA 51A 2001 ~~1996~~, Standard for Acetylene Cylinder Charging Plants
 NFPA 51B-1999, Standard for Fire Prevention During Welding, Cutting and Other Hot Work

NFPA 52-~~2002~~ ~~1998~~, Compressed Natural Gas Vehicular Fuel Systems Code
 NFPA 54-~~2002~~ ~~1999~~, National Fuel Gas Code
 NFPA 57-~~2002~~ ~~1999~~, Liquefied Natural Gas Vehicular Fuel Systems Code
 NFPA 58-~~2001~~ ~~1998~~, Liquefied Petroleum Gas Code
 NFPA 59-~~2001~~ ~~1998~~, Utility LP-Gas Plant Code ~~Standard for Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants~~
 NFPA 59A-~~2001~~ ~~1996~~, Standard for the Production, Storage and Handling of Liquefied Natural Gas
 NFPA 61-~~2002~~ ~~1999~~, Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Products Facilities
 NFPA 69-~~2002~~ ~~1997~~, Standard on Explosion Prevention Systems
 NFPA 70-~~2002~~ ~~1999~~, National Electrical Code
 NFPA 72-~~2002~~ ~~1999~~, National Fire Alarm Code
 NFPA 75-~~2003~~ ~~1999~~, Standard for the Protection of Electronic Computer/Data Processing Equipment
 NFPA 80-1999, Standard for Fire Doors and Fire Windows
 NFPA 82-1999, Standard on Incinerators and Waste and Linen Handling Systems and Equipment
 NFPA 86-1999, Standard for Ovens and Furnaces
 NFPA 86C-1999, Standard for Industrial Furnaces Using a Special Processing Atmosphere
 NFPA 86D-1999, Standard for Industrial Furnaces Using Vacuum as an Atmosphere
 NFPA 88A-~~2002~~ ~~1998~~, Standard for Parking Structures
~~NFPA 88B-1997, Standard for Repair Garages~~
 NFPA 90A-~~2002~~ ~~1999~~, Standard for the Installation of Air Conditioning and Ventilating Systems
 NFPA 90B-~~2002~~ ~~1999~~, Standard for the Installation of Warm Air Heating and Air Conditioning Systems
 NFPA 91-1999, Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids
 NFPA 92A-~~2000~~ ~~1996~~, Recommended Practice for Smoke-Control Systems
 NFPA 92B-~~2000~~ ~~1995~~, Guide for Smoke Management Systems in Malls, Atria, and Large Areas
 NFPA 96-~~2001~~ ~~1998~~, Standard for Ventilation Control and Fire Prevention of Commercial Cooking Operations. Subdivision 7-2.2 of NFPA 96 applies prospectively only. Existing installations are permitted to remain in place subject to the approval of the authority having jurisdiction.
 NFPA 99-~~2002~~ ~~1999~~, Standard for Health Care Facilities
 NFPA 101A-~~2001~~ ~~1998~~, Guide on Alternative Approaches to Life Safety
 NFPA 101B-~~2002~~ ~~1999~~, Standard on Means of Egress for Buildings and Structures

NFPA 102-1995, Standard for Grandstands, Folding and Telescoping Seating, Tents and Membrane Structures
 NFPA 105-~~2003~~ ~~1999~~, Recommended Practice for the Installation of Smoke-Control Door Assemblies
 NFPA 110-~~2002~~ ~~1999~~, Standard for Emergency and Standby Power Systems
 NFPA 111-~~2001~~ ~~1996~~, Standard on Stored Electrical Energy Emergency and Standby Power Systems
 NFPA 120-1999, Standard for Coal Preparation Plants
 NFPA 140-1999, Standard on ~~for~~ Motion Picture and Television Production Studio Soundstages and Approved Production Facilities
 NFPA 150-~~2000~~ ~~1995~~, Standard on Firesafety in Racetrack Stables
 NFPA 160-~~2001~~ ~~1998~~, Standard for Flame Effects Before an Audience
 NFPA 211-~~2003~~ ~~2000~~, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances
 NFPA 214-~~2000~~ ~~1996~~, Standard on Water-Cooling Towers
~~NFPA 220-1999, Standard on Types of Building Construction~~
 NFPA 221-~~2000~~ ~~1997~~, Standard on Fire Walls and Fire Barrier Walls
 NFPA 230-~~2003~~ ~~1999~~, Standard for the Fire Protection of Storage
~~NFPA 231D-1998, Standard for Storage of Rubber Tires~~
 NFPA 232-~~2000~~ ~~1995~~, Standard for the Protection of Records
 NFPA 232A-~~1995~~ ~~1991~~, Guide Standard for Fire Protection for Archives and Record Centers
 NFPA 241-~~2000~~ ~~1996~~, Standard for Safeguarding Construction, Alteration and Demolition Operations
 NFPA 251-1999, Standard Methods of Tests of Fire Endurance of Building Construction and Materials
 NFPA 252-1999, Standard Methods of Fire Tests of Door Assemblies
 NFPA 253-2000, Standard Method of Test for Critical Flux of Floor Covering Systems Using a Radiant Heat Energy Source
 NFPA 255-2000, Standard Method of Test of Surface Burning Characteristics of Building Materials
 NFPA 256-1998, Standard Methods of Fire Tests of Roof Coverings
 NFPA 257-2000, Standard on Fire Tests for Window and Glass Block Assemblies
 NFPA 259-~~2003~~ ~~1998~~, Standard Test Method for Potential Heat of Building Materials
 NFPA 260-1998, Standard Method of Test and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture
 NFPA 261-1998, Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes

NFPA 265-~~2002~~ 1998, Standard ~~Methods Method~~ of Fire Tests ~~Test~~ for Evaluating Room Fire Growth Contribution of Textile ~~Wall~~ Coverings on Full Height Panels and Walls

NFPA 266-1998, Standard Method of Test for Characteristics of Upholstered Furniture Exposed to Flaming Ignition Sources

NFPA 267-1998, Standard Method of Test for Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Sources

NFPA 286-2000, Standard Method of Fire Test for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth

NFPA 303-~~2000~~ 1995, Fire Protection Standards for Marinas and Boatyards

NFPA 307-~~2000~~ 1995, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves

NFPA 312-~~2000~~ 1995, Standard for Fire Protection of Vessels During Construction, Repair and Lay-Up

NFPA 318-~~2002~~ 1998, Standard for the Protection of Cleanrooms

NFPA 385-2000, Standard for Tank Vehicles for Flammable and Combustible Liquids

~~NFPA 395-1993, Standard for Storage of Flammable and Combustible Liquids at Farms and Isolated Sites~~

NFPA 407-~~2001~~ 1996, Standard for Aircraft Fuel Servicing

NFPA 409-~~2001~~ 1995, Standard on Aircraft Hangars

NFPA 410-1999, Standard on Aircraft Maintenance

NFPA 415-~~2002~~ 1997, Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways

NFPA 418-~~2001~~ 1995, Standard for Heliports

NFPA 430-2000, Code for Storage of Liquid and Solid Oxidizers

NFPA 432-~~2002~~ 1997, Code for Storage of Organic Peroxide Formulations

NFPA 434-~~2002~~ 1998, Code for the Storage of Pesticides

~~NFPA 480-1998, Standard for the Storage, Handling and Processing of Magnesium Solids and Powders~~

~~NFPA 481-1995, Standard for the Production, Processing, Handling and Storage of Titanium~~

~~NFPA 482-1996, Standard for the Production, Processing, Handling, and Storage of Zirconium~~

NFPA 484-2002, Standard for Combustible Metals, Metal Powders, and Metal Dusts

~~NFPA 485-1999, Standard for the Storage, Handling, Processing, and Use of Lithium Metal~~

NFPA 490-1998, Code for the Storage of Ammonium Nitrate

NFPA 495-~~2001~~ 1996, Explosive Materials Code

NFPA 498-~~2001~~ 1996, Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives

NFPA 501-~~2003~~ 1999, Standard on Manufactured Housing

NFPA 501A-~~2003~~ 1999, Standard for Firesafety Criteria for Manufactured Home Installations, Sites, and Communities

NFPA 505-~~2002~~ 1999, Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operation.

NFPA 650-1998, Standard for Pneumatic Conveying Systems for Handling Combustible Particulate Solids

~~NFPA 651-1998, Standard for the Machining and Finishing of Aluminum and the Production and Handling of Aluminum Powder~~

NFPA 654-~~2000~~ 1997, Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids

NFPA 655-~~2001~~ 1993, Standard for Prevention of Sulfur Fires and Explosions

NFPA 664-~~2002~~ 1998, Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities

NFPA 701-1999, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films

NFPA 703-~~2000~~ 1995, Standard for Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials

NFPA 704-~~2001~~ 1996, Standard System for the Identification of the Fire Hazards of Materials for Emergency Response

NFPA 780-~~2000~~ 1997, Installation of Lightning Protection Systems

NFPA 909-~~2001~~ 1997, Standard for the Protection of Cultural Resources, ~~Including Museums, Libraries, Places of Worship, and Historical Properties~~

NFPA 1122-~~2002~~ 1997, Code for Model Rocketry

NFPA 1123-~~2000~~ 1995, Code for Fireworks Display

NFPA 1124-~~2003~~ 1998, Code for the Manufacture, Transportation, ~~and Storage, and Retail Sale~~ of Fireworks and Pyrotechnic Articles

NFPA 1125-~~2001~~ 1995, Code for the Manufacture of Model Rocket and High Power Rocket Motors

NFPA 1126-~~2001~~ 1996, Standard for the Use of Pyrotechnics Before a Proximate Audience

NFPA 1127-~~2002~~ 1998, Code for High Power Rocketry

NFPA 1142-~~2001~~ 1999, Standard for Water Supplies for Suburban and Rural Fire Fighting

NFPA 1194-~~2002~~ 1999, Standard for Recreation Vehicle Parks and Campgrounds

NFPA 1221-~~2002~~ 1999, Standard for the Installation, Maintenance, and Use of Emergency Communications Systems ~~Communication for Emergency Services~~

NFPA 1561-~~2002~~ 2000, Standard on Emergency Services Incident Management System

NFPA 1962-~~2003~~ 1998, Standard for the Inspection, Care, and Use, and Service Testing of Fire Hose Including Couplings and Nozzles; ~~and the Service Testing of Fire Hose~~

NFPA 1963-1998, Standards for Fire Hose Connections

NFPA 2001-2000, Standard on Clean Agent Fire Extinguishing Systems

NFPA 8501-1997, Standard for Single Burner Operation
 NFPA 8502-1999, Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers
 NFPA 8503-1997, Standard for Pulverized Fuel Systems

The portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders

The portions of 29 Code of Federal Regulations, Parts 1900-1910 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association

CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association

CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders Compressed Gas Association

CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders

Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995

Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders

Compressed Gas Association CGA C-6.3-1999, Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition

(2) All buildings, structures, establishments, facilities, equipment, or vehicular equipment over which the State Fire Marshal has jurisdiction which are constructed, renovated, expanded, rehabilitated, or in any other way significantly altered on or after the effective date of the adoption of the codes and standards adopted in subsection (1), above, shall conform to the requirements of the codes, standards, recommended practices, and manuals contained therein, unless the structure, establishment, or facility has been exempted from complying because the building, structure, establishment, facility, equipment, or vehicular equipment has been granted an exemption from compliance by act of the Legislature.

(3) All buildings, structures, establishments, facilities, equipment, or vehicular equipment over which the State Fire Marshal has jurisdiction which are in existence on or after the effective date of the adoption of the codes and standards adopted in subsection (1), above, shall conform to the requirements of those codes and standards within a reasonable period of time. It is understood that the correction of some fire safety violations will necessitate the employment of design professionals while other violations can be expeditiously resolved. "Within a reasonable time" is defined as the amount of time it would normally take to correct a specific fire code violation under the assumption that the property owner would begin to correct said violations upon receipt of an official document from the enforcing agency.

(4) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: Batterymarch Park, Quincy, Massachusetts 02269. ANSI standards may be obtained from the American National Standards Institute, 1430 Broadway, New York, N.Y. 10018. ANSI/ASME standards may be obtained from the American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017. ASTM standards may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. UL standards may be obtained from Underwriters Laboratories, Inc., 333 Pfingston Road, Northbrook, IL 60062. All standards incorporated by reference in this rule are also available for public inspection during regular business hours at the Division currently located on the third floor (Room 326) of the Atrium Building, 325 John Knox Road, Tallahassee, Florida.

(5) The Code of Federal Regulations and the Compressed Gas Association (CGA) documents incorporated by reference in this rule are available for public inspection during regular business hours at the Division currently located on the third floor (Room 326) of the Atrium Building, 325 John Knox Road, Tallahassee, Florida.

Specific Authority 633.01(1), 633.022 FS. Law Implemented 633.01, 633.022 FS. History—New 5-14-86, Amended 2-12-87, 4-8-90, 10-30-91, 4-3-95, 11-27-01, Formerly 4A-3.012, Amended.

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: RULE NO.:
 Forms Adopted 690-149.022

PURPOSE AND EFFECT: To update existing forms and to adopt new form checklists to be used in the review of life and health form filings.

SUBJECT AREA TO BE ADDRESSED: Adoption of form checklists.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.424(1)(c), 627.410, 636.216 FS.

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

TIME AND DATE: 9:30 a.m., March 22, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, e-mail frank.dino@fldfs.com

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE:

Division of Cultural Affairs

RULE NO.:

IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment will be to establish a procedure for the Division's programs that foster the development of individual artists.

SUMMARY: The proposed rule describes the eligibility requirements and panel review procedures for the Individual Artist Fellowship Program and Artist Enhancement Grant Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There are no regulatory costs associated with this proposed rule.

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

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1)(4),(6), 265.286(2)(b),(d), 265.286(5)(6), 265.51, 265.605(1), 265.608, 265.609, 265.701(4), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.286(1), 265.286(5), 265.51-56, 265.601-603, 265.605-606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

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

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meeting. Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by March 7, 2005, if you need an accommodation. Accommodations can be arranged through Dana DeMartino, ADA Coordinator for the Division of Cultural Affairs, (850)245-6477, Fax (850)245-6492, e-mail: ddemartino@dos.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Morgan Barr, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

(1) through (17) No change.

(18) Programs for Individual Artists. The purpose of this program area is to foster the development of individual artists. There are two funding categories as outlined below:

(a) Individual Artist Fellowship Program. This program is designed to recognize the creation of new artworks by individuals of exceptional talent and demonstrated ability. Fellowship awards support the general artistic and career advancement of the individual artist.

1. To be eligible for a fellowship, an applicant must: be a legal resident of Florida, as defined by Section 196.015, Florida Statutes, or Section 22.17, Florida Statutes, and agree to maintain Florida residency for the duration of the fellowship period; be at least 18 years of age; not be enrolled in any undergraduate or graduate degree-seeking program during the fellowship period; have not received a fellowship award during the five-year period preceding the new award period; and not serve as a grant review panelist if he/she has an application before the same discipline panel.

2. Eligible applicants must submit a completed Fellowship application form (CA2E012, eff. 8/02, incorporated by reference and available from the Division, 1001 DeSoto Park Drive, Tallahassee, Florida 32301); with all required samples of work in the discipline appropriate formats described in the program guidelines, on or before the announced postmark deadline. Samples of work must be original and authentic representations of the applicant's work.

3. The panel reviews for the disciplines of dance, interdisciplinary, media arts, and folk arts are based on a combined rating of the following criteria: the quality and consistency in the body of work, as evidenced by each