

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Governing the Procedure for Submittal
and Review of Local Government

Comprehensive Plans and Amendments 9J-11

RULE TITLES: RULE NOS.:

Submittal Requirements for Proposed
Local Government Comprehensive Plans 9J-11.004

Submittal Requirements for Proposed
Local Government Comprehensive
Plan Amendments 9J-11.006

Action Upon Receipt of Proposed
Local Government Comprehensive
Plan Amendment 9J-11.009

Review of Proposed Local Government
Comprehensive Plan or Proposed
Plan Amendment 9J-11.010

Local Government Adoption of the
Comprehensive Plan or Plan
Amendment and Submittal for
the Compliance Review 9J-11.011

Submittal Requirements for Adopted
Small Scale Development Amendments 9J-11.015

Action to Review Land Development Regulations 9J-11.020

PURPOSE, EFFECT AND SUMMARY: To revise the rule to conform to current statutory requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 163.3177(9), 163.3202(5) FS.

LAW IMPLEMENTED: 163.3167(2),(3), 163.3175(2),(3),(4), 163.3177(1),(4),(6),(7),(9),(10), 163.3184(1),(2),(3),(4),(5), (6),(7),(14),(15),(16), 163.3187, 163.3187(1),(2),(5), 163.3189, 163.3191, 163.3202, 369.321(5), 380.06(6) FS.

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

TIME AND DATE: 9:15 a.m. – 10:15 a.m., May 2, 2005

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact: Ray Eubanks, Plan Review Administrator, Division of

Community Planning, Plan Review and Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1767, Suncom 292-1967, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ray Eubanks, Plan Review Administrator, Division of Community Planning, Plan Review and Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-11.004 Submittal Requirements for Proposed Local Government Comprehensive Plans.

(1) through (2)(b) No change.

(c) The comprehensive plan including goals, objectives, policies, maps, and support documents which include data and analyses specified in Rule 9J-5.005 ~~and subsection 9J-5.021(4)~~, Florida Administrative Code. Summaries of support documents may be submitted consistent with subsection 9J-5.005(2), Florida Administrative Code;

(d) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2), 163.3177(1),(4)(b),(7),(9), 163.3184(2),(3),(14),(15), 163.3191 FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 11-24-02.

9J-11.006 Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments.

(1) No change.

(a) through 1. No change.

2. The date or dates on which the local governing body held the public hearing at which the transmittal of the plan amendment to the Department was approved and the date that the proposed amendment and one copy of each item specified under paragraphs 9J-11.006(1)(a), (b), and (c) ~~and (d)~~, Florida Administrative Code, was submitted to the appropriate agencies listed in subsection 9J-11.009(6), Florida Administrative Code;

3. through 7.d. No change.

e. Whether the amendment is directly related to an intergovernmental coordination element pursuant to sub-subparagraph 163.3177(6)(h)1.a., b. and; c. ~~and d~~, Florida Statutes;

f. through i. No change.

j. An amendment changing school concurrency service area boundary pursuant to subparagraph 163.3180(13) ~~(12)~~(c)2., Florida Statutes;

k. through r. No change.

s. An amendment addressing criteria or compatibility of land uses adjacent to or in close proximity to military installations pursuant to subsections 163.3187(1)(m), Florida Statutes;

t. An amendment establishing or implementing a rural land stewardship area pursuant to subsection 163.3177(11)(d), Florida Statutes;

u. An amendment incorporating the regional water supply work plan approved pursuant to Section 373.0361 and subsection 163.3177(6)(c), Florida Statutes;

v. An amendment implementing the Wekiva Study Area plan pursuant to Section 369.321, Florida Statutes.

8. through (3) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(6),(9), 163.3184(1),(2),(3),(15), 163.3187(1),(2),(5), 163.3191, 369.321(5), 380.06(6) FS. History--New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-2001, 11-24-02,_____.

9J-11.009 Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment.

(1) through (6)(i) No change.

(j) The commanding officer or designee of each military installation located within, adjacent or proximate to the local government (if the amendment would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation).

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2),(3), 163.3175(2), 163.3177(9), 163.3184(2),(3),(4),(5),(6) FS. History--New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02,_____.

9J-11.010 Review of Proposed Local Government Comprehensive Plan or Proposed Plan Amendment.

(1) through (6)(d) No change.

(e) The review by military installations will be primarily in the context of public safety and the effect on the mission of the military installation, including, but not limited to whether the proposed change will be incompatible with the safety and noise standards contained in the Air Installation Compatible Use Zone (AICUZ), or Range Installation Compatible Use Zone (RAICUZ), if applicable; whether the proposed change is incompatible with the Installation Environmental Noise Management Program (IENMP), if applicable; whether the proposed change is incompatible with the findings of the Joint Land Use Study (JLUS) for the area if one has been completed; and whether the proposed change will adversely affect the military installation's mission.

Specific Authority 163.3177(9) FS. Law Implemented 163.3175(3), 163.3177(9),(10), 163.3184(1)(b),(6)(a),(b),(c), 163.3189(2) FS. History--New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, 11-24-02,_____.

9J-11.011 Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review.

(1) through (5)(a)5.d. No change.

e. A copy of any comments from a military installation identifying a possible adverse impact from the proposed amendment together with the local government's response to those comments.

6. through (10) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(3), 163.3175(4), 163.3177(9), 163.3184(1)(b),(2),(6),(7),(15),(16), 163.3187(1), 163.3189, 163.3191, 380.06(6) FS. History--New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02,_____.

9J-11.015 Submittal Requirements for Adopted Small Scale Development Amendments.

(1) No change.

(2) The local governing body shall submit one copy of the small scale development amendment which shall include a future land use map depicting the newly adopted land use designation and the boundaries and location of the subject property in relationship to the surrounding street and thoroughfare network. A copy of the public hearing notice shall also be included in the submittal package. The local governing body shall simultaneously submit completed copies of Form RPM-BSP-Small Scale-1 effective ~~11-6-96~~, incorporated by reference with the Small Scale development amendment. Copies of Form RPM-BSP-Small Scale-1 may be obtained from the Department of Community Affairs, Division of Community Planning, Plan Processing Team.

Specific Authority 163.3177(9) FS. Law Implemented 163.3187 FS. History--New 11-10-93, Amended 11-6-96, 4-8-99,_____.

9J-11.020 Action to Review Land Development Regulations.

(1) No change.

(2) The Department shall review the submitted regulations to determine whether the regulations that are required by subsection 163.3202(2) ~~or subsection 163.3202(6)~~, Florida Statutes, have been adopted. The review shall be for the sole purpose of determining whether or not the required regulations have been adopted, and shall not address the consistency of the regulations with the plan.

(3) through (4) No change.

Specific Authority 163.3202(5) FS. Law Implemented 163.3202 FS. History--New 11-6-96, Amended 4-8-99, 11-24-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ray Eubanks, Plan Review Administrator, Division of
Community Planning, Plan Review and Processing Unit, 2555
Shumard Oak Boulevard, Tallahassee, Florida 32399-2100
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Valerie J. Hubbard, Director,
Division of Community Planning, 2555 Shumard Oak
Boulevard, Tallahassee, Florida 32399-2100
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 16, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 25, 2005

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/](http://www.dep.state.fl.us/) under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Application
RULE NO.: 19B-4.001
PURPOSE AND EFFECT: To update the Florida Prepaid
College Plan and Florida College Investment Plan New
Account Application form by reference.
SUMMARY: This rule change is being made to update the
Florida Prepaid College Plan and Florida College Investment
Plan New Account application.
SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: None prepared.
Any person who wishes to provide information regarding the
statement of estimated regulatory costs or to provide for a
lower costs regulatory alternative must do so within 21 days of
this notice.
SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.
LAW IMPLEMENTED: 1009.98 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
THIS NOTICE, A HEARING WILL BE HELD AT THE
TIME, DATE AND PLACE SHOWN BELOW (IF NOT
REQUESTED, THIS HEARING WILL NOT BE HELD):
TIME AND DATE: 2:00 p.m., May 2, 2005
PLACE: Suite 210, Hermitage Building, 1801 Hermitage
Boulevard, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Thomas J. Wallace, Executive
Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee,
Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College
Investment Plan New Account Application, Form No. FPCB
~~2005-1~~ ~~2004-1~~, is hereby incorporated by reference and may be
obtained from the Board by calling 1-800-552-GRAD (4723)
(prompt 1). The Florida Prepaid College Plan Program Master
Covenant, Form No. FPCB 2004-2, is hereby incorporated by
reference and may be obtained from the Board by calling
1(800)552-GRAD (4723) (prompt 1).

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98 FS.
History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001,
Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99,
2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 9, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 25, 2005

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Application for Participation in the Program
RULE NO.: 19B-16.002
PURPOSE AND EFFECT: To update the Florida Prepaid
College Plan and Florida College Investment Plan New
Account Application form by reference.
SUMMARY: This rule change is being made to update the
Florida Prepaid College Plan and Florida College Investment
Plan New Account Application form.
SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: None prepared.
Any person who wishes to provide information regarding the
statement of estimated regulatory costs or to provide for a
lower costs regulatory alternative must do so within 21 days of
this notice.
SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.
LAW IMPLEMENTED: 1009.981 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
THIS NOTICE, A HEARING WILL BE HELD AT THE
TIME, DATE AND PLACE SHOWN BELOW (IF NOT
REQUESTED, THIS HEARING WILL NOT BE HELD):
TIME AND DATE: 2:00 p.m., May 2, 2005
PLACE: Suite 210, Hermitage Building, 1801 Hermitage
Boulevard, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2005-1 ~~2004-1~~, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(3) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981 FS. History—New 11-27-02, Amended 1-29-04, 12-28-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 25, 2005

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Participation Agreement

RULE NO.: 19B-16.003

PURPOSE AND EFFECT: To update the Participation Agreement for the Florida College Investment Plan by reference.

SUMMARY: This rule change is being made to update the Participation Agreement for the Florida College Investment Plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

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

LAW IMPLEMENTED: 1009.981(2) FS.

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

TIME AND DATE: 2:00 p.m., May 2, 2005

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.003 Participation Agreement.

(1) The contract between the Board and a benefactor shall consist of the benefactor's completed application and the participation agreement. The Florida College Investment Plan Participation Agreement, Form No. FPCB 2005-4 ~~2004-4~~, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(2) through (4) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981(2) FS. History—New 11-27-02, Amended 12-28-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 25, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLES: RULE NOS.:

Staff Development – Definitions 33-209.101

Minimum Training Requirements 33-209.102

Professional Certification and Licensure Requirements 33-209.1025

Firearms, Chemical Agents, Defensive Tactics and Restraint Devices Training 33-209.103

Training Requests and Assignments 33-209.104

Training Attendance, Performance and Conduct 33-209.105

Contracting for Training Services 33-209.106

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to clarify training requirements for staff, the handling of expenses incurred for training, and the process for procurement of training services.

SUMMARY: The proposed rules provide minimum training requirements for staff and specific training requirements for correctional officers, correctional probation officers and other identified staff; establish a single weapons card to document all qualifications with firearms and restraint devices; require remedial training in the event of negligent, careless or unsafe handling of firearms; clarify conditions for officers to take approved specialized training for specific purposes; provide for authorization of employees to attend training at the employee's expense upon request of the employee when department resources are unavailable; clarify standards for successful

completion of training; clarify process for procurement of training services; and provide new section addressing maintenance of professional certification and licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 110.1099, 112.061, 943.10, 943.13, 943.135, 943.16, 943.17, 943.175, 943.22, 943.25, 944.09, 944.105 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 33-209.101 follows. See Florida Administrative Code for present text.)

33-209.101 Staff Development – Definitions.

(1) “Academy” means the Florida Corrections Academy, a criminal justice training school, certified by the Criminal Justice Standards and Training Commission, within the Department of Corrections.

(2) “Academy Director” means the full-time salaried employee of the Department of Corrections who is responsible for the overall administration, management, and operation of the Florida Corrections Academies.

(3) “Advanced Training Course” means a course in the Advanced Training Program approved by the Commission, which enhances an officer’s knowledge, skills and abilities for the job performed.

(4) “Alternate Firearms” refers to firearms, other than the primary firearm, approved by the Secretary for use by a correctional officer, correctional probation officer, or correctional officer inspector while on duty.

(5) “Basic Recruit Training Program” means the Commission-approved basic recruit training programs for correctional officers, correctional probation officers, and correctional officer inspectors.

(6) “Career Development Training Course” means any course in the Career Development Training Program approved by the Commission consisting of advanced or technical training related to promotion to a higher rank or position.

(7) “Commission” refers to the Criminal Justice Standards and Training Commission, the Governor-appointed Commission within the Department of Law Enforcement,

which has statewide responsibilities in the establishment, implementation and evaluation of criminal justice standards and training for all law enforcement officers, correctional officers and correctional probation officers.

(8) “Correctional Officer Basic Recruit Firearms Training Course” refers to the training course, approved by the Commission, designed to teach correctional officer trainees proper performance in the use of firearms.

(9) “Correctional Probation Officer Basic Firearms Training Course” refers to the training course approved by the Commission, designed to teach correctional probation officers proper performance in the use of firearms.

(10) “Course of Fire” refers to the standard established to demonstrate and measure proficiency with firearms.

(11) “Department training database” refers to the single, official filing system for all training attendance for employees of the Department.

(12) “Firearms Instructor” refers to an individual certified by the Commission and designated by the Department to teach Commission-approved basic recruit, advanced, and specialized firearm training courses.

(13) “Firearms Qualification” refers to the process of completing the performance test approved by the Department to measure firearms proficiency.

(14) “Firing Range” refers to a firing range certified in compliance with the standards established by the Commission for firing ranges.

(15) “In-service Training” means the training approved and required by the Bureau of Staff Development for all Department of Corrections employees and other specified personnel.

(16) “Licensure and Certification Training” means the training and education required to obtain or maintain a professional license or certificate.

(17) “Mandatory Retraining” means the training and education required by the Commission to maintain an active certification for correctional officers and correctional probation officers.

(18) “New Employee Orientation Training” means the training approved by the Bureau of Staff Development for all new Department of Corrections employees and other specified personnel to provide essential information pertaining to employment with the Department.

(19) “Pre-qualification Firearms Training” refers to the training provided by the Department to prepare for firearms qualification.

(20) “Primary Firearm” refers to the firearm approved by the Secretary for use by a correctional officer, correctional probation officer, or correctional officer inspector while on duty. The primary firearm for a correctional officer is the firearm designated by the Assistant Secretary for Institutions and approved by the Secretary. The primary firearm for a correctional probation officer is the firearm designated by the

Assistant Secretary for Community Corrections and approved by the Secretary. The primary firearm for a correctional officer inspector is the firearm designated by the Inspector General and approved by the Secretary.

(21) "Range Master" refers to the Commission-certified firearms instructor who is responsible for overall operations and safety of the firing range. The range master is not included in the instructor-to-student ratio. A range master is required to meet the eligibility requirements specified by the Department and successfully complete the Department's Range Master Training program.

(22) "Recruit" refers to a correctional officer, correctional probation officer, or correctional officer inspector enrolled or pending enrollment in a basic recruit training program who has not successfully completed all requirements for certification.

(23) "Remedial Firearms Training" refers to training provided to improve proficiency with firearms after deficiencies have been demonstrated on the job or during firearms qualification.

(24) "Salary Incentive Pay" means the salary supplement paid by the Department to correctional officers, correctional probation officers, and correctional officer inspectors after successful completion of advanced and career development courses. Correctional officers and correctional officer inspectors are also eligible for salary incentive pay after attainment of an associate degree or equivalent; or a bachelor's degree or higher in accordance with Section 943.22, F.S.

(25) "Specialized Training Courses" means the Commission-approved courses delivered by Commission-certified training schools that demonstrate job relevance, instructional quality, and training needed at the agency level.

(26) "Training" means an organized, planned, and evaluated activity designed to achieve specific measurable learning objectives and outcomes related to job performance. Training may occur at the work site, an academy or training center, an institution of higher learning, through self-paced study or technology-based instruction, during professional meetings, through contract services, or closely supervised on-the-job learning activities. Training requires a written agenda and instruction by a teacher, instructor, mentor or supervisor. Training programs may include requirements for completion, attendance recording, and a system for recognition of completion.

(27) "Training Year" is defined as the period beginning each July 1st through June 30th of the following calendar year.

(28) "Weapons Qualification Card" means the document issued to correctional officers, correctional probation officers, correctional officer inspectors and other specified personnel that identifies the firearm(s) for which they are qualified, chemical agents and restraint devices for which they are trained, and provides Department authorization for use in the line of duty.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 110.1099, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History--New 8-26-87, Formerly 33-25.001, Amended

(Substantial rewording of Rule 33-209.102 follows. See Florida Administrative Code for present text.)

33-209.102 Minimum Training Requirements.

The Assistant Secretary of Research, Planning and Support Services, through the Bureau of Staff Development, is responsible for all administrative, managerial, and operational activities related to staff training. The following minimum training requirements are established for all employees of the Department, volunteers, and other staff employed by a private entity under contract to the Department:

(1) All correctional officers, correctional probation officers, and correctional officer inspectors, including correctional officers employed by a private entity under contract to the Department shall:

(a) Complete a Commission-approved basic recruit training program prior to employment in accordance with Section 943.13(9), F.S.

(b) Complete the New Employee Orientation program prior to the first job assignment.

(c) Successfully complete a minimum of 40 hours of in-service training each training year, with the first year prorated by the number of calendar quarters worked.

(2) All clerical support staff shall:

(a) Complete the New Employee Orientation program within 30 days of employment or prior to initial job assignment for employees assigned to community corrections or a correctional institution.

(b) Successfully complete a minimum of 16 hours of in-service training each training year, with the first year prorated by the number of calendar quarters worked, or

(c) Successfully complete a minimum of 40 hours of in-service training each training year, with the first year prorated by the number of calendar quarters worked, if the employee has regular or daily contact with inmates or offenders.

(3) All Department employees who are not correctional officers, correctional probation officers, correctional officer inspectors, or clerical support staff shall:

(a) Complete the New Employee Orientation program within 30 days of employment or prior to initial job assignment for employees assigned to community corrections or a correctional institution.

(b) Successfully complete a minimum of 40 hours of in-service training each training year, with the first year prorated by the number of calendar quarters worked.

(4) All part-time employees shall:

(a) Complete the New Employee Orientation program within 30 days of employment or prior to initial job assignment for employees assigned to community corrections or a correctional institution.

(b) Successfully complete in-service training each training year at an amount equal to the number of hours in their normal workweek, with the first year prorated by the number of calendar quarters worked.

(5) All regular service volunteers shall complete basic volunteer orientation prior to initial assignment.

(6) All contract employees and personnel employed by PRIDE who are not correctional officers or correctional probation officers shall successfully complete the New Employee Orientation program and in-service training in accordance with the contract governing their services with the Department.

(7) All interns and college fellows program participants shall complete the New Employee Orientation program within 30 days of acceptance by the Department or immediately upon placement in community corrections or a correctional institution.

(8) All members of Corrections Emergency Response Teams and Crisis Negotiation Teams shall successfully complete initial training and in-service training unique to their missions each training year as required by the Department. All members of Rapid Response Teams shall successfully complete in-service training unique to their mission each training year as required by the Department. This training is in addition to the in-service training requirement of 40 hours each training year.

(9) All correctional officers, inmate classification staff, and inmate programs staff assigned to institutions housing close management inmates shall receive training on suicide prevention and other mental health issues related to the care of inmates in close management status. This training shall be completed within 60 days of assignment to a close management institution and every 12th month thereafter. Successful completion of training related to the care of inmates in close management status shall be documented in the Department's training database.

Specific Authority 20-315, 944.09 FS. Law Implemented 20-315, 110.1099, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09, 944.105 FS. History—New 8-26-87, Amended 7-4-88, Formerly 33-25.002, Amended _____.

33-209.1025 Professional Certification and Licensure Requirements.

The following certification and licensure requirements govern the acquisition and maintenance of professional certificates and licenses required by law to maintain minimum employment qualifications.

(1) All Department employees who are required by law to possess an active professional license or certificate in order to perform the duties and responsibilities included in their position description are responsible for keeping the license or certificate active under the following conditions:

(a) All licensure and certification training shall be requested, processed and recorded as part of the Department's in-service training program. This includes the mandatory retraining totaling 40 hours every 4 years required of all correctional officers, correctional probation officers, and correctional officer inspectors in order to maintain active certification by the Commission.

(b) Any employee who fails to maintain an active professional license or certificate, as required by law, shall be charged with failure to maintain minimum employment qualifications and shall be removed from the occupational group if the pertinent duties and responsibilities are included in the occupational profile or removed from the position if the pertinent duties and responsibilities are included only in the position description.

(2) Any employee who desires to acquire or maintain an active professional license or certificate in an area of expertise not included in his or her occupational profile or position description shall not be authorized to participate in the licensure and certification training either at state expense, on state time as hours worked, or on administrative leave with pay, unless significant direct benefits to the Department can be demonstrated to the satisfaction of the Deputy Secretary.

Specific Authority 944.09 FS. Law Implemented 110.1099, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History—New _____.

(Substantial rewording of Rule 33-209.103 follows. See Florida Administrative Code for present text.)

33-209.103 Firearms, Chemical Agents, Defensive Tactics, and Restraint Devices Training and Other Certification Requirements.

The following requirements establish prerequisite training governing the use of firearms, chemical agents, defensive tactics, and restraint devices.

(1) All correctional officer recruits shall successfully complete basic recruit firearms training with the Department's primary firearm.

(2) All correctional officers shall successfully complete initial firearm qualification and annual firearms qualification using the Department's primary firearm and any alternate firearms(s) required by their potential duties.

(a) Initial firearms qualification using the primary firearm and alternate firearm(s) shall occur prior to being assigned any duties that require the officer to carry or use the primary firearm or any alternate firearm(s).

(b) Annual firearms qualification using the primary firearm and alternate firearm(s) shall occur 12 months after initial firearms qualification and every 12th month thereafter.

1. All correctional officers shall be provided the opportunity to prepare for annual firearms qualification by participating in pre-qualification firearms training.

2. Pre-qualification firearms training shall be for a period of 4 work hours during the 30 calendar days, excluding holidays, prior to the scheduled date for annual firearms qualification, and shall not include any official qualification attempts.

3. Correctional officers who decline the opportunity to participate in pre-qualification firearms training shall endorse a written refusal of pre-qualification training.

(c) Correctional officers who fail to successfully complete initial firearms qualification or annual firearms qualification using the primary and alternate firearm(s) shall participate in remedial firearms training. Remedial firearms training will be required after the first and second failed firearms qualification attempt(s).

(d) Remedial firearms training shall be for a period of 16 work hours and shall begin as soon as possible, but no later than 10 calendar days, excluding holidays, from the date of failure, and shall not include any official qualification attempts.

(e) If needed, a second or third initial firearms qualification or annual firearms qualification attempt shall be made as soon as possible, but no later than 10 calendar days, excluding holidays, after remedial firearms training has been provided.

(f) Correctional officers who fail to successfully complete initial firearms qualification or annual firearms qualification, after remedial firearms training and three qualification attempts shall be charged with failure to maintain minimum employment qualifications and shall be removed from the correctional officer occupational group. The only exceptions are cases of temporary total disability or pregnancy complications as certified by a medical doctor, for which the qualification deadline may be extended at the discretion of the officer's warden, provided the warden determines that an extension would be in the best interest of the Department.

(g) The course of fire for initial firearms qualification and annual firearms qualification shall be established in accordance with Commission guidelines.

(h) All correctional officers who successfully complete initial firearms qualification or annual firearms qualification will be issued a weapons qualification card as documentation of successful firearms qualification and authorization to carry a firearm. This information will also be entered in the Department's training database.

(3) All correctional probation officers who elect to carry a firearm while on duty and who are authorized by the Assistant Secretary of Community Corrections, or designee, to carry a firearm while on duty shall successfully complete a Commission-approved firearms training course prior to carrying a firearm while on duty.

(4) All correctional probation officers authorized by the Assistant Secretary of Community Corrections, or designee, to carry a firearm while on duty shall successfully complete initial firearms qualification and annual firearms qualification.

(a) Initial firearms qualification shall occur during the Commission-approved firearms training course.

(b) Annual firearms qualification shall occur 12 months after initial firearms qualification and every 12th month thereafter.

1. All correctional probation officers will be provided the opportunity to prepare for annual firearms qualification by participating in pre-qualification firearms training.

2. Pre-qualification firearms training shall be for a period of 4 work hours during the 30 calendar days, excluding holidays, prior to the scheduled date for annual firearms qualification, and shall not include any official qualification attempts.

3. Correctional probation officers who decline the opportunity to participate in pre-qualification firearms training shall endorse a written refusal of pre-qualification training.

(c) Correctional probation officers who fail to successfully complete initial firearms qualification or annual firearms qualification using the specific firearm that the officer will be carrying while on duty shall participate in remedial firearms training. Remedial firearms training will be required after the first and second failed firearms qualification attempt(s) if the correctional probation officer wishes to continue the firearms qualification process.

(d) Remedial firearms training shall be for a period of 16 work hours and shall begin as soon as possible after the date of failure, and shall not include any official qualification attempts.

(e) If needed, a second or third initial firearms qualification or annual firearms qualification attempt shall be made as soon as possible after remedial firearms training has been provided.

(f) Correctional probation officers who fail to successfully complete initial firearms qualification or annual firearms qualification for any reason shall not be authorized to carry a firearm while on duty.

(g) Correctional probation officers who fail to successfully complete initial firearms qualification shall not be permitted to attempt firearms qualification for a period of twelve months. The officer will be required to re-attend and successfully complete the correctional probation officer basic firearms training course. Correctional probation officers who fail to successfully complete annual firearms qualification within one year after expiration of the weapons qualification card will be required to re-attend and successfully complete the specialized correctional probation officer basic firearms training course.

(h) The course of fire for initial firearms qualification and annual firearms qualification shall be established in accordance with Commission guidelines.

(i) All correctional probation officers who successfully complete initial firearms qualification and annual firearms qualification will be issued a weapons qualification card as documentation of successful firearms qualification. This information will also be entered in the Department's training database.

(5) Any correctional officer, correctional probation officer, or correctional officer inspector who, while on duty, demonstrates negligent, careless or unsafe handling of firearms shall be required to attend remedial firearms training.

(6) All firearms training and qualification shall be conducted by firearms instructors certified by the Commission under the supervision of a range master who is responsible for all firing range operations and safety. The range master shall be a firearms instructor certified by the Commission who has successfully completed the range master certification program and meets requirements established by the Bureau of Staff Development.

(7) All correctional officers, correctional probation officers, correctional officer inspectors and other specified personnel authorized by the Secretary to carry and use chemical agents shall successfully complete training, approved by the Bureau of Staff Development, on the deployment of chemical agents and the treatment of persons exposed to chemical agents. This training must occur prior to being issued or allowed to use chemical agents and every 12th month thereafter. The only exception is the issuance of chemical agents for training purposes. Successful completion of chemical agents training shall be documented on the weapons qualification card and entered in the Department's training database.

(8) All correctional officers and correctional probation officers shall successfully complete defensive tactics training, approved by the Bureau of Staff Development. Defensive tactics training shall occur 12 months after completion of basic recruit training and every 12th month thereafter.

(9) All correctional officers and other employees designated by the Warden to carry and use electronic immobilization devices, batons, specialty impact munitions, noise flash distraction devices, and restraint devices shall successfully complete training, approved by the Bureau of Staff Development, on the safe and proper use of these devices. This training must occur prior to being issued or allowed to use any of these devices and every 12th month thereafter. The only exception is the issuance of these devices for training purposes. Successful completion of training on the safe and proper use of these devices shall be documented in the Department's training database.

Specific Authority 20.345, 944.09 FS. Law Implemented 20.345, 110.1099, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History—New 8-26-87, Amended 11-1-90, Formerly 33-25.003, Amended _____.

(Substantial rewording of Rule 33-209.104 follows. See Florida Administrative Code for present text.)

33-209.104 Training Requests and Assignments.

(1) To ensure compliance with all training requirements, training shall be requested or assigned in accordance with the following:

(a) All training requests by employees shall be submitted in writing to the employee's supervisor for approval. All training assignments initiated by Department authorities shall be in writing.

(b) All approved training requests and assignments shall be processed through the appropriate Staff Development professional prior to attendance.

(c) The availability of funds and relief staff as well as the relevance and suitability of the training shall be considered at all stages of review and approval of training requests and assignments.

(d) Attendance at training programs conducted by the Academy shall require final approval by the Academy Director.

(2) All correctional officers, correctional probation officers, and correctional officer inspectors who take approved training for promotion consideration, mandatory retraining, salary incentive purposes, or career development shall comply with the following conditions:

(a) Registration fees and tuition for approved advanced or specialized training courses taken for promotional consideration, mandatory retraining, or salary incentive purposes shall be paid by the Department. However, the Department shall be reimbursed by any officer who does not successfully complete approved training due to unsatisfactory performance or withdrawal for any reason other than death in the immediate family or personal illness or injury.

(b) Registration fees and tuition for career development courses shall be paid by the officer except when the officer is assigned to attend the Academy.

(c) Travel, meals, and lodging shall be paid by the officer except when the officer is assigned to attend the Academy.

(d) Training shall be attended on the officer's personal time and shall not be on state time as hours worked or administrative leave with pay except when the officer is assigned to attend the Academy.

(3) All employees who take approved training by request or assignment for professional growth and development or to comply with in-service training requirements but for reasons other than promotional consideration, mandatory retraining, salary incentive, or career development as detailed in subsection (2) above shall comply with the following conditions:

(a) Registration fees and tuition shall be paid by the Department provided the employee has been approved to attend the training on per diem or commuter status.

(b) Travel, meals, and lodging, as set forth in Section 112.061 F.S., shall be paid by the Department provided the employee has been approved to attend the training on per diem status.

(c) Approved training shall be attended on state time as hours worked.

(d) When Department resources are unavailable to support employee attendance on per diem or commuter status, the Secretary may authorize employees to attend approved training by request on state time as hours worked with the stipulation that all related expenses are the responsibility of the employee with no cost to the Department.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 110.1099, 112.061, 943.10, 943.13, 943.135, 943.16, 943.17, 943.175, 943.22, 944.09 FS. History--New 8-26-87, Formerly 33-25.004, Amended _____.

(Substantial rewording of Rule 33-209.105 follows. See Florida Administrative Code for present text.)

33-209.105 Training Attendance, Performance and Conduct.

All employees shall comply with rules of the Commission and Chapter 33-208, F.A.C., relating to attendance, performance, and conduct while participating in approved training.

(1) Employees selected to attend approved training shall attend all training sessions scheduled for the course or program, demonstrate professional behavior, and actively participate in the training process at all times.

(2) Employees selected to attend approved training may be granted excused absence at the discretion of the instructor, training coordinator, or Academy Director, subject to the following conditions:

(a) An employee who is absent from a training course or program for non-work related reasons shall use personal leave from the appropriate leave category to cover the absence.

(b) An employee who is absent from a training course or program shall apply to the instructor, training coordinator, or Academy Director for the opportunity to complete the instructional objectives. If the instructional objectives are not completed, the employee shall not be considered to have successfully completed the training course or program.

(c) No employee shall be considered to have successfully completed an approved training course or program if absences exceed 10 percent of the total course time.

(3) Unless a specific standard is designated by a course or program requirement, an accuracy rate of 80 percent out of a possible 100 percent shall be achieved on all examinations or performance tests in order to successfully complete each training course or program.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 110.1099, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History--New 8-26-87, Formerly 33-25.005, Amended _____.

(Substantial rewording of Rule 33-209.106 follows. See Florida Administrative Code for present text.)

33-209.106 Contracting for Training Services.

When training resources are not available within the Department, contractual training services may be solicited under the following conditions:

(1) The Bureau of Staff Development shall be responsible for the procurement of training services and resources from external providers.

(2) The Chief of the Bureau of Staff Development shall serve as contract manager for all contractual training agreements.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 110.1099, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 943.25, 944.09 FS. History--New 8-26-87, Formerly 33-25.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tina Hayes

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 11, 2005

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Procedural	40D-1
RULE TITLES:	RULE NOS.:
Permits Required	40D-1.602
Bonds	40D-1.604
Permit Processing Fee	40D-1.607
Permit Fee Reduction for Certain	
Counties and Municipalities	40D-1.608
Forms and Instructions	40D-1.659
Emergency Authorization for Works	
of the District Permits	40D-1.1023

PURPOSE AND EFFECT: The purpose and effect of this rulemaking will delete references to Works of the District permits contained within Chapter 40D-1, F.A.C.

SUMMARY: Chapter 40D-6, F.A.C. was repealed December 10, 2004 in its entirety to eliminate an obsolete and unnecessary regulatory requirement for Works of the District permits when activities affected a waterbody adopted by the District as a "Works". Chapter 40D-1, F.A.C. contains references to Works of the District permits that will be deleted with this rulemaking.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Chapter 40D-1, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 120.54(5), 373.044, 373.113, 373.118, 373.149, 373.171, 373.4136, 373.414, 373.418 FS.

LAW IMPLEMENTED: 120.54(5), 218.075, 373.084, 373.085, 373.106, 373.109, 373.116, 373.118, 373.171, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.419, 373.421, 373.421(2), 373.426, 380.06(9) FS.

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

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-1.602 Permits Required.

Unless expressly exempt by law or District rule, the following permits shall be obtained from the District prior to commencement of the following activities:

(1) through (3) No change.

~~(4) A works of the District permit under Chapter 40D-6 must be obtained prior to connecting with, placing construction in or across, discharging into or otherwise making use of works of the District.~~

(5) through (6) renumbered (4) through (5) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.4136, 373.414, 373.418 FS. Law Implemented 373.106, 373.118, 373.171, 373.216, 373.219, 373.308, 373.323, 373.413, 373.4136, 373.416, 373.414, 373.418, 373.426, 380.06(9) FS. History—New 10-1-84, Amended 12-22-94, 10-16-96, 2-14-00, 9-26-02, _____.

40D-1.604 Bonds.

(1) The Board may require the applicant for a permit to furnish a bond made payable to the District and its successors, with a reputable bonding corporation authorized to do business in this State as surety, conditioned upon full compliance with

the terms of the permit, ~~including the proper construction, operation and maintenance of works of the District existing or planned.~~ The amount of the bond shall be in such amount as the Board shall determine to be adequate.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.085, 373.413, 373.416 FS. History—Readopted 10-5-74, Formerly 16J-0.13, Formerly 40D-1.391, Formerly 40D-1.1900, Amended _____.

40D-1.607 Permit Processing Fee.

(1) through (11) No change.

~~(12) The fee for a Works of the District permit application for activities reviewed pursuant to Chapter 40D-6 is~~\$1600.00

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00 3-15-01, 9-26-02, 8-7-03, _____.

40D-1.608 Permit Fee Reduction for Certain Counties and Municipalities.

(1) through (4) No change.

(5) The certification shall be submitted at the time of application for a permit pursuant to Chapter 40D-2, 40D-4, ~~40D-6~~, 40D-40, or 40D-400, Florida Administrative Code.

(6) through (7) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 218.075 FS. History—New 12-22-94, Amended 10-19-95, 3-31-96, _____.

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (12) No change.

~~(13) WORKS OF THE DISTRICT APPLICATION FOR PERMIT FORM 44.00-082 (6/00)~~

(14) through (15) renumbered (13) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.1.901, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-04-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, _____.

40D-1.1023 Emergency Authorization for Works of the District Permits.

~~(1) Permission to begin construction, alteration, repair, or operation of the work or works which require a permit under Chapter 40D-6, F.A.C., prior to the issuance of a permit may be~~

~~applied for in writing, when emergency conditions threaten public health, safety or welfare. However, no such permission shall be granted unless the proposed activity is already under consideration for a permit under Rule 40D-6.041, F.A.C.~~

~~(2) The Executive Director may grant the emergency authorization. The emergency authorization shall be presented to the Board for concurrence at its next meeting. The failure to receive the Board's concurrence shall invalidate the emergency authorization.~~

Specific Authority 120.54(5), 373.044, 373.113, 373.149, 373.171 FS., 61-691, Laws of Florida. Law Implemented 120.54(5), 373.084, 373.085 FS. History--Readopted 10-5-74, Amended 12-31-74, 10-24-76, Formerly 16J-1.14, Formerly 40D-6.451, Amended 7-2-98, 6-17-99, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Southwest Florida Water Management District
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Governing Board of the Southwest
Florida Water Management District
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 3, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: April 1, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Hearing Services RULE NO.: 59G-4.110

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update January 2005-1 to the Florida Medicaid Hearing Services Coverage and Limitations Handbook. The handbook update contains the citation for the federal requirements for audiologists, a revised list of cochlear implant providers, and policy that a hearing screening performed in conjunction with a Child Health Check-Up cannot be billed separately. The update also includes a corrected January 2004 fee schedule. The effect will be to incorporate by reference in the rule update January 2005-1 to the Florida Medicaid Hearing Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule update January 2005-1 to the Florida Medicaid Hearing Services Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908 FS.

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

TIME AND DATE: 10:00 a.m., Monday, May 2, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jason Ottinger, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.110 Hearing Services.

(1) No change.

(2) All physicians, audiologists and hearing aid specialists enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2004, updated January 2005-1, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908 FS. History--New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00, 7-5-01, 2-20-03, 8-5-03, 7-27-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jason Ottinger
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Alan Levine, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 10, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 17, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Notice of Satisfactory Course Completion RULE NO.: 61J1-4.005

PURPOSE AND EFFECT: Bring this rule into compliance with other rules and post-licensing requirements.

SUMMARY: Revises the requirements for notices of satisfactory course completion and grade reports.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Liz Vieira, Executive Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.005 Notice of Satisfactory Course Completion.

(1) Applicants must submit, with the application for registration, licensure or certification a grade report as proof to the department that they have satisfactorily completed the applicable course(s) prescribed in Rule 61J1-4.001 or 4.002, Florida Administrative Code.

(2) An application for renewal of an existing designation shall contain an affirmation by the individual of having satisfactorily completed the applicable Florida Real Estate Appraisal Board prescribed, conducted or board approved course(s). The department shall perform random audits of at least 10% of the registrants, licensees, certificate holders and instructors to verify compliance with continuing education requirements. Each registrant, licensee, certificate holder and instructor shall retain the grade report as proof of successful completion of continuing education requirements for at least two years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with ~~continuing~~ education requirements as prescribed in Rules 61J1-4.003, 61J1-4.007 ~~and~~, 61J1-4.008; and 61J1-4.009, Florida Administrative Code, or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the registrant, licensee, certificate holder or instructor.

(3) The grade report must be typed or printed in ink and must be completely filled out by the institution, school or entity certifying successful course completion. The grade report must also include the authorized signature of the school permit holder, chief administrative person or entity.

(4) The grade reports shall contain the following information for the type of course being completed:

(a) Preregistration, ~~Prelicensing~~ or Precertification Course For Appraiser

Name of School, Institution or Entity

Address of School, Institution or Entity

Course Title

Course Hours

Course Number

Provider Number

Start Date

Finish Date

Exam Date

Student's Name

Student's Address

Authorized Signature for the School, Institution or Entity

(b) Appraisers Continuing Education

Name of School, Institution or Entity

Address of School, Institution or Entity

Course Title

Course Hours

Course Number

Provider Number

Start Date

Finish Date

Registration, License or Certificate Number

Student's Name

Student's Address

Authorized Signature for the School, Institution or Entity

(c) Instructor Continuing Education

Name of School, Institution or Entity

Address of School, Institution or Entity

Course Title

Course Hours

Course Number

Provider Number

Start Date

Finish Date

Permit Number

Student's Name

Student's Address

Authorized Signature for the School, Institution or Entity

(d) Post Licensure Course For Appraiser

Name of School, Institution or Entity

Address of School, Institution or Entity

Course Title

Course Hours

Course Number

Provider Number

Start Date

Finish Date

Exam Date

Student's Name

Student's Address

Authorized Signature for the School, Institution or Entity

(5) Each grade report shall state:

The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Appraisal Board.

(6) The original grade report is to be given to the student and a copy retained by the school.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.6175, 475.618 FS. History--New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98, 3-31-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 4, 2004

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES:

Definitions

Application for Permit

RULE NOS.:

64B5-14.001

64B5-14.005

PURPOSE AND EFFECT: The Board proposes the rule amendments to provide for a definition of a pediatric patient who is administered conscious sedation, and to require anesthesia permit holders to demonstrate training and actual clinical anesthesia practice. These amendments will strengthen the safe administration of anesthesia by dentists.

SUMMARY: The first rule amendment defines a pediatric patient for purposes of administration of conscious sedation as an individual under 18 years of age and any patient with

special health care needs as defined by the American Dental Association. The second amendment sets forth requirements for training and clinical practice prior to obtaining an anesthesia permit.

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

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

SPECIFIC AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-14.001 Definitions.

(1) through (4) No change.

(5) Pediatric Conscious Sedation – A depressed level of consciousness produced by the administration of pharmacologic substances, that retains a child patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command. This modality includes administration of medication via all parenteral routes; that is intravenous, intramuscular, subcutaneous, submucosal, or inhalation, and all enteral routes; that is oral, rectal, or transmucosal. The drugs, doses, and techniques used should carry a margin of safety wide enough to render unintended loss of consciousness unlikely. For the purposes of this chapter, a child is defined as an individual under 18 years of age, and patients with special health care needs as defined by the American Dental Association weighing 60 lbs. or less.

(6) through (11) No change.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History--New 1-31-80, Amended 4-7-86, Formerly 21G-14.01, Amended 12-31-86, 6-1-87, 9-1-87, 2-1-93, Formerly 21G-14.001, Amended 12-20-93, Formerly 61F5-14.001, Amended 8-8-96, Formerly 59Q-14.001, Amended 3-9-03, 11-4-03,_____.

64B5-14.005 Application for Permit.

(1) No change.

(2) An applicant for any type of anesthesia permit must demonstrate both:

(a) Training in the particular type of anesthesia listed in Rule 64B5-14.003, F.A.C.; and

~~(b) Documentation of actual clinical administration of anesthetics to 20 patients within two (2) years prior to application training and administration of the particular type of anesthesia within the two (2) years prior to application. This shall include documentation of actual clinical administration of anesthetics to 20 patients.~~

(3) through (8) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 4-7-86, Amended 1-29-89, 11-16-89, 11-8-90, 4-24-91, Formerly 21G-14.005, Amended 12-20-93, Formerly 61F5-14.005, Amended 8-8-96, Formerly 59Q-14.005, Amended 12-12-00, 11-4-03, 6-23-04,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 11, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 21, 2005

DEPARTMENT OF FINANCIAL SERVICES

OIR Insurance Regulation

RULE TITLES: RULE NOS.:
General Reporting Requirements 69O-171.002
Insurer Experience Reporting – Calendar

Year Experience 69O-171.008

PURPOSE, EFFECT AND SUMMARY: Rules 69O-171.002 and 69O-171.008, F.A.C., require insurers to report calendar year experience to the Office. The amendments eliminate outdated provisions which are no longer applicable and require the electronic filing of the information. The rules also eliminate language inconsistent with Florida law regarding the calculation of market share.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.915(2),(5),(6), 627.918(1) FS.

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

TIME AND DATE: 10:00 a.m., May 3, 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 RULES IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: michael.milnes@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-171.002 General Reporting Requirements.

(1) ~~Forms~~ A copy of each form incorporated by reference in these rules ~~is available on the Office's website: http://www.fldfs.state.fl.us to the public from the Bureau of Property and Casualty Forms and Rates, Division of Insurer Services, Office of Insurance Regulation, Larson Building, Tallahassee, Florida.~~

(2) ~~All filings shall be submitted electronically to https://portal.fldfs.com. Insurers may generate by computer process the required forms for reporting provided they are in the same unaltered format as the respective forms incorporated by reference in these rules. Computer-generated forms must be compatible with the Office's electronic data processing equipment.~~

(3) All forms ~~shall~~ ~~are to~~ be filled out completely in accordance with their instructions. ~~If in the event~~ an insurer is without any data required by these rules to be reported, it shall nevertheless complete the prescribed form or forms by writing "none" in the appropriate spaces, and file the form or forms with the Office in the prescribed manner.

~~(4) All completed forms shall be submitted to the Office at the address in subsection (1), except as otherwise provided in these rules.~~

~~(4)(5)(a)~~ Any insurer or insurer group which does not write at least 1/2 percent of the Florida market, based on written premiums, shall not be required to complete and submit to the Office of Insurance Regulation the forms prescribed by Rule 69O-171.008, F.A.C. Instead of completing form OIR-308 "Calendar Year Experience" as adopted in Rule 69O-171.008, F.A.C., the insurer shall list each line of insurance that is less than 1/2 percent of the market and list the corresponding written premiums for each of these lines of insurance.

~~(b) For purposes of this rule the percentage of market shall be calculated by dividing the insurer's written premiums from the most recent calendar year by the total statewide written premium for the same calendar year for that line of insurance.~~

~~(b)(e)~~ In calculating the percentage of market, an insurer shall only use the figure for the preceding year's total premiums written in the state as compiled by the Office based upon the annual statements submitted by insurers ~~insurance companies~~.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.915(5),(6), 627.918(1) FS. History--New 1-16-83, Amended 7-1-85, Formerly 4-59.09, 4-59.009, Amended 6-4-92, 1-2-02, Formerly 4-171.002, Amended _____.

690-171.008 Insurer Experience Reporting – Calendar Year Experience.

(1) Any insurer authorized to transact fire, homeowner's, multiple peril, commercial multiple peril, medical malpractice, product liability, workers' compensation, private passenger automobile liability, commercial automobile liability, private passenger automobile physical damage, commercial automobile physical damage, directors' and officers', or other liability insurance shall report, for each such line of insurance, the information required by Section 627.915(2), Florida Statutes, or required by rule, on by completing and submitting to the Office of Insurance Regulation the Form OIR-B1-308 (Rev. 07/03) "Calendar Year Experience", which is in accordance with the instructions provided therein hereby incorporated by reference, and is available and is to be completed and submitted on the Office's website: <http://www.fldfs.com/DI4-308>.

(2) Reports for the preceding calendar year are due on or before April 1 of each year.

~~(3) Form OIR-308, "Calendar Year Experience", as amended, shall take effect on the amended date of this rule. Form OIR-308 is hereby incorporated by reference.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.915(2),(6), 627.918(1) FS. History--New 1-16-83, Amended 7-1-85, Formerly 4-59.07, Amended 6-15-88, Formerly 4-59.007, 4-171.008, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.:

RULE TITLE:

IT-1.001

Division of Cultural Affairs

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. in response to comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 31, No. 7 of the February 18, 2005 issue of the Florida Administrative Weekly.

IT-1.001 Division of Cultural Affairs.

(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 ~~222.17~~ ~~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 applicant's submission samples, professional achievements, reputation, and peer support and respect as evidenced through the application form and support materials. Folk art applicants are also evaluated on the "traditionality" of the art form.