

- 67-48.0075 Miscellaneous Criteria
- 67-48.009 SAIL General Program Procedures and Restrictions
- 67-48.0095 Additional SAIL Application Ranking and Selection Procedures
- 67-48.010 Terms and Conditions of SAIL Loans
- 67-48.0105 Sale, Refinancing or Transfer of a SAIL Development
- 67-48.013 SAIL Construction Disbursements and Permanent Loan Servicing
- 67-48.014 HOME General Program Procedures and Restrictions
- 67-48.015 Match Contribution Requirement for HOME Allocation
- 67-48.017 Eligible HOME Activities
- 67-48.018 Eligible HOME Applicants
- 67-48.019 Eligible and Ineligible HOME Development Costs
- 67-48.020 Terms and Conditions of Loans for HOME Rental Developments
- 67-48.0205 Sale or Transfer of a HOME Development
- 67-48.022 HOME Disbursements Procedures and Loan Servicing
- 67-48.023 Housing Credits General Program Procedures and Requirements
- 67-48.027 Tax-Exempt Bond-Financed Developments
- 67-48.028 Carryover Allocation Provisions
- 67-48.029 Extended Use Agreement
- 67-48.030 Sale or Transfer of a Housing Credit Development
- 67-48.031 Termination of Extended Use Agreement and Disposition of Housing Credit Developments

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2007 application and program requirements for the SAIL, HOME, HC Programs, as specified

in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation’s 2006 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

DATE AND TIME: January 4, 2007, 1:00 p.m.

PLACE: Hyatt Regency – Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida 32827

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jean Salmonsens at (850)488-4197 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Vicki Robinson, Deputy Development Officer

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5L-3 Aquaculture Best Management Practices

RULE NO.: RULE TITLE:
5L-3.004 Aquaculture Best Management Practices Manual

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 5L-3, F.A.C., to reference an updated aquaculture best management practice manual, dated January 2007.

SUMMARY: The proposed rule establishes the procedures to follow and best management practices to implement by aquaculture producers in order to obtain an aquaculture certificate of registration from the Florida Department of Agriculture and Consumer Services. The amended reference manual has been rearranged and edited to clarify requirements and create a more understandable manual. Specifically, there are new requirements for aquaculture marine net pens and

water conservation and a revised cross reference guide which includes specific BMP requirements for alligator, aquatic turtles, and aquatic snails.

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

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

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

LAW IMPLEMENTED: 597.002, 597.003, 597.004 FS.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Kal Knickerbocker, Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, FL 32301

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

DATE AND TIME: Monday, January 8, 2006, 9:00 a.m.

PLACE: Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor Conference Room, Tallahassee, Florida 32301

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Management at (850)921-6262 at least seven days before the meeting.

The proposed rule and reference manual are available by contacting Kal Knickerbocker at the above address and telephone number or can be obtained on the Division of Aquaculture’s website at www.FloridaAquaculture.com.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kal Knickerbocker, Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-4033

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-3.004 Aquaculture Best Management Practices Manual.

(1) The Best Management Practices manual used by the Department under Chapter 5L-3, F.A.C., is adopted and incorporated by reference in this section. The manual is listed below by subject title and date. Copies of the manual may be obtained by contacting the Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, FL 32301, (850)488-4033 or from the Division of Aquaculture’s website at www.FloridaAquaculture.com.

(2) Aquaculture Best Management Practices Manual, ~~January, 2007 January, 2005, including Addendum entitled Preventing Wildlife Depredation, and Addendum entitled Non-Native and Restricted Non-Native Species.~~

(3) The following documents have been adopted by reference into the Aquaculture Best Management Practices Manual, ~~January 2007 January 2005~~ and are also incorporated by reference into this rule:

(a) USDAS/NRCS Agricultural Handbook, 590 (September, 1997), http://ftp.wcc.nrcs.usda.gov/downloads/hydrology_hydraulics/misc/ponds.pdf.

(b) University of Florida IFAS Circular No. 334 (February, 1999) <http://edis.ifas.ufl.edu>.

(c) NRCS Conservation Practice Standard Code 327, Conservation Cover (July, 1998), http://efotg.nrcs.usda.gov/references/public/IA/N327_10-2003.pdf

(d) NRCS, FOTG Commercial Fishponds 397 (March, 2003), <http://efotg.nrcs.usda.gov/references/public/AL/tg397.pdf>.

Specific Authority 570.07(23), 597.004(2)(b), 791.07 FS. Law Implemented 570.0705, 597.003, 597.004 FS. History—New 10-4-00, Amended 12-29-02, 6-8-04, 11-22-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kal Knickerbocker

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.0014	Comprehensive Management Information System

PURPOSE AND EFFECT: The purpose of the amendment is to revise existing requirements of the statewide comprehensive management information system which are necessary in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information systems components. The statewide comprehensive management information system provides the data on which the measurement of school improvement and accountability is based.

SUMMARY: The rule incorporates revisions to selected data elements, procedures and timelines for state reporting, local recordkeeping, and statewide records transfer which are to be implemented by each school district and the Department of

Education within the automated statewide comprehensive management information system. The rule contains the security, privacy, and retention procedures to be used by the Department of Education for school district, student, staff and finance records collected and maintained at the state level.

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

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

SPECIFIC AUTHORITY: 1001.02(1), 1008.385(3) FS.

LAW IMPLEMENTED: 1001.11, 1002.22(3)(d)3., 1008.385(2), 1001.23 FS.

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

DATE AND TIME: January 16, 2007, 8:30 a.m.

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lavan Dukes, Bureau Chief, Education Information and Accountability, 325 West Gaines Street, #852, Tallahassee, Florida, (850)245-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0014 Comprehensive Management Information System.

(1) Each school district and the Department shall develop and implement an automated information system component which shall be part of, and compatible with, the statewide comprehensive management information system. Each information system component shall contain automated student, staff and finance information systems and shall include procedures for the security, privacy and retention of automated records. The procedures for the security, privacy and retention of automated student records shall be in accordance with the requirements of 20 U.S.C. 1232g(b)(3), 34 C.F.R. Part 99 and Section ~~1002.22 228.093~~, Florida Statutes.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component as prescribed in the publications entitled "DOE Information Data Base Requirements: Volume I – Automated Student Information System, ~~2006 2004~~," "DOE Information Data Base Requirements: Volume II – Automated Staff Information System, ~~2006 2004~~," and "DOE Information Data Base Requirements: Volume III – Automated Finance Information System, 1995." These publications which include the Department procedures for the security, privacy and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by

reference and made a part of this rule. Copies of these publications may be obtained from Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost to be established by the Commissioner not to exceed actual cost.

(3) If any portion of this rule and reference materials is adversely affected by the courts, the affected portion should be considered, repealed and the rule shall be repromulgated.

Specific Authority 1001.02(1), 1008.385(3) FS. Law Implemented 1001.23, 1002.22(3)(d)3., 1008.385(2) FS. History–New 2-19-87, Amended 12-21-87, 12-13-88, 3-25-90, 3-24-91, 3-17-92, 12-23-92, 2-16-94, 3-21-95, 7-3-96, 5-20-97, 10-13-98, 10-18-99, 10-17-00, 5-19-03, 7-20-04, 4-21-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lavan Dukes, Bureau Chief, Education Information and Accountability Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jay Pfeiffer, Assistant Deputy Commissioner, Accountability, Research, and Measurement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2006

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09422 **RULE TITLE:** Florida Comprehensive Assessment Test Requirements

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish the writing grade-level scale scores for each achievement level and the writing graduation passing score as part of the student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT). The effect will be the reporting of student academic performance in writing by achievement levels and the requirement of students to pass the grade 10 FCAT in writing in order to qualify for a standard high school diploma.

SUMMARY: This rule is amended to specify score ranges that define five achievement levels for the writing portion of the FCAT for grades 4, 8, and 10, and to establish the passing score for the writing graduation requirement.

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

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

SPECIFIC AUTHORITY: 1001.02, 1008.22 (3)(c)5, 1008.22 (11) FS.

LAW IMPLEMENTED: 1001.02, 1001.11, 1008.22, 1008.25, 1008.33 FS.

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

DATE AND TIME: January 16, 2006, 8:30 a.m.

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Cornelia Orr, Director, Assessment and School Performance, 325 W. Gaines Street, Suite 414, Tallahassee, Florida 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09422 Florida Comprehensive Assessment Test Requirements.

(1) through (2) No change.

(3) The FCAT shall be administered as follows:

(a) through (d) No change.

(e) The FCAT shall be administered to students in grades 3 through 9 not less than one time per year on a schedule approved by the Commissioner and up to three times per year for students who do not attain minimum performance expectations on the grade 10 FCAT as specified in subsections (7) and (8) of this rule.

(4) Examinee scores on FCAT reading and mathematics shall be reported on a score scale from 100 to 500 defined by the baseline test administered during January and February 1998, and a developmental scale of approximately 0 to 3000 that defines performance across grades 3 through 10. Examinee scores on FCAT Science shall be reported on a score scale from 100 to 500 defined by the baseline test administered during March 2003. Examinee scores on FCAT Writing+ shall be reported on a score scale from 100 to 500 defined by the baseline test administered during February 2006. Each examinee shall receive a total score for each subject area in addition to part scores that can be reliably reported.

(5) The total scores on FCAT Reading, Mathematics, Writing+, and Science, are also reported on an achievement-level scale. The total scores that correspond to each achievement level are shown in the following paragraphs.

(a) through (c) No change.

(d) Beginning with the effective date of this rule, the achievement levels for Writing+ shall be as shown in the following table.

Writing+ grade-level scale scores (100 to 500) for each achievement level:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
4	100-239	240-289	290-364	365-426	427-500
8	100-249	250-298	299-355	356-415	416-500
10	100-249	250-299	300-341	342-402	403-500

(6) Pursuant to Section 1008.22(3)(c)5., Florida Statutes, students who were enrolled in grade nine in the fall of 1999 and thereafter, shall be required to earn passing scores on the grade ten Florida Comprehensive Assessment Test in reading and mathematics. Students who were enrolled in grade nine in the fall of 2006 and thereafter, shall be required to earn passing scores on the grade ten Florida Comprehensive Assessment Test in writing.

(7) No change.

(8) For students in the graduating class of 2009-10 school year and beyond, the passing score for the writing test shall be a score equal to or greater than 300 on the 100 to 500 scale.

~~(9)~~(8) After July 1, 2005, and before March 1, 2006, The Commissioner of Education shall review annually student performance levels and recommend to the State Board of Education whether to maintain the existing passing scores and achievement levels ~~(step 1)~~ or to increase one or more both of the requirements.

(9) through (11) renumbered (10) through (12) No change.

Specific Authority 1001.02, 1008.22 FS. Law Implemented 1001.02, 1001.11, 1008.22, 1008.25, 1008.33 FS. History—New 1-24-99, Amended 10-7-01, 1-22-02, 12-23-03, 3-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Cornelia Orr, Director, Assessment and School Performance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hanna Skandera, Deputy Commissioner, Assessment, Research, and Measurement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2006

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0012
 RULE TITLE: Application Information

PURPOSE AND EFFECT: The purpose of the rule amendment is to propose an increase in the basic certification application fee from the current fee of \$56 approved in 1994 to \$75. The effect will be a rule that provides adequate funding for timely comprehensive services such as maintaining an adequate number of responsive telephone assistants in a call center and conducting investigations of criminal history records or allegations of misconduct relating to certification applicants and certificate holders. Certification is self-supporting totally by applicant fee payments for services deposited into the Educational Certification and Service Trust Fund.

SUMMARY: The rule amendment is proposed to increase the certification application fee to an amount to provide adequate funding for timely and comprehensive certification and related services.

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

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

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56, 1012.586, 1012.59 FS.

LAW IMPLEMENTED: 943.059, 1012.32, 1012.54, 1012.55, 1012.56, 1012.586, 1012.59 FS.

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

DATE AND TIME: January 16, 2007, 8:30 a.m.

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Chief Bureau of Educator Certification, Department of Education, Room 201, Turlington Building, Tallahassee, Florida 32399-0400, (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0012 Application Information.

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

(a) A completed Form CG-10 and a nonrefundable application fee. Form CG-10, Application for Florida Educator's Certificate, effective February 2007 ~~December 2004~~, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or may be submitted online via the Department of Education, Educator Certification website. The nonrefundable application fee is prescribed below:

1. Request for a professional certificate – \$75.00 ~~\$6.00~~,
2. Request for a temporary certificate – \$75.00 ~~\$6.00~~,
3. Request for an addition of a coverage or endorsement to a valid certificate – \$75.00 ~~\$6.00~~,
4. Request for a name change only – \$20.00,
5. Request for a duplicate certificate/subject deletion – \$20.00; or

(b) A completed Form CG-10R and a nonrefundable application fee. Form CG-10R, Application for Renewal or Reinstatement of a Professional Florida Educator's Certificate effective February 2007 ~~December 2004~~, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or may be submitted online via the Department of Education,

Educator Certification website. The nonrefundable application fee is \$75.00 ~~\$6.00~~. An application for renewal of a professional certificate that is received by the Bureau of Educator Certification or by a district school board office after the expiration of the professional certificate as specified in Rule 6A-4.0051, F.A.C., shall be submitted with a \$30.00 late fee in addition to the nonrefundable application fee.

(2) College transcripts. Each college transcript filed for certification purposes shall bear the seal of the institution and the signature of the registrar or other official designated by the president of the institution and shall include descriptive titles, credits, and grades for all courses listed. Transcripts from institutions outside the United States shall include an English translation. Transcripts shall not be returned after the application has been processed and the applicant has been advised regarding eligibility for certification.

(3) Completed applications.

(a) A completed application shall consist of the completed application form, fee, official transcripts, and other documents required by rule or law to process the application. The applicant shall be advised of additional information that is required to complete the application.

(b) If the information required to complete the application has not been received in the Bureau of Educator Certification, Florida Department of Education, or in the district school board office within twelve (12) months from the date of receipt of the application, the application shall expire and the fee shall be forfeited.

(4) Funding for the recovery network program for educators. Two (2) dollars of each seventy-five (75) ~~fifty-six (56)~~ dollar certification fee shall be designated to fund the recovery network program for educators.

(5) Each district school board office shall issue certificates for employees of the school district as follows:

(a) An application for renewal of a professional certificate,

(b) An application for an addition of a subject to a valid professional certificate based upon a passing score earned after July 1, 2002, on the bachelor's degree level Florida subject area test,

(c) An application for an addition of an endorsement area to a valid certificate based on the completion of approved inservice core components or a district add-on endorsement program,

(d) An application for a certificate issued solely to reflect a change in name, and

(e) An application for a duplicate of a valid certificate.

(6) The employing school district shall remit on a monthly basis to the Department of Education thirty (30) ~~twenty (20)~~ dollars of each seventy-five (75) ~~fifty-six (56)~~ dollar fee and seven (7) dollars of each twenty (20) dollar fee collected for the issuance of certificates for costs to maintain the technology system, web-based application, and the printing and mailing of certificates.

Specific Authority 1001.02, 1012.55, 1012.56, 1012.586, 1012.59 FS. Law Implemented 943.0585, 943.059, 1012.32, 1012.54, 1012.55, 1012.56, 1012.586, 1012.59, 1012.798 FS. History--New 7-6-82, Amended 9-27-83, Formerly 6A-4.012, Amended 12-25-86, 10-26-88, 5-2-90, 4-24-91, 7-7-92, 5-3-94, 7-18-95, 9-17-01, 11-25-03, 12-27-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Stewart, Deputy Chancellor Educator Quality, Department of Education, Room 514 Turlington Building, Tallahassee, Florida 32399, (850)245-0509

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cheri Pierson Yecke, Ph.D., Chancellor K-12 Education, Department of Education, Room 514 Turlington Building, Tallahassee, Florida 32399, (850)245-0509

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0782
RULE TITLE: Florida Schools of Excellence Commission Cosponsor Application

PURPOSE AND EFFECT: The purpose of the proposed rule is to create a charter school cosponsor application for the Florida Schools of Excellence Commission. The effect of the rule is to provide consistency to the application, eligibility and evaluation process of cosponsor applications submitted to the commission.

SUMMARY: The proposed rule creates a cosponsor application for the Florida Schools of Excellence Commission.

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

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

SPECIFIC AUTHORITY: 1002.335 FS.

LAW IMPLEMENTED: 1002.335 FS.

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

DATE AND TIME: January 16, 2007, 8:30 a.m.

PLACE: 325 West Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0782 Florida Schools of Excellence Commission Cosponsor Application.

Application requirement for municipalities, state universities, community colleges, and regional educational consortia are specified in Form FSEC-1, Florida Schools of Excellence Commission Cosponsor Application, hereinafter Cosponsor Application Form, which is hereby incorporated by reference to become a part of this rule.

Specific Authority 1002.335 FS. Law Implemented 1002.335 FS. History--New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carlo Rodriguez, Executive Director, Office of Independent Education and Parental Choice, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Carlo Rodriguez, Executive Director, Office of Independent Education and Parental Choice, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0980
RULE TITLE: K-8 Virtual School Program

PURPOSE AND EFFECT: The purpose of the proposed rule is to adopt requirements for administering the K-8 Virtual School Program within the Department of Education. The rule will also incorporate the Program's application form.

SUMMARY: The proposed rule incorporates the application form for the K-8 Virtual School Program, provides timelines for submitting the application, and outlines requirements for student enrollment and attendance verification and for school accountability.

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 regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of the notice.

SPECIFIC AUTHORITY: 1002.415 FS.

LAW IMPLEMENTED: 1002.415 FS.

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

DATE AND TIME: January 16, 2007, 8:30 a.m.

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carlo Rodriguez, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0502

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0980 K-8 Virtual School Program.

(1) Application.

(a) Each school wishing to participate in the K-8 Virtual School Program must submit to the Florida Department of Education, Form VSP – 01, K-8 Virtual School Program Application, which is incorporated by reference in this rule to become effective February 2007. This form is available by contacting the Florida Department of Education, Office of Independent Education and Parental Choice, Turlington Building, Room 522, Tallahassee, Florida 32399-0400.

(b) Form VSP – 01 must be submitted between March 1 and March 31 of each year for an applicant to be considered for participation during the following school year.

(2) Enrollment/Attendance Verification.

(a) Each virtual school participating in the program must verify the enrollment of students thirty (30) days prior to each payment date as specified in Section 1002.415(6)(b), Florida Statutes.

(b) Each virtual school participating in the program must maintain the attendance records and reports required by Section 1003.23, Florida Statutes. The virtual school must keep daily attendance for each enrolled student and must verify the continued attendance of each student.

(c) Upon verification of student enrollment and continued attendance, the Department shall make payments to participating schools according to the schedule contained in Section 1002.415, Florida Statutes.

(3) Accountability. Any K-8 virtual school that has a performance grade category of “D” or “F” as determined by Section 1008.34, Florida Statutes, must file a School Improvement Plan (SIP) with the Department within two (2) months of the grade’s release. The SIP must identify the causes of the virtual school’s low performance and propose a plan for correction and improvement.

Specific Authority 1002.415(9) FS. Law Implemented 1002.415 FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sally Roberts, Office of Independent Education and Parental Choice, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Carlo Rodriguez, Executive Director, Office of Independent Education and Parental Choice, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-20.020	Seminole and Miccosukee Indian Scholarships
6A-20.025	Grants for Teachers for Special Training in Exceptional Student Education
6A-20.039	Florida Teacher Scholarship and Forgivable Loan Program
6A-20.040	Occupational Therapist or Physical Therapist Tuition Reimbursement Program
6A-20.041	Occupational Therapist or Physical Therapist Student Loan Forgiveness Program
6A-20.042	Occupational Therapist or Physical Therapist Scholarship Loan Program
6A-20.044	Limited Access Competitive Grant

PURPOSE AND EFFECT: Section 1009.96, Florida Statute, states that financial assistance programs which are not funded for three consecutive years shall stand repealed. The programs associated with these rules have not been funded since the 2001-02 academic year, and stand to be repealed. Therefore these rules are deemed unnecessary. The effect of the repeal of the rules is to be in compliance with Florida Statutes.

SUMMARY: These rules are to be repealed.

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

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

SPECIFIC AUTHORITY: 229.053(1), Chapter 240 FS.

LAW IMPLEMENTED: Chapter 240 FS.

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

DATE AND TIME: January 16, 2007, 8:30 a.m.

PLACE: 325 West Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Theresa Antworth, Director, State Scholarship and Grant Programs, Department of Education, Office of Student Financial Assistance

THE FULL TEXT OF THE PROPOSED RULES IS:

6A-20.020 Seminole and Miccosukee Indian Scholarships.

Specific Authority 229.053(1), 240.413(1) FS. Law Implemented 240.404, 240.413 FS. History–New 10-15-80, Amended 3-23-83, Formerly 6A-7.292, Formerly 6A-7.0292, Amended 12-25-86, 12-18-90, 3-15-94, 10-15-02, Repealed.

6A-20.025 Grants for Teachers for Special Training in Exceptional Student Education.

Specific Authority 229.053(1), 240.405(4) F.S. Law Implemented 240.405 F.S. History–New 4-13-87, Amended 3-6-94, 10-15-02, Repealed.

6A-20.039 Florida Teacher Scholarship and Forgivable Loan Program.

Specific Authority 229.053(1), 240.4063(1), 240.465 FS. Law Implemented 231.62, 240.404, 240.4042, 240.4063, 240.465 FS. History–New 7-1-93, Amended 4-19-96, 10-15-02, Repealed.

6A-20.040 Occupational Therapist or Physical Therapist Tuition Reimbursement Program.

Specific Authority 240.6072(3) FS. Law Implemented 240.4042, 240.6071, 240.6072, 240.6075 FS. History–New 2-18-93, Amended 10-15-02, Repealed.

6A-20.041 Occupational Therapist or Physical Therapist Student Loan Forgiveness Program.

Specific Authority 240.6072(3) FS. Law Implemented 240.4042, 240.6071, 240.6072, 240.6073 FS. History–New 2-18-93, Amended 10-15-02, Repealed.

6A-20.042 Occupational Therapist or Physical Therapist Scholarship Loan Program.

Specific Authority 229.053(1), 240.6072(3), 240.6074(4)(b) FS. Law Implemented 240.404, 240.4042, 240.6071, 240.6072, 240.6074 FS. History–New 2-18-93, Amended 2-15-95, 4-19-96, 10-15-02, Repealed.

6A-20.044 Limited Access Competitive Grant.

Specific Authority 229.053(1), 240.4041, 240.6045(6) FS. Law Implemented 240.404, 240.4042, 240.6045 FS. History–New 3-20-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Theresa Antworth, Director, State Scholarship and Grant Programs, Department of Education, Office of Student Financial Assistance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner of Finance and Operations, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2006

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-14.002	General Program Provisions
11B-14.003	Authorized Salary Incentive Payments

PURPOSE AND EFFECT: Rule 11B-14.002, F.A.C.: To revise the Higher Education for Salary Incentive Report form CJSTC-63 to reflect statutory revisions in Section 943.22(1)(a), F.S., regarding accrediting agencies or associations recognized by the database created by the U.S. Department of Education. To update the Department’s web address. Rule 11B-14.003, F.A.C.: Requirements for receiving educational salary incentive payments.

SUMMARY: Rule 11B-14.002, F.A.C.: The Department’s web address. Verification of agencies or associations through the U.S. Department of Education’s database. Rule 11B-14.003, F.A.C.: Educational salary incentive monies.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.22(2)(h) FS.

LAW IMPLEMENTED: 943.22 FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

THE FULL TEXT OF THE PROPOSED RULES IS:

- 11B-14.002 General Program Provisions.
- (1) through (5) No change.

(6) Educational Salary Incentive Payments.

(a) No change.

(b) The employing agency is responsible for ensuring that the documents submitted for educational salary incentive payments are authentic and accurately reflect the credit given for academic courses successfully completed by the officer, and shall submit or electronically transmit to Commission staff through the Commission's ATMS a completed Higher Education for Salary Incentive Report, form CJSTC-63, revised August 3, 2006 ~~May 6, 2004~~, hereby incorporated by reference.

(c) through (d) No change.

(7) through (14) No change.

(15) All forms referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/ejst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History--New 10-16-78, Amended 9-11-79, 1-13-81, 5-16-83, 1-7-85, Formerly 11B-14.02, Amended 7-13-87, 9-3-87, 5-23-88, 5-14-92, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06,_____.

11B-14.003 Authorized Salary Incentive Payments.

Full-time law enforcement, correctional, and correctional probation officers satisfying the certification requirements of Section 943.13, F.S., who are not excluded from eligibility pursuant to Section 943.22(4), F.S., shall be eligible to participate in the Salary Incentive Program.

(1) through (3) No change.

(4) Pursuant to Section 943.22(2)(d), F.S., officers shall receive the sum of \$20 each month for each successfully completed 80-hour unit of Commission-approved Advanced or Career Development Training, which has been verified by the employing agency, defined in Section 943.10, F.S., through the Commission's ATMS. Commission staff shall recognize, only once, the successful completion of any specific training course for salary incentive payment. Officers who elect to use Commission-approved Advanced or Career Development Training Courses as credit toward a two or four year degree, for which the officer would receive educational salary incentive payment, shall not receive advanced or career development salary incentive payment for the same courses. Agencies shall review the educational transcripts submitted for educational salary incentive to ensure there is no duplication of payment.

(5) No change.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History--New 9-11-79, Amended 1-13-81, 5-16-83, 9-1-83, 4-26-84, 1-7-85, Formerly 11B-14.03, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Donna Hunt at (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Vickie Marsey at (850)410-8660

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:

RULE TITLES:

11B-18.004

Regional Training Areas

11B-18.005

Establishment of Regional Training Councils

11B-18.0052

Development of Budgets

PURPOSE AND EFFECT: Rule 11B-18.005, F.A.C.: To

update Commission-certified training school name(s). Rule

11B-18.0052, F.A.C.: To update state law enforcement agency

name(s). To update the Department's web address. Rule

11B-18.0071, F.A.C.: To make housekeeping revisions.

SUMMARY: Commission-certified training school names,

state law enforcement agency names, and the Department's

web address.

SUMMARY OF STATEMENT OF ESTIMATED

REGULATORY COST: No Statement of Estimated Regulatory

Cost was prepared.

Any person who wishes to provide information regarding a

statement of estimated regulatory costs, or provide a proposal

for a lower cost regulatory alternative must do so in writing

within 21 days of this notice.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (2),

943.25(4), (5)(b) FS.

LAW IMPLEMENTED: 943.25(5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF

THIS NOTICE, A HEARING WILL BE HELD AT THE

DATE, TIME AND PLACE SHOWN BELOW (IF NOT

REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room,

Quad C, 3rd Floor, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE

PROPOSED RULES IS: Donna Hunt, Florida Department of

Law Enforcement, Criminal Justice Professionalism Program,

2331 Phillips Road, Tallahassee, Florida 32308,

(850)410-8516

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-18.004 Regional Training Areas.

For the purposes of Officer Training Monies activities, there are established the following sixteen regional training areas:

(1) Region I.

- (a) No change.
- (b) Commission-certified training schools within Region I: George Stone ~~Area~~ Vo-Tech ~~Center~~, Criminal Justice Training Center, and Okaloosa-Walton ~~Community~~ College Criminal Justice Training Center.
- (2) Region II.
- (a) No change.
- (b) Commission-certified training schools within Region II: Chipola ~~Junior~~ College Criminal Justice Training Center, Gulf Coast Community College Criminal Justice Training Academy, and Washington-Holmes Technical Center Criminal Justice Program.
- (3) No change.
- (4) Region IV.
- (a) No change.
- (b) Commission-certified training schools within Region IV: Lake City Community College Criminal Justice ~~Center~~ ~~Division~~, North Florida Community College Criminal Justice Academy, and Santa Fe Community College Institute of Public Safety.
- (5) Region V.
- (a) No change.
- (b) Commission-certified training schools within Region V: Florida Community College Northeast Florida Criminal Justice Training and at Jacksonville/Northeast Florida Criminal Justice Training and Education Center, St. Johns River Community College/Criminal Justice Training Program.
- (6) Region VI.
- (a) No change.
- (b) Commission-certified training schools within Region VI: Central Florida Community College Criminal Justice Institute and Withlacoochee ~~Vocational~~ Technical Institute/Criminal Justice Training Academy.
- (7) Region VII.
- (a) No change.
- (b) Commission-certified training schools within Region VII: Brevard Community College Criminal Justice Division, Criminal Justice Institute at Valencia Community College, Daytona Beach Community College Emergency Services Institute Criminal Justice Training Center, Criminal Justice Academy of Osceola, Lake Technical Center Institute of Public Safety, and Seminole Community College Criminal Justice Institute.
- (8) Region VIII.
- (a) No change.
- (b) Commission-certified training schools within Region VIII: Kenneth C. Thompson Institute of Public Safety at Polk Community College ~~Institute of Public Safety~~ and South Florida Community College Criminal Justice Academy.
- (9) Region IX.
- (a) No change.
- (b) Commission-certified training schools within Region IX: Hillsborough Community College Ybor City Campus Criminal Justice Institute, Manatee Technical Institute Criminal Justice Academy, Manatee Sheriff's Office Training Center, Pasco-Hernando Community College Public Service Technology Center/Pasco-Hernando Police Academy, and St. Petersburg ~~Junior~~ College Southeastern Public Safety Institute.
- (10) Region X.
- (a) No change.
- (b) Commission-certified training schools within Region X: Sarasota County Technical Institute/Sarasota Criminal Justice Academy, and Lee County Vo-Tech Center Vocational High Technical Center (Central)/Southwest Florida Criminal Justice Academy Public Service Academy.
- (11) through (12) No change.
- (13) Region XIII.
- (a) No change.
- (b) Commission-certified training school within Region XIII: Broward Community College Criminal Justice Institute of Public Safety and Broward County Sheriff's Office Institute for Criminal Justice Studies.
- (14) Region XIV.
- (a) No change.
- (b) Commission-certified training schools within Region XIV: Florida Keys Community College Institute of Criminal Justice, ~~Miami Police Department/Miami Police Training Center~~, Miami-Dade Police Department/Metropolitan Police Institute, and Miami-Dade ~~Community~~ College School of Justice.
- (15) Region XV.
- (a) No change.
- (b) Commission-certified training schools within Region XV: Florida Department of Law Enforcement Bureau of Professional Development, Florida Criminal Justice Executive Institute, Florida Department of Highway Safety and Motor Vehicles/Florida Highway Patrol Training Academy, Florida Department of Environmental Protection Public Education and Training Center, and Florida Fish and Wildlife Conservation Commission/Florida State Wildlife Officer Training Academy.
- (16) No change.
- Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History--New 1-13-81, Amended 7-28-82, 1-7-85, Formerly 11B-18.04, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-27-06,_____.
- 11B-18.005 Establishment of Regional Training Councils.
- (1) through (2) No change.
- (3) The State Regional Law Enforcement Officer Training Council XV shall be comprised of one representative from each of the following Florida state law enforcement agencies:
- (a) through (e) No change.
- (f) Department of Financial Services, Division of Insurance Fraud Insurancee.

- (g) through (l) No change.
- (4) through (7) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.25(5) FS. History—New 1-13-81, Amended 7-28-82, 1-7-85, (7), (8) Transferred to 11B-18.051, Formerly 11B-18.05, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04,_____.

- 11B-18.0052 Development of Budgets.
- (1) through (2) No change.

(3) All forms referenced in this rule may be obtained on the following web site: http://www.fdle.state.fl.us/ejst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1), (2), 943.25(4), (5)(b) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-28-82, 1-26-83, 1-7-85, Formerly 11B-18.052(2)(a), (b), Amended 1-28-86, 7-13-87, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Hunt at (850)410-8615
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vickie Marsey at (850)410-8660
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

**DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission**

RULE NOS.:	RULE TITLES:
11B-20.001	Definitions and Minimum Requirements for General Certification of Instructors
11B-20.0012	Denial and Revocation of Instructor Certification
11B-20.0013	Commission Instructor Certification Categories
11B-20.0014	Minimum Requirements for High-Liability and Specialized Topics Instructor Certification
11B-20.0017	Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT: To remove human diversity training from the Instructor Certification Application form CJSTC-71 due to statutory revisions. Rule 11B-20.0012, F.A.C.: To make housekeeping revisions. Rule 11B-20.0013, F.A.C.: To add the Laser and Radar Instructor Certification category. Rule 11B-20.0014, F.A.C.: Renames the Laser Instructor Certification to Laser and Radar Instructor

Certification; revises the course names for the American Heart Association, American Red Cross, American Safety and Health Institute, and the National Safety Council, and revises the CMS First Aid Performance Evaluation form CJSTC-5 CMS accordingly; allows instructor applicants, who are professionals pursuant to subparagraph 11B-20.0014(g)1., F.A.C., to request CMS First Aid Instructor Certification without completing additional training; defines a Law Topics Instructor Certification and allows a Law Topics Instructor to teach specific law topics provided the individual holds a Commission Law Topics Instructor Certification; lists the new radar courses required for certification to instruct laser and radar courses; retires the Radar Speed Measurement Instructor Course for Law Enforcement Officers and the Laser Speed Measurement Device Instructor Transition Course for Radar Instructors effective 12/31/06. Rule 11B-20.0017, F.A.C.: To update rule references on the Instructor Compliance Application form CJSTC-84.

SUMMARY: Rule 11B-20.001, F.A.C.: Human diversity training. Rule 11B-20.0012, F.A.C.: Housekeeping revisions. Rule 11B-20.0013, F.A.C.: Laser and radar instructor certification. Rule 11B-20.0014, F.A.C.: CPR Instructor Certification, CMS First Aid Instructor Certification, Commission Law Topics Instructor Certification, Laser and Radar Instructor Certification, and laser and radar instructor courses and creation of related form. Rule 11B-20.0017, F.A.C.: Instructor Compliance Application form CJSTC-84. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.14(3) FS. LAW IMPLEMENTED: 943.12(3), (9), 943.13(6), 943.14(3) FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.
PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-20.001 Definitions and Minimum Requirements for General Certification of Instructors.

- (1) No change.
- (2) Instructor applicants applying for instructor certification shall:
 - (a) Complete the Instructor Certification Application, form CJSTC-71, revised August 3, 2006 ~~May 5, 2005~~, hereby incorporated by reference;
 - (b) through (c) No change.
 - (3) through (4) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06,_____.

11B-20.0012 Denial and Revocation of Instructor Certification.

- (1) No change.
- (2) The Criminal Justice Standards and Training Commission has the authority to revoke an instructor’s certification if:
 - (a) The instructor willfully compromises the security and confidentiality of examinations, grading keys, or ~~CMS~~ test specifications used in training courses, or engages in any other conduct that subverts or attempts to subvert the State Officer Certification Examination (SOCE) process; or
 - (b) through (f) No change.
 - (3) through (7) No change.

Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.14(3) FS. History—New 10-26-88, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04,_____.

11B-20.0013 Commission Instructor Certification Categories.

Except as otherwise provided in this rule section or by law, individuals who instruct training courses pursuant to Rule Chapter 11B-35, F.A.C., at or through a training school, shall be certified by the Criminal Justice Standards and Training Commission. Instructor applicants who request to be certified by the Commission may request certification in the following categories of certification:

- (1) through (3) No change.
- (4) Specialized Topics Instructor Certifications.
 - (a) No change.
 - (b) Speed Measurement Instructor Certifications.

- 1. Radar Instructor Certification.
- 2. ~~Laser and Radar Laser~~ Laser Instructor Certification.
- (c) through (d) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04,_____.

11B-20.0014 Minimum Requirements for High-Liability and Specialized Topics Instructor Certification.

- (1) No change.
- (2) High-Liability Instructor Certifications. Instructor applicants, who apply for a High-Liability Instructor Certification, shall have completed the applicable High-Liability Instructor Course within four years of the date the instructor applicant applies for certification. Instructor applicants, who apply for a High-Liability Instructor Certification more than four years from the date training was completed, shall complete an internship and demonstrate the proficiency skills applicable to the high-liability topic. Instructor applicants shall meet the following requirements for High-Liability Instructor Certification for each topic requested.

- (a) through (f) No change.
- (g) Traditional First Responder Instructor Certification. Instructor applicants who request to obtain certification to instruct in first responder topics shall comply with the requirements for Traditional General Instructor Certification pursuant to paragraph 11B-20.001(3)(a), F.A.C., or be exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C. Individuals who request to obtain certification as a Traditional First Responder Instructor shall comply with the requirements in subparagraph (g)1. or (g)2. of this rule section.

1. Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification, which is at minimum, at the “Basic Life Support (BLS) Instructor or “Heartsaver Instructor” level Healthcare Provider Level” with the American Heart Association, “CPR/AED for the Professional Rescuer Instructor” or “First Aid/CPR/AED Instructor” or “Emergency Response Instructor” or “Lifeguarding Instructor” level “CPR for the Professional Rescuer” with the American Red Cross, First Aid/CPR/AED Instructor” or “BLS Instructor” level with the ~~and~~ American Safety and Health Institute, or “BLS Instructor level”, ~~or~~ “Advanced First Aid and CPR” with the National Safety Council. The following individuals, based on their education and training experience in the United States or its territories, are eligible to request Traditional First Responder Instructor Certification without completing additional training:

- a. through d. No change.
- e. Registered nurses or licensed practical nurses, who are actively involved in emergency care and have three years experience in emergency medical care.
- f. No change.

2. Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification, which is at minimum at the BLS Instructor or "Heartsaver Instructor" level "Healthcare Provider Level" with the American Heart Association, "CPR/AED for the Professional Rescuer Instructor" or "First Aid/CPR/AED Instructor" or "Emergency Response Instructor" or "Lifeguarding Instructor" level "CPR for the Professional Rescuer" with the American Red Cross, "First Aid/CPR/AED Instructor" or "BLS Instructor" level with the American Safety and Health Institute, or "BLS Instructor" level, or "Advanced First Aid and CPR" with the National Safety Council, and are certified pursuant to Section 943.13, F.S. These individuals shall:

a. through b. No change.

c. Have successfully demonstrated 100% proficiency in first aid skills, with the results recorded on the CMS First Aid Performance Evaluation, form CJSTC-5 CMS, revised August 3, 2006 created May 6, 2004, hereby incorporated by reference; and

d. No change.

(h) CMS First Aid Instructor Certification. Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification, which is at a minimum at the "Basic Life Support (BLS) Instructor" or "Heartsaver Instructor" level with the American Heart Association, "CPR/AED for the Professional Rescuer Instructor" or "First Aid/CPR/AED Instructor" or "Emergency Response Instructor" or "Lifeguarding Instructor" level with the American Red Cross, "First Aid/CPR/AED Instructor" or "BLS Instructor" level with the American Safety and Health Institute, or "BLS Instructor" level with the National Safety Council. These individuals shall possess a valid CPR instructor certification, which is at minimum, at the BLS "Healthcare Provider Level" with the American Heart Association, "CPR for the Professional Rescuer" with the American Red Cross and American Safety and Health Institute, or "Advanced First Aid and CPR" with the National Safety Council. Instructor applicants who request to obtain certification to instruct the CMS First Aid for Criminal Justice Officers Course in Commission-approved Basic Recruit Training Programs, the CMS First Aid Instructor Course, and CMS First Aid Instructor Transition Course shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and successfully complete the following training courses through a training school:

1. Instructor applicants who are professionals outlined in subparagraph (g)1. of this rule section are eligible to request CMS First Aid Instructor Certification without completing additional training, to include the CMS General Instructor Transition Course and the CMS First Aid Instructor Transition Course shall complete the CMS First Aid Instructor Transition Course.

2. through 3. No change.

(3) Specialized Topics Instructor Certifications. To obtain certification to instruct in specialized topics, the instructor applicant shall meet the following requirements for each specialized topic requested:

(a) Law Topics Instructor Certification. Individuals shall comply with the following requirements to obtain a Law Topics Instructor Certification: Posses six months of criminal justice experience, possess a minimum of fifteen semester hours of college credit law courses to include constitutional law and criminal law with a grade of "C" or above, or a juris doctorate.

~~1.(a) A Law Topics Instructor is required to instruct in the Law Topics Instructor Certification for Traditional Basic Recruit Training Programs. Instructor applicants who request to obtain certification to instruct Commission-approved law topics of Arrest Laws, Attempt, Conspiracy and Solicitation, Burden of Proof, Civil and Criminal Liability, Classification of Offenses, Constitutional Law, Constitutional Law Overview, Court Rules and Trial Procedures, Court Structure, Elements of a Crime, Evidence Concepts, Evidence Rules, Intent, Legal Defense, Legal Show-up, Legal Line-up, Parties to a Crime, Probable Cause, Search and Seizure Concepts, Stop and Frisk Laws, and Use of Force, in the following basic recruit training programs, shall possess substantial law training and experience of a minimum of fifteen semester hours or college credit law courses, to include constitutional law and criminal law with a grade of "C" or above, and possesses six months of criminal justice experience. The following Commission-approved Basic Recruit Training Programs require certified law topic instructors:~~

- ~~a.1. Traditional Correctional Basic Recruit Training Program.~~
- ~~b.2. Traditional Correctional Probation Basic Recruit Training Program.~~
- ~~c.3. CMS Traditional Law Enforcement to Correctional Basic Recruit Cross-Over Training Program.~~
- ~~d.4. CMS Traditional Law Enforcement to Correctional Probation Basic Recruit Cross-Over Training Program.~~
- ~~e.5. Traditional Correctional to Correction Probation Basic Recruit Cross-Over Training Program.~~
- ~~6. Traditional Correctional Probation to Law Enforcement Basic Recruit Cross-Over Training Program.~~
- ~~f.7. Traditional Correctional Probation to Correctional Basic Recruit Cross-Over Training Program.~~
- ~~g.8. Law Enforcement Auxiliary Officer Basic Recruit Training Program.~~
- ~~h.9. Correctional Auxiliary Officer Basic Recruit Training Program.~~
- ~~i.10. Correctional Probation Auxiliary Officer Basic Recruit Training Program.~~

2. Individuals who possess a Law Topics Instructor Certification are eligible to instruct in the law topics of Criminal Justice Systems of Florida, Constitutional Law, and Introduction of Florida Statutes in the following basic recruit training programs:

a. CMS Application-Based Law Enforcement Basic Recruit Training Program.

b. Traditional Correctional Probation to CMS Law Enforcement Basic Recruit Cross-Over Training Program.

c. Traditional Correctional to CMS Law Enforcement Basic Recruit Cross-Over Training Program.

(b) Speed Measurement Instructor Certifications. To be certified to instruct speed measurement training courses an instructor applicant is required to complete the following training:

1. No change.

2. Laser and Radar Instructor Certification. An instructor applicant shall successfully complete at a training school, the Laser and Radar Speed Measurement Instructor Course for Law Enforcement Officers, course 1159 or ~~and~~ the Radar Speed Measurement Instructor Course for Law Enforcement Officers, course 1108, retired December 31, 2006, and the Laser Speed Measurement Device (LSMD) Instructor Transition Course for Radar Instructors, course 1109, to be retired December 31, 2008, at a training school, with the results recorded on a Laser and Radar Speed Measurement Device Instructor Field Evaluation, form CJSTC-10.

(c) through (d) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.13 (6), 943.14(3) FS. History--New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06,_____.

11B-20.0017 Maintenance and Duration of Instructor Certifications.

Documentation for instructors shall be maintained in the instructor's file at the respective training school or agency. Additionally, the training school or agency shall submit or transmit to Commission staff, through the Commission's ATMS, an Instructor Compliance Application, form CJSTC-84, revised August 3, 2006 ~~May 5, 2005~~, hereby incorporated by reference, to verify compliance with the mandatory retraining requirements. Instructors whose Traditional General Instructor Certification or CMS General Instructor Certification has lapsed shall complete the General Instructor Refresher Course. Instructors whose High-Liability Instructor Certification has lapsed shall demonstrate proficiency skills in the applicable high-liability topic. Instructors whose Specialized Topics Instructor Certification has lapsed shall complete an internship in the applicable high-liability topic.

(1) through (7) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History--New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Hunt, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vickie Marsey, (850)410-8660

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-21.002	Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification
11B-21.005	Criminal Justice Training School Requirements for Certification and Re-certification

PURPOSE AND EFFECT: Rule 11B-21.002, F.A.C.: To correct a Scribner's error on training school recertification dates and to update the Department's web address. Rule 11B-21.005, F.A.C.: To change reference from "Basic Abilities Test vendor" to "Basic Abilities Test provider."

SUMMARY: Rule 11B-21.002, F.A.C.: Training school recertification dates and the Department's web address. Rule 11B-21.005, F.A.C.: Basic Abilities Test.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (2) FS.

LAW IMPLEMENTED: 943.12(3), (7), 943.14, 943.17(1)(g) FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615 If you are hearing or

speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-21.002 Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification.

(1) through (4) No change.

(5) Request for Commission Re-certification.

(a) A training school that requests continued certification by the Commission shall submit a completed Criminal Justice Training School Certification, Re-certification or Expansion of Certification Application form CJSTC-29, to Commission staff no later than January 1st of the year the certification expires. Recertification dates for training schools shall be July 1, 2006, then July 1, 2010 ~~January 1, 2006, then January 1, 2010~~, and every five years thereafter.

(b) through (d) No change.

(6) All form(s) referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 943.14 FS. History—New 7-21-82, Amended 1-28-86, Formerly 11B-21.02, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, _____.

11B-21.005 Criminal Justice Training School Requirements for Certification and Re-certification.

(1) through (9) No change.

(10) Basic Abilities Testing Requirements pursuant to Rule 11B-35.0011, F.A.C., and Section 943.17(1)(g), F.S. Effective January 1, 2002, training schools certified by the Commission that provide Commission-approved Basic Recruit Training Programs shall:

(a) Adopt a Commission-approved basic abilities test as an entry requirement into a Commission-approved Basic Recruit Training Program, and not enter into a contract with any testing provider ~~vendor~~ for a period longer than the Commission's testing cycle of three years.

(b) through (c) No change.

(11) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 943.14, 943.17(1)(g) FS. History—New 7-21-82, Formerly 11B-21.05, Amended 1-28-86, 8-30-89, 12-24-89, 6-3-91, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vickie Marsey, (850)410-8660

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-27.0011	Moral Character
11B-27.002	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
11B-27.0021	High School Graduation or Equivalent
11B-27.00212	Maintenance of Officer Certification
11B-27.0022	Background Investigations
11B-27.005	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: Rule 11B-27.0011, F.A.C.: To update the Department's web address. Rule 11B-27.002, F.A.C.: To make housekeeping revisions. To make housekeeping revisions to the Physician's Assessment form CJSTC-75 and Affidavit of Applicant form CJSTC-68. To clarify the conditions for obtaining employment or appointment when an officer has not completed training within the specified time frame. Rule 11B-27.0021, F.A.C.: To change requirement for a "standard high school diploma" to a "high school diploma." To clarify existing rule language regarding accrediting organizations and diplomas issued by private schools. To clarify that a transcript verification shall be verified by an institution accredited by an accrediting body. Rule 11B-27.00212, F.A.C.: To revise the Mandatory Retraining Report form CJSTC-74 by removing the hourly requirement for human diversity training. To remove Weapons of Mass Destruction training as part of an officer's mandatory retraining requirement. To substantially rewrite the Law Enforcement Officer Firearms Qualification Standard form CJSTC-86A. To make technical changes and rule reference updates to the Mandatory Firearms Training Report form CJSTC-86. Rule 11B-27.0022, F.A.C.: To revise the Authority for Release of Information form CJSTC-58 to reflect statutory

changes. Rule 11B-27.005, F.A.C.: To clarify rule language concerning conduct that subverts or attempts to subvert the State Officer Certification Examination process. Rule 11B-27.013: To make housekeeping revisions to the Patrol Duty Canine Team Proficiency Examination and Equivalency form CJSTC-83.

SUMMARY: Rule 11B-27.0011, F.A.C.: The Department's web address. Rule 11B-27.002, F.A.C.: Housekeeping revisions to rules and forms and compliance with Commission rules regarding employment as an officer within four years of completing the required training and tests. Rule 11B-27.0021, F.A.C.: Proof of compliance and authenticity of a high school diploma. Diplomas' issued by a private school. Transcript verification. The Department's web address. Rule 11B-27.00212, F.A.C.: Human diversity training, weapons of mass destruction training, and firearms qualification standards. Rule 11B-27.0022, F.A.C.: Authority for Release of Information for former "or current" employees. Rule 11B-27.005, F.A.C.: Conduct that subverts or attempts to subvert the State Officer Certification Examination process. Rule 11B-27.013, F.A.C.: Housekeeping revisions to the Patrol Duty Canine Team Proficiency Examination and Equivalency.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.133(3) FS.

LAW IMPLEMENTED: 943.12, 943.12(3), 943.12(17), 943.13, 943.13(3), 943.13(7), 943.13(11), 943.133, 943.135, 943.139, 943.1395, 943.1395(3), 943.1395(7), 943.1395(8), 943.1701, 943.1715, 943.1716, 943.253 FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-27.0011 Moral Character.

(1) through (7) No change.

(8) Forms referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/ejst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards Forms Liaison.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History—New 1-7-85, Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04, 3-27-06,_____.

11B-27.002 Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers.

(1) Certification or Reactivation of Certification. Prior to submitting an application for certification or reactivation of certification for a law enforcement, correctional, or correctional probation officer, the employing agency shall collect and verify documents establishing that an applicant has complied with the requirements of Section 943.13, F.S. Verified documents shall be maintained in the officer's training file at the employing agency. The following documents are required for verification of an applicant's compliance with this rule section:

(a) through (c) No change.

(d) A Physician's Assessment, form CJSTC-75, revised August 3, 2006 ~~May 6, 2004~~, hereby incorporated by reference, or an equivalent form signed by a physician, certified advanced registered nurse practitioner, or physician assistant licensed in the United States or its territories, verifying the applicant's fitness to perform the duties of an officer pursuant to Section 943.13(6), F.S. A copy of the officer's position description shall be reviewed by the physician to ensure that the applicant can meet the physical standards required of the position. A Patient Information, form CJSTC-75A, revised May 6, 2004, hereby incorporated by reference, may also be provided to the examining physician, certified advanced registered nurse practitioner, or physician assistant for reference. The completed and signed CJSTC-75 form or equivalent, shall be completed with each new employment or appointment of an officer, and shall not be completed more than one year prior to an officer's employment

or appointment. A CJSTC-75 form prepared for a specific employing agency shall not be used by any other employing agency.

(e) No change.

(f) An Affidavit of Applicant, form CJSTC-68, revised August 3, 2006 ~~May 6, 2004~~, hereby incorporated by reference, executed by the applicant attesting that the applicant complies with the employment or appointment qualifications pursuant to Sections 943.13(1)-(10), F.S.

(g) through (h) No change.

(2) The employing agency head is required, within 30 days of hire, to submit to Commission staff or electronically transmit through the Commission's Automated Training Management System (ATMS), and maintain in file a Registration of Employment Affidavit of Compliance, form CJSTC-60, revised February 7, 2002, hereby incorporated by reference, attesting to compliance by the employing agency with the following requirements:

(a) For law enforcement, correctional, and correctional probation officer applicants who have not been previously certified and who have complied with the certification requirements pursuant to Section 943.13(1)-(10), F.S., the employing agency shall certify to the Commission that the applicant is eligible for certification by submitting to Commission staff or electronically transmitting through the Commission's Automated Training Management System (ATMS), a completed Officer Certification Application, form CJSTC-59, revised February 7, 2002, hereby incorporated by reference, within 30 days of the applicant's compliance with the certification requirements. Upon receipt of an Officer Certification Application Deficiency Notification, form CJSTC-259, revised May 5, 2005, the employing agency shall maintain on file, a copy of form CJSTC-59 and any other employment documentation. The employing agency shall submit a copy of form CJSTC-259 and the missing or deficient documentation to Commission staff within 90 days of the date the form was signed and issued to the agency. Failure by the employing agency to submit missing or deficient documentation within the required 90 days may result in denial of an applicant's request for certification. An officer applicant shall not work as a sworn officer in a sworn capacity prior to meeting the requirements of Sections 943.13 and 943.131, F.S.

(b) No change.

(3) No change.

(4) Within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination, and gain employment as an officer. An individual who is not employed as an officer in the discipline for which training was completed, within four years of the date

of beginning such training, shall, as a condition for obtaining employment or appointment, comply with the following requirements:

(a) Successfully ~~As a condition of employment or appointment after July 1, 1993, successfully~~ complete a Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C., or qualify for an exemption from a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., to include demonstration of proficiency in the High-Liability Basic Recruit Training Courses pursuant to Rule 11B-35.0024, F.A.C.; and

(b) No change.

(5) through (6) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History--New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.02, Amended 9-3-87, 3-29-89, 5-14-92, 12-13-92, 9-5-93, 1-19-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06,_____.

11B-27.0021 High School Graduation or Equivalent.

(1) No change.

(2) Compliance with this rule section shall be documented by the employing agency and made available to Commission staff for review. Proof of compliance and authenticity of the diploma may include:

(a) A ~~standard~~ high school diploma or high school equivalency diploma issued by a public school education program.

(b) A diploma issued by a private school that is accredited by an accrediting organization recognized by the U.S. Department of Education or the Council on Higher Education Accreditation.

(c) through (f) No change.

(3) In the absence of proof of successful high school graduation, the following shall be acceptable as meeting the minimum educational requirements:

(a) Transcript verification of successful completion of one of the following educational requirements from an institution accredited by an accrediting body ~~Institutional Accrediting Body~~ recognized by the United States Department of Education (~~<http://www.aju.edu/usdoe-accreditation.htm>~~) or licensed as a degree granting institution by the Commission for Independent Education, pursuant to Section 1005.02(7), F.S., (~~<http://www.fim.edu/doe/cie/institutions.htm>~~), shall be acceptable as meeting the educational requirements of this rule section:

(b) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(3) FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.021, Amended 7-7-99, 7-29-01, 11-5-02, 11-30-04,_____.

11B-27.00212 Maintenance of Officer Certification.

(1) through (3) No change.

(4) Continuing education or training pursuant to Section 943.135, F.S. Upon an officer's completion of the required continuing education or training the employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a completed Mandatory Retraining Report, form CJSTC-74, revised August 3, 2006 ~~May 5, 2005~~, hereby incorporated by reference.

(5) through (12) No change.

~~(13) Weapons of Mass Destruction (WMD) and Basic Incident Command System (ICS) continuing training. Certified law enforcement officers shall successfully complete WMD and Basic ICS training on or before June 30, 2008.~~

~~(a) Certified law enforcement officers who have completed WMD and Basic ICS training, prior to December 3, 2003, shall have satisfied the mandatory WMD and Basic ICS training requirements.~~

~~1. Certified law enforcement officers who have completed WMD training shall be required to complete only Basic ICS training on or before June 30, 2008.~~

~~2. Certified law enforcement officers who have completed Basic ICS training shall be required to complete only WMD training on or before June 30, 2008.~~

~~(b) Certified law enforcement officers who complete the Prepare Florida Basic WMD and Basic ICS Course shall have satisfied the mandatory training requirements. This course contains separate modules that can be used separately to satisfy WMD and Basic ICS training.~~

~~1. The following "learning competency requirements" satisfy Weapons of Mass Destruction training:~~

~~a. Understanding and recognizing terrorism.~~

~~b. Weapons of Mass Destruction and the methods of dissemination.~~

~~c. Incident scene security.~~

~~d. Self protection.~~

~~e. Personal protective equipment (PPE).~~

~~f. Decontamination.~~

~~2. The following "learning competency requirements" satisfy Basic ICS training:~~

~~a. Incident Command System and Unified Command training.~~

~~b. Field operations and tactical considerations.~~

~~(a) Courses that satisfy the "learning competency requirements" for Basic ICS training include:~~

~~1. Incident Command System course number IS-195~~

~~2. Federal Emergency Management Institute.~~

~~3. National Incident Management System Incident Command (NIMS).~~

~~4. Hospital Incident Command System (HICS).~~

~~(d) Emergency Response to Terrorism by the U.S. Department of Justice satisfies WMD training only.~~

~~(e) Law enforcement officers who have successfully completed a CMS Application Based Law Enforcement Basic Recruit Training Program have satisfied both WMD and Basic ICS training requirements.~~

~~(f) The CMS Application Based Law Enforcement Basic Recruit Training Program satisfies both WMD and Basic ICS training requirements.~~

~~(g) If an officer fails to meet the required WMD and Basic ICS training, his or her certification shall become inactive until such time the employing agency submits to Commission staff, through the Commission's ATMS, a completed Mandatory Retraining Report form CJSTC-74.~~

~~(13)(14) Use-of-Force training. An officer, whose mandatory retraining cycle begins on July 1, 2005 or thereafter, shall, as a part of the officer's 40-hour continuing education or training every four years, be required to complete the following Use-of-Force training.~~

~~(a) No change.~~

~~(b) A law enforcement and correctional officer shall complete, once every two years, Use-of-Force training pursuant to subparagraphs ~~(13)(14)(a)1.-5.~~, of this rule section.~~

~~(c) A correctional probation officer shall complete, once every two years, Use-of-Force training pursuant to subparagraphs ~~(13)(14)(a)2.-5.~~, of this rule section.~~

~~(d) through (f) No change.~~

~~(g) An officer, who fails to comply with the Use-of-Force training requirements, pursuant to paragraphs ~~(13)(14)(a)-(f)~~ of this rule section, shall become an inactive Florida officer. The officer's certification shall become reactivated when the officer's employing agency electronically transmits a completed form CJSTC-74, to Commission staff, verifying the officer has met the continuing education or training requirements for the officer's four-year mandatory retraining cycle.~~

~~(h) No change.~~

~~(14)(15) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard form, CJSTC-86A, revised August 3, 2006 ~~created August 4, 2005~~, hereby incorporated by reference, and maintained in the officer's employment file.~~

~~(h) No change.~~

~~(14)(15) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard form, CJSTC-86A, revised August 3, 2006 ~~created August 4, 2005~~, hereby incorporated by reference, and maintained in the officer's employment file.~~

~~(a) No change.~~

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, Form CJSTC-86, revised August 3, 2006 ~~created August 4, 2005~~, hereby incorporated by reference, and maintained in the officer's employment file. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a completed form CJSTC-86.

(c) through (d) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History--New 11-5-02, Amended 12-3-03, 11-30-04, 3-27-06,_____.

Editorial Note: See 11B-27.0023, F.A.C.

11B-27.0022 Background Investigations.

(1) No change.

(2) The employing agency shall, at a minimum, use the following background investigation procedures:

(a) No change.

(b) Obtain previous employment data from prior employers. Criminal justice agencies conducting background investigations have the option of using the Authority for Release of Information, form CJSTC-58, revised August 3, 2006 ~~May 5, 2005~~, pursuant to Sections 943.134(2) and (4), F.S., hereby incorporated by reference.

(c) through (e) No change.

(3) No change.

Specific Authority 943.03(4) 943.12(1), 943.133(3) FS. Law Implemented 943.133, 943.139 FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.022, Amended 7-13-87, 10-17-90, 5-13-92, 5-14-92, 12-13-92, 9-5-93, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-27-06,_____.

11B-27.005 Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (4) No change.

(5) When the Commission finds that a certified officer has committed an act that violates Section 943.13(7), F.S., the Commission shall issue a final order imposing penalties within the ranges recommended in the following disciplinary guidelines:

(a) through (b) No change.

(c) For the perpetration by the officer of an act or conduct, as described in paragraph 11B-27.0011(4)(c), F.A.C., if such act or conduct does not constitute a crime described in paragraphs (5)(a)-(b) of this rule section, the action of the Commission shall be to impose the following penalties, absent aggravating or mitigating circumstances:

1. through 7. No change.

8.	<u>Conduct that subverts or attempts to subvert the State Officer Certification Examination process pursuant to subsection 11B-30.009(1) F.A.C.,</u> Subverting the State Officer Certification Examination Process	Revocation
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9. through 12. No change.

(d) No change.

(6) through (10) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 4-11-04, 11-30-04, 3-27-06,_____.

11B-27.013 Canine Team Certification.

(1) through (2) No change.

(3) Required documentation for certification of a patrol canine team. Documentation of compliance for Commission certification of patrol canine teams shall include:

(a) through (b) No change.

(c) Documentation of successful completion of the Patrol Canine Team Proficiency Examination administered by two Commission-approved canine team evaluators, one of whom is not affiliated with the Commission-certified training school or the agency conducting the training, and one of whom is not affiliated with the agency employing the canine team. A Commission-approved canine team evaluator shall not administer a proficiency examination to a canine assigned to them as a work partner. The proficiency examination shall be documented on the Patrol Duty Canine Team Proficiency Examination and Equivalency, form CJSTC-83, revised August 3, 2006 ~~May 5, 2005~~, hereby incorporated by reference.

(4) through (8) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17) FS. History--New 3-29-89, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Hunt, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vickie Marsey, (850)410-8660

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-30.006	State Officer Certification Examination General Eligibility Requirements
11B-30.007	Application for the State Officer Certification Examination and Notification Process
11B-30.0071	Examination Accommodations for Applicants with Disabilities
11B-30.008	State Officer Certification Examination Site Administration
11B-30.009	Applicant Conduct at Test Site and Notice of Protection of Program Privileges
11B-30.011	Examination Scoring and Grade Notification
11B-30.012	Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key

PURPOSE AND EFFECT: Rule 11B-30.006, F.A.C.: To update the Department’s web address. Rule 11B-30.007, F.A.C.: To update the State Officer Certification Examination (SOCE) web site. To allow a debit card to be used to pay for the SOCE. To clarify that rescheduling of the SOCE does not constitute a re-examination. Rule 11B-30.0071, F.A.C.: To update the Application for Individuals Request Special Test Accommodations form CJSTC-502 to incorporate rule revisions. To make housekeeping revisions. To allow the test booklet to be produced in large print versus high quality regular print or read aloud. To disallow reading of the SOCE or the Basic Abilities Test. To revise the list of accommodations that are not permissible when taking the SOCE. To revise the definition/example of a person with physical disabilities. Rule 11B-30.008, F.A.C.: To remove unnecessary rule language. To add rule language regarding individuals who arrive late to take the SOCE and compliance with Rule 11B-30.007 and 11B-30.009, F.A.C.: To require violations to be documented in writing and submitted to the FDLE/CJPP program director. To require dismissal of an applicant from the SOCE test site for engaging in conduct intended to subvert the SOCE process and to list the conduct that subverts the SOCE process. To list the sanctions the Commission shall impose for conduct intended to subvert the SOCE process. To list the conduct that violates the standards of the SOCE test administration. To list sanctions the Commission shall impose for acts that violate the SOCE test administration. To require that an applicant’s existing certification shall be subject to disciplinary action upon violation of the SOCE Test Administration standards. Rule 11B-30.011, F.A.C.: To remove redundant language on the Applicant State Officer Certification Examination Overall Test Results form CJSTC-516. Rule 11B-30.012, F.A.C.: To clarify

the “missed examination items review process” for individuals who have failed the SOCE. To increase the number of days from 45 to 120 for an individual to review their SOCE and to revise the State Officer Certification Examination Grade Review Request form CJSTC-510 accordingly. To allow participants in the examination review session to review the SOCE for each discipline one time. To revise the State Officer Certification Examination Review form CJSTC-511 to include additional document to the review packet contents list.

SUMMARY: Rule 11B-30.006, F.A.C.: The Department’s web address. Rule 11B-30.007, F.A.C.: SOCE web site, method of payment for taking the SOCE, and SOCE re-examination process. Rule 11B-30.0071, F.A.C.: Examination accommodations for applicants with disabilities. Rule 11B-30.008, F.A.C.: Test accommodations at the test site. Rule 11B-30.009, F.A.C.: Applicant conduct at the test site that is intended to subvert the SOCE and consequences thereof. Rule 11B-30.011, F.A.C.: SOCE overall test results form. Rule 11B-30.012, F.A.C.: Examination grade review process and related forms.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (17), 943.1397, 943.173(3) FS.

LAW IMPLEMENTED: 943.12(17), 943.13(7), 943.131(2), 943.1397, 943.1397(1), 943.1397(3), 943.173 FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-30.006 State Officer Certification Examination General Eligibility Requirements.

(1) through (3) No change.

(4) All forms referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/ejst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.131(2), 943.1397 FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06,_____.

11B-30.007 Application for the State Officer Certification Examination and Notification Process.

(1) Application to take the State Officer Certification Examination (SOCE) shall be made by submitting:

(a) No change.

(b) An on-line application electronically, via the internet, at <http://www4.fdle.state.fl.us/examregister> ~~<http://www.fdle.state.fl.us/examregister>~~. All on-line applications shall be accompanied by payment of the \$100 examination fee using a credit card or debit card.

(2) through (5) No change.

(6) An applicant who has been scheduled to take the SOCE and is unable to take the certification examination on the date scheduled, shall be given the opportunity to submit a request to reschedule the SOCE within sixty days of the missed examination date. Rescheduling shall be subject to all requirements for eligibility, pursuant to Rule 11B-30.006, F.A.C. An additional application fee shall not be charged. Rescheduling of the SOCE, pursuant to this rule section, does not constitute a re-examination, pursuant to Section 943.1397, F.S. The following conditions shall be documented in the applicant's request to reschedule the SOCE date:

(a) through (d) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.1397(3) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04,_____.

11B-30.0071 Examination Accommodations for Applicants with Disabilities.

(1) No change.

(2) An applicant requesting special accommodations shall submit an Application for Individuals Requesting Special Test Accommodations, form CJSTC-502, revised August 3, 2006 ~~May 6, 2004~~, hereby incorporated by reference, which shall be submitted forty-five days prior to the requested State Officer Certification Examination (SOCE) date. The Application for Officer Certification Examination form CJSTC-500 shall be submitted according to the established deadline date for the

requested SOCE. The individual shall provide documentation of the disability by an appropriate professional, pursuant to paragraph (6)(e) of this rule section, when the disability and the requested accommodations are not obvious. Forms CJSTC-500 and CJSTC-502 may be obtained by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, FL 32302-1489, Attention: ADA Coordinator, or by calling (Voice) (850)410-~~8602~~ 8600, (TDD): (850)656-9597.

(3) Reasonable and appropriate accommodations to take the SOCE shall be provided for qualifying individuals. All accommodations shall be directly linked to the amelioration of the identified functional limitations caused by the asserted disability and must be reasonable and effective. Permissible accommodations include:

(a) through (c) No change.

(d) Flexible Format. The test booklet may be produced in large print, ~~high quality regular print, or read aloud~~.

(e) No change.

(4) Accommodations that are not permissible. A reader shall not be allowed for applicants taking the SOCE or Basic Abilities Test (BAT). ~~CMS Law Enforcement SOCE. These examinations utilize~~ ~~This examination utilizes~~ diagrams, tables, or statutory reference materials to measure an applicant's ability to apply these professional tools to solve problems and answer questions.

(5) through (6) No change.

(7) Definition of Terms.

(a) through (b) No change.

(c) A person with a physical disability means any person who has a permanent or temporary physical or psychomotor disability. Examples, pursuant to this rule section, include ~~of such a disability under this section include those disabilities that require the use of a wheelchair, braces, or crutches. It also includes~~ individuals with a hearing or sight disability, or those who may need special accommodation to move about.

(d) through (e) No change.

Specific Authority 943.03(4), 943.12(1), 943.1397 FS. Law Implemented 943.12(17), 943.1397 FS. History—New 7-29-01, Amended 11-5-02, 11-30-04,_____.

11B-30.008 State Officer Certification Examination Site Administration.

(1) No change.

(2) An applicant who has been scheduled to take the SOCE shall arrive at the scheduled examination site on the designated date and time, and shall present the following documentation to the examination administrator:

(a) through (b) No change.

(c) SOCE requirements for out-of-state, military, or federal officers or inactive Florida officers. ~~Effective July 1, 2002, out-of-state, military, or federal officers or inactive~~

Florida officers are required, and have one year to demonstrate proficiency in the required High Liability Basic Recruit Training Courses and achieve a passing score on the applicable SOCE. The officer shall not be required to pass a comprehensive end-of-course examination in the High Liability Basic Recruit Training Courses. Such officers, pursuant to subsection 11B-35.009(6), F.A.C., who request to take the SOCE, shall submit to Commission staff, form CJSTC-517, as record of completed training and demonstration of proficiency in the required High-Liability Basic Recruit Training Courses. Documentation of completed training is permitted to be submitted prior to the SOCE date pursuant to Rule 11B-30.007, F.A.C., or presented to the examination administrator on the day of testing.

(3) An applicant shall not be admitted to the examination administration site after the door to the examination site is closed. Rescheduling ~~Re-scheduling~~ of the SOCE, pursuant to this rule section, does not constitute a re-examination, pursuant to Section 943.1397, F.S. Individuals arriving late shall comply with Rule 11B-30.007, F.A.C., when rescheduling the SOCE.

(4) No change.

Specific Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.131(2), FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,_____.

11B-30.009 Applicant Conduct at Test Site and Notice of Protection of Program Privileges.

Any violation of the provisions of this subsection shall be documented in writing to the Program Director of the Criminal Justice Professionalism Program.

(1) The applicant shall not engage in conduct that subverts or attempts to subvert the State Officer Certification Examination (SOCE) process. An applicant engaging in conduct intended to subvert the SOCE process shall be dismissed from the SOCE test administration. Conduct that subverts or attempts to subvert the SOCE process includes:

(b) Reproducing or reconstructing any portion of the SOCE.

(c) Aiding by any means in the reproduction of any portion of the SOCE.

(d) Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a past, current, or future SOCE.

(e) Revealing test questions or other information that would compromise the integrity of the SOCE.

~~(2) The applicant shall not violate the standards of the SOCE test administration. Violations of test administration include:~~

~~(f)(a) Communication with any other applicant during the administration of the SOCE.~~

~~(g)(b) Copying answers from another applicant, or intentionally allowing one's answers to be copied by another applicant during the administration of the SOCE.~~

~~(h)(e) Having in one's possession during the administration of the SOCE, any books, notes, written, or printed materials or data of any kind.~~

~~(i)(d) Failing to comply with the SOCE administrator's instructions with the intent to subvert the SOCE process.~~

~~(3) The applicant shall not violate the applicant identification process. Conduct that violates the applicant identification process is as follows:~~

~~(j)(a) Falsifying or misrepresenting information required for admission to the SOCE.~~

~~(k)(b) Impersonating an applicant.~~

~~(l)(e) Having an impersonator take the SOCE on one's behalf.~~

~~(m)(d) Disrupting the test administration.~~

~~(4) Any violation of the provisions of subsections 11B-30.009(1)-(3), F.A.C., shall be documented in writing to the Program Director of the Criminal Justice Professionalism Program.~~

(2) An applicant, who engages in conduct in subsection (1) of this rule section, shall be denied access to take the SOCE until the Commission's disciplinary process has been completed, pursuant to subsection (3) of this rule section.

~~(3)(5) When the Commission finds that an applicant has committed an act that violates subsections (1)-(3) of this rule section, the Commission shall impose one or more of the following sanctions:~~

~~(a) Declare the applicant has failed the SOCE. Have their SOCE declared invalid;~~

~~(b) Require the applicant to forfeit the application fee. Forfeit the application fee;~~

~~(c) Declare the applicant Be ineligible to apply to take the SOCE in any discipline for a period of five years pursuant to Section 943.13(7), F.S., regarding good moral character for employment or appointment as an officer.~~

~~(d) Deny Be subject to denial of certification by the Commission as a law enforcement, correctional, or correctional probation officer, pursuant to Rule 11B-27.007, F.A.C.;~~

~~(e) Be subject to disciplinary action taken against any currently held Commission certification;~~

~~(f) Be subject to the imposition of other sanctions by the Commission, pursuant to Section 943.13(7), F.S., and Rule Chapter 11B-27, F.A.C.~~

(4) The applicant shall not engage in conduct that violates the standards of the SOCE Test Administration. An applicant has violated the standards of the SOCE test administration by:

(a) Failing to comply with the SOCE test administrator's instructions at the SOCE test site;

(b) Possession of anything other than the Commission-approved Examination Administration Voucher form CJSTC-517, personal identification, and pencils at the SOCE test area.

(5) When an applicant has committed an act that violates subsection (4) of this rule section, the applicant shall be subject to the following sanctions:

(a) Dismiss the applicant from the SOCE test administration; and

(b) Declare the applicant has failed the SOCE and is ineligible to participate in the review process outlined in Rule 11B-30.0012, F.A.C.; and

(c) Require the applicant to forfeit the application fee.

~~(6) When an applicant holds a Commission certification and has committed an act that violates subsection (1) of this rule section, the applicant's certification(s) shall be subject to disciplinary action pursuant to Rule 11B-27.0011 and subsection 11B-27.005(5), F.A.C. The Commission shall ensure the security of the test site for the SOCE by prohibiting applicants from signing in to the test area with anything other than the Commission approved Examination Admission Voucher CJSTC 517 an applicant identification, and pencils. An applicant who is found with items in their possession, other than described herein, shall be in violation of subsections (1) (3) of this rule section and shall be subject to discipline as described in subsection (5) of this rule section. Violation of this subsection shall be documented as provided in subsection (4) of this rule section.~~

Specific Authority 943.03(4), 943.12(1), (17), 943.173(3) FS. Law Implemented 943.12(17), 943.13(7), 943.1397(1), 943.1397(3), 943.173 FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-27-06, _____.

11B-30.011 Examination Scoring and Grade Notification.

Individuals who graduate from a Commission-approved Basic Recruit Training Program shall be required to achieve a passing score on the State Officer Certification Examination (SOCE) with an overall scale score equal to or higher than the established cut-off score. Commission staff shall notify the applicant, within thirty days of the test date, on an Applicant State Officer Certification Examination Overall Test Results, form CJSTC-516, revised August 3, 2006 May 5, 2005, hereby incorporated by reference. The SOCE is an entry-level competency examination and therefore examination results are reported as “pass” or “fail” on form CJSTC-516. To protect each examinee's privacy, only individuals who have taken the SOCE are permitted to obtain their personal numerical score. This score will be available only at a regularly scheduled monthly Examination Review Session held pursuant to subsection 11B-30.012(2), F.A.C.

Specific Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.1397(1) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-27-06, _____.

11B-30.012 Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key.

(1) Individuals who have failed the State Officer Certification Examination (SOCE) shall have the right to review their missed examination items and corresponding grading key results by submitting a State Officer Certification Examination Grade Review Request, form CJSTC-510, revised August 3, 2006 May 5, 2005, hereby incorporated by reference, and shall be received by the Florida Department of Law Enforcement by the established deadline date for the Examination Review Session requested. ~~To be eligible to file form CJSTC 510, pursuant to Rule 11B 30.013, F.A.C., the form shall be submitted to Commission staff within forty five calendar days of the individual's SOCE date. Individuals who fail to meet the forty five day deadline shall not be allowed to file a challenge, but may review the SOCE results.~~

(2) The SOCE grade reviews shall be conducted in the presence of Commission staff at a regularly scheduled monthly Examination Review Session conducted at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. The SOCE grade review schedule is produced annually and is available at Commission-certified training schools, the Florida Department of Law Enforcement's (FDLE) website at <http://www.fdle.state.fl.us>, or from FDLE, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention SOCE Section. Individuals shall ~~be scheduled to~~ review their SOCE grades within 120 forty calendar days of the individual's SOCE date. ~~Commission staff's receipt of the completed form CJSTC 510. Individuals who fail to attend a grade review within 120 days of their SOCE shall not be allowed to file a challenge, but shall be allowed to review the SOCE results.~~ Participants in the Examination Review Session shall be permitted to review only one examination for each session and shall only review each examination once. Individuals shall not be permitted to review their SOCE after the expiration of their examination eligibility pursuant to Rule 11B-30.006, F.A.C.

(a) No change.

(b) Individuals requesting a grade review shall be provided with the SOCE test results and the State Officer Certification Examination Review, form CJSTC-511, revised August 3, 2006 May 5, 2005, hereby incorporated by reference. Form CJSTC-511 shall be signed by the individual requesting the review at the conclusion of an Examination Review Session. Only individuals scheduled for the Examination Review Session shall be present during an Examination Review Session.

(c) No change.

(3) No change.

(4) Individuals participating in an examination review session shall be notified in writing, within thirty working days of the examination review date, of the results of the

Commission’s evaluation of the individual’s concerns reported during the Examination Review Session on the State Officer Grade Review Request form CJSTC-510.

Specific Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.173 FS. History–New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Hunt at (850)410-8516

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vickie Marsey at (850)410-8660

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-35.001	General Training Programs; Requirements and Specifications
11B-35.0011	Basic Abilities Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program
11B-35.002	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation
11B-35.0021	High-Liability Proficiency Courses for Basic Recruit Training and Instructor Training
11B-35.0024	Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses
11B-35.003	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training
11B-35.006	Advanced Training Program
11B-35.007	Specialized Training Program
11B-35.009	Exemption from Basic Recruit Training

PURPOSE AND EFFECT: Rule 11B-35.001, F.A.C.: To add the “time of the course” to the list of requirements for notifying Commission staff of a scheduled course when cancellation of that course is under 30 days. To exempt instructors from the CMS or Traditional General Instructor Certification who teach the dart-firing stun gun component of the Law Enforcement Basic Recruit Training Program and reincorporate form

CJSTC-82 into Rule 11B-35.001(3)(c), F.A.C. To require that training records maintained at a training school include a list of course instructors with their full name and the expiration of their certificate. To require that, in order for a student to pass the SOCE, the training center director shall issue to a student an Examination Admission Voucher form CJSTC-517, in addition to the student’s certificate of completion. To incorporate into Rule 11B-35.001, F.A.C., form CJSTC-517. To update the Department’s web address. Rule 11B-35.0011, F.A.C.: To require that the Basic Abilities Test (BAT) can only be taken three times within a 12-month period. To require that an entity verify each applicant’s eligibility prior to the applicant taking the BAT. To deny the applicant access to the BAT if the entity discovers the applicant has taken the BAT more than three times. To require that the vendor providers only allow access to the BAT for student’s who have produced a valid photo identification. To require the vendor provider to validate the students name, date of birth, etc., and other personal identification information as proposed in rule. To reword rule language concerning applicants who violate the Commission’s rules and to list the sanctions that will be imposed for such violations. To require that accommodations, pursuant to the American with Disabilities Act, are governed by subsection 11B-30.0071(4), F.A.C. To require that BAT vendors shall determine eligibility accommodations on a case-by-case basis. Rule 11B-35.002, F.A.C.: To update the course names and numbers for the Commission’s criminal justice training programs. To remove course information, course names and course numbers for retired basic recruit and basic recruit cross-over training programs. To add program numbers to the Commission’s basic recruit training programs. To add new programs to the CMS Law Enforcement Basic Recruit Cross-Over Training Programs. To add the 6-hour Dart-Firing Stun Gun training and 4-hour Human Trafficking Course to CMS, Traditional, Cross-Over and Auxiliary Basic Recruit Training Programs. Rule 11B-35.0021, F.A.C.: To update the course names required to possess and maintain a valid CPR Instructor Certification in order for an instructor to teach the CMS First Aid for Criminal Justice Officers Course, CMS First Aid Instructor Course, or CMS First Aid Instructor Transition Course. Rule 11B-35.0024, F.A.C.: To add rule language that requires an instructor student to successfully demonstrate cognitive knowledge and proficiency skills during the initial qualification, unless the instructor student qualifies for one of the three exceptions. To update the CMS First Aid Performance Evaluation form CJSTC-5 CMS including addition of association affiliation check-off boxes. To make housekeeping revisions to the CMS Vehicle Operations Performance Evaluation form CJSTC-7 CMS. Rule 11B-35.003, F.A.C.: To add the 6-hour dart-firing stun gun training to the Law Enforcement Auxiliary Officer Basic Recruit Training Program and update the minimum hours for certain topic areas. 11B-35.006, F.A.C.: To add new Advance Training Program Courses and revise existing course names.

To create the Laser and Radar Operator Performance Report form CJSTC-11 to be completed for the Laser Speed Measurement Operator's Course for Law Enforcement. To repeal the Laser Operator Performance Report form CJSTC-9. Rule 11B-35.007, F.A.C.: To add the Laser and Radar Speed Measurement Instructor Course for Law Enforcement Officers, and the Dart-Firing Stun Gun training course, and revise existing specialized training program course names. Rule 11B-35.009, F.A.C.: To clarify that any appeal for denial of exemption from basic recruit training shall be governed by Section 120.57, F.S. To clarify that demonstration of proficiency in the high-liability areas and passing the State Officer Certification Examination shall be completed within one year after receiving an exemption. To clarify that a training school shall provide to the officer a completed form CJSTC-76A and form CJSTC-517, upon the officer's demonstration of proficiency.

SUMMARY: Rule 11B-35.001, F.A.C.: Requirements and specifications for general training programs. Rule 11B-35.0011, F.A.C.: Basic Abilities Training requirements for applicant admission into Commission-approved criminal justice training programs. Rule 11B-35.002, F.A.C.: Addition, deletion, and update of basic recruit training programs for law enforcement, correctional, and correctional probation. Rule 11B-35.0021, F.A.C.: Instruction of CMS First Aid for Criminal Justice Officers Course, CMS First Aid Instructor Course, or CMS First Aid Instructor Transition Course. Rule 11B-35.0024, F.A.C.: Requirements for demonstration of cognitive knowledge and proficiency skills for instructor students. Rule 11B-35.003, F.A.C.: Dart-firing stun gun training and course updates for Law Enforcement Auxiliary Officer Basic Recruit Training Program. Rule 11B-35.006, F.A.C.: Advanced Training Program Courses, specifically the Dart-Firing Stun Gun course. Rule 11B-35.007, F.A.C.: Specialized Training Program Courses, specifically the Laser and Radar Speed Measurement Instructor Course for Law Enforcement Officers and Dart-Firing Stun Gun training course. Rule 11B-35.009, F.A.C.: Exemption from basic recruit training regarding demonstration of proficiency requirements and the required forms.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (2), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(5), 943.131(2), 943.17, 943.17(1), 943.175, 943.25 FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-35.001 General Training Programs; Requirements and Specifications.

(1) No change.

(2) Notification of scheduled courses. The training center director or designee shall notify the assigned local Commission field specialist of scheduled, rescheduled, or cancelled Commission-related training courses. This notification shall be at least 30 days in advance, or immediately upon scheduling, rescheduling, or cancellation of the course when under 30 days. Notification shall include at a minimum:

(a) Date(s) of course(s).

(b) Location of course(s).

(c) Title of course(s).

(d) Time of course(s)

(3) Instructors who teach Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses at a training school shall:

(a) through (b) No change.

(c) Hold a CMS designated certification to teach CMS Application-Based Law Enforcement Basic Recruit Training Program Courses, CMS Instructor Courses, and CMS Instructor Transition Courses. Instructors, who teach the dart-firing stun gun component of a Law Enforcement Basic Recruit Training Program, are exempt from the CMS General Instructor Certification or the Traditional General Instructor Certification, and shall have their qualifications documented on the Instructor Exemption form CJSTC-82, revised August 3, 2006, hereby incorporated by reference, and maintained in the class file.

(4) through (9) No change.

(10) Reporting requirements for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses are as follows:

(a) through (b) No change.

(c) The training center director or designee shall ensure that the records for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses are maintained within a training school. Each course shall be subject to audit by Commission staff. Such records shall, at a minimum, include:

1. through 7. No change.

8. List of course instructor(s) to include full name and Commission instructor certification expiration date, or completion of Instructor Exemption form CJSTC-82, if applicable. Course instructors.

9. through 13. No change.

(11) Student attendance requirements for Commission-approved Basic Recruit Training Programs outlined in paragraphs 11B-35.002(1)(a) through ~~(p)(m)~~, F.A.C., Specialized Training Programs outlined in subsection 11B-35.007(1), F.A.C., and Advanced Training Program Courses outlined in subsection 11B-35.006(2), F.A.C.

(12) through (13) No change.

(14) Proof of course completion. The training center director shall, within thirty days following the completion of a Commission-approved Basic Recruit, Advanced, or Specialized Training Program Course, provide to a student who has successfully completed the program, a certificate, which shall contain at a minimum, the name of the training school, the student's name, the dates of the program or course, the number of program or course contact hours, the title of the Basic Recruit, Advanced, or Specialized Training Program Course, and the current training center director's signature. Basic Recruit Training Completion Certificates shall contain the Curriculum Version Number for the course taught. In addition to a certificate, the training school shall provide to a student, who has successfully completed a Commission-approved Basic Recruit Training Program and will be required to pass the State Officer Certification Examination, an Examination Admission Voucher form CJSTC-517, revised August 3, 2006, hereby incorporated by reference.

(15) All forms referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/ejst/rules_and_forms/index.html, or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, _____.

11B-35.0011 Basic Abilities Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program.

To comply with Section 943.17(1)(g), F.S., applicants who apply for entry into a Commission-approved Basic Recruit Training Program after January 1, 2002, shall obtain a passing score on a Basic Abilities Test (BAT) for law enforcement, correctional, or correctional probation disciplines, prior to entering a program.

(1) The applicant shall not take the Basic Abilities Test (BAT) more than three total times in each discipline during any twelve-month period; any subsequent results in each discipline within the twelve-month period will be invalid.

(a) Any entity at which an applicant may take a BAT shall verify each applicant's eligibility to ensure that the applicant has not taken the BAT in the same discipline more than two times within the past twelve months.

(b) Entities that discover that an applicant has already taken the BAT three times in one discipline within the preceding twelve months shall deny the applicant access to the BAT for that discipline until the applicant is again eligible.

(2) BAT providers shall restrict access to the BAT to those applicants who produce valid photo identification pursuant to subsection 11B-30.008(2)(a), F.A.C. Providers shall validate the name, date of birth, gender, and social security number of each applicant to ensure that the information given by the applicant is consistent with the applicant's driver license and social security record.

~~(3)(1)~~ The applicant shall not engage in conduct that subverts or attempts to subvert the BAT process. Conduct that subverts or attempts to subvert the BAT process includes:

(a) through (f) No change.

~~(4)(2)~~ The applicant shall not violate the standards of the BAT test administration. Violations of test administration include:

(a) through (d) No change.

~~(5)(3)~~ The applicant shall not violate the applicant identification process. Conduct that violates the applicant identification process is as follows:

(a) through (d) No change.

~~(6)(4)~~ Any violation of the provisions of this rule section shall be documented in writing and submitted to Commission staff within seven days to the address set forth in subsection 11B-35.001(15), F.A.C.

~~(7)(5)~~ When the Commission finds that an applicant has committed an act that violates subsections ~~(2)-(5)(1)-(3)~~ of this rule section, the Commission applicant shall impose one or more of the following sanctions:

(a) Declare the applicant has failed the BAT. ~~Have their BAT declared invalid;~~

(b) Require the applicant to forfeit the application fee
~~Forfeit the application fee;~~

(c) Declare the applicant ~~Be~~ ineligible to apply to take the BAT in any discipline for a period of five years;

(d) Deny ~~Be subject to denial~~ of certification by the Commission pursuant to Rule 11B-27.007, F.A.C.;

(e) Take action ~~Be subject to disciplinary action taken~~ against any currently held Commission certification pursuant to Rule 11B-27.0011 and subsection 11B-27.005(5), F.A.C.;

~~(f) Be subject to the imposition of other sanctions by the Commission, pursuant to Section 943.13(7), F.S., and Rule Chapter 11B-27, F.A.C.~~

~~(8)(6)~~ A passing score on a Commission-approved Basic Abilities Test is valid two years from the date of the test.

(9) Requests for accommodations pursuant to the American with Disabilities Act shall be governed by subsection 11B-30.0071(4), F.A.C. Determinations as to eligibility for accommodations shall be made by the individual BAT providers on a case-by-case basis.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.17 FS. History—New 7-29-01, Amended 11-5-02, 11-30-04,_____.

11B-35.002 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation.

(1) There are established by the Criminal Justice Standards and Training Commission, Basic Recruit Training Programs that provide the minimum required knowledge and proficiency skills necessary for officer employment and certification pursuant to Sections 943.10(1)-(3), F.S. Individuals who apply for employment as a Florida law enforcement, correctional, or correctional probation officer, shall successfully complete one of the following Commission-approved Basic Recruit Training Programs:

	Course Number	Course Name	Course Hours
(a)	NA	Traditional Law Enforcement Basic Recruit Training Program (Retired June 30, 2004)	672.0 hours
(b)	502	Traditional Correctional Basic Recruit Training Program	532.0 hours
(c)	602	Traditional Correctional Probation Basic Recruit Training Program	412.0 hours
(d)	224	CMS Application-Based Law Enforcement Basic Recruit Training Program	770.0 760.0 hours
(e)	1155	<u>CMS Law Enforcement to Traditional Correctional Basic Recruit Cross-Over Training Program</u>	199.0
(f)	1156	<u>CMS Law Enforcement to Traditional Correctional Probation Basic Recruit Cross-Over Training Program</u>	112.0
(g) (e)	555	Traditional Law Enforcement to <u>Traditional</u> Correctional Basic Recruit Cross-Over Training Program (Retired March 31, 2006)	156.0 hours
(h) (f)	660	Traditional Law Enforcement to <u>Traditional</u> CMS Correctional Probation Basic Recruit Cross-Over Training Program (Retired March 31, 2006)	134.0 hours
(i) (g)	222	Traditional Correctional to <u>Traditional</u> Law Enforcement Basic Recruit Cross-Over Training Program (Retired March 31, 2005) (Retired March 30, 2005)	172.0
(j) (h)	1143	Traditional Correctional to CMS Law Enforcement Basic Recruit Cross-Over Training Program	444.0 434.0 hours
(k) (i)	667	Traditional Correctional to <u>Traditional</u> Correctional Probation Basic Recruit Cross-Over Training Program	172.0 hours
(l) (j)	223	Traditional Correctional Probation to <u>Traditional</u> Law Enforcement Basic Recruit Cross-Over Training Program (Retired March 31, 2006)	412.0 hours
(m)	1157	<u>Traditional Correctional Probation to CMS Law Enforcement Basic Recruit Cross-Over Training Program</u>	554.0
(n) (k)	556	Traditional Correctional Probation to <u>Traditional</u> Correctional Basic Recruit Cross-Over Training Program	256.0 hours
(o) (l)	211	Law Enforcement Auxiliary Officer Basic Recruit Training Program	317.0 302.0 hours
(p) (m)	501	Correctional Auxiliary Officer Basic Recruit Training Program	254.0 hours
(q) (n)	NA	Correctional Probation Auxiliary Officer Basic Recruit Training Program; <u>there is no course.</u> To become certified as a Correctional Probation Auxiliary Officer, pursuant to subsection 11B-35.003(7), F.A.C., a basic recruit student shall complete the Correctional Probation Basic Recruit Training Program, pursuant to paragraph (8)(c) of this rule section.	

(2) through (7) No change.

(8) Commission-approved Basic Recruit Training Programs. Pursuant to Section 943.12, F.S., Commission-approved Basic Recruit Training Programs

establish the minimum required entry-level training for law enforcement, correctional, and correctional probation officers. Individuals who are requesting employment as an officer, and have not had previous basic recruit training or have not been certified as an officer in the discipline for which certification is sought, and have met the requirements of Sections 943.13(1)-(8) and (11), 943.14(7), and 943.17(1)(g), F.S., shall successfully complete a Commission-approved Basic Recruit Training Program pursuant to this rule section. The Commission's Basic Recruit Training Programs are:

(a) Traditional Law Enforcement Basic Recruit Training Program (Retired June 30, 2004); ~~All law enforcement basic recruit training programs that begin on July 1, 2004, or~~

~~thereafter, shall deliver the CMS Application-Based Law Enforcement Basic Recruit Training Program pursuant to paragraph (8)(d) of this rule section. Training schools are authorized to continue to deliver the Traditional courses in subparagraphs (8)(a)1.-12. of this rule section for Traditional Law Enforcement Basic Recruit Training Programs that begin prior to July 1, 2004. Training schools are authorized to deliver Traditional Law Enforcement Basic Recruit Training Program courses to students who qualify, pursuant to subsection 11B-35.002(2), F.A.C., and who have entered into but failed to graduate from a Traditional Law Enforcement Basic Recruit Training Program.~~

	Course Name	Course Number	Course Hours
1.	Criminal Justice Legal 1	CJD_760	46.0
2.	Criminal Justice Legal 2	CJD_761	48.0
3.	Criminal Justice Communications	CJD_762	56.0
4.	Interpersonal Skills I	CJD_763	66.0
5.	Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJD_704 CJK_0050 or CJB_1050	106.0
6.	Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJD_705 CJK_0040 or CJB_1040	64.0
7.	Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit	CJD_254 CJK_0030 or CJB_1030	48.0
8.	Law Enforcement Legal 3	CJD_730	32.0
9.	Law Enforcement Patrol	CJD_731	64.0
10.	Law Enforcement Traffic	CJD_732	46.0
11.	Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_723 CJK_0020 or CJB_1020	32.0
12.	Law Enforcement Investigations	CJD_734	64.0
		TOTAL	672.0

(b) Traditional Correctional Basic Recruit Training Program course number 502:

1. through 11. No change.

(c) Traditional Correctional Probation Basic Recruit Training Program course number 602:

1. through 8. No change.

(d) CMS Application-Based Law Enforcement Basic Recruit Training Program course number 224:

	Course Name	Course Number	Course Hours
1.	Introduction and Law	CJK_0006	67.0
2.	Human Issues	CJK_0010	50.0
3.	Communications	CJK_0015	77.0
4.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
5.	CMS First Aid for Criminal Justice Officers	CJK_0031	40.0
6.	CMS Criminal Justice Firearms	CJK_0040	80.0
7.	CMS Criminal Justice Defensive Tactics	CJK_0050	80.0
8.	Dart-Firing Stun Gun	CJK_0421	6.0
9,8.	Patrol	CJK_0060	57.0
10,9.	Investigations	CJK_0070	57.0 53.0
11,10.	Investigating Offenses	CJK_0075	40.0
12,11.	Traffic Stops	CJK_0080	62.0
13,12.	Traffic Crash Investigations	CJK_0085	32.0
14,13.	Tactical Applications	CJK_0090	54.0
15,14.	Criminal Justice Special Topics	CJK_0095	20.0
		Total	770.0 760.0

(9) Commission-approved Basic Recruit Cross-Over Training Programs. The Commission has established basic recruit cross-over training programs to provide lateral movement of officers between criminal justice disciplines.

(a) through (c) No change.

	Course Name	Course Number	Course Hours
1.	Cross-Over Law Enforcement to Correctional	CJD_780	16.0
2.	Interpersonal Skills 2	CJD_750	50.0
3.	Emergency Preparedness	CJD_741	26.0
4.	Correctional Operations	CJD_752	64.0
	Total		156.0

(e) Traditional Law Enforcement to Traditional Correctional Probation Basic Recruit Cross-Over Training Program course number 660 (Retired March 31, 2006). A law

(d) Traditional Law Enforcement to Traditional Correctional Basic Recruit Cross-Over Training Program course number 555 (Retired March 31, 2006). A law enforcement officer shall complete the following courses to cross-over from the “Law Enforcement Discipline” to the “Correctional Officer Discipline”:

enforcement officer shall complete the following courses to cross-over from the “Law Enforcement Discipline” to the “Correctional Probation Officer Discipline”:

	Course Name	Course Number	Course Hours
1.	Cross-Over Law Enforcement to Correctional Probation 1	CJD_735	66.5
2.	Cross-Over Law Enforcement to Correctional Probation 2	CJD_736	67.5
	Total		134.0

(f) Traditional Correctional to Traditional Law Enforcement Basic Recruit Cross-Over Training Program (Retired March 31, 2005). A correctional officer shall complete the following courses to cross-over from the “Correctional Discipline” to the “Law Enforcement Discipline”:

(g) Traditional Correctional to CMS Law Enforcement Basic Recruit Cross-Over Training Program course number 1143. A correctional officer shall complete the following courses to cross-over from the “Correctional Discipline” to the “Law Enforcement Discipline”:

	Course Name	Course Number	Course Hours
1.	Cross-Over Correctional to CMS Law Enforcement Introduction	CJK_0211	94.0
2.	Cross-Over Correctional to Law Enforcement CMS High-Liability (End-of-course examination is not required for CJK_0212)	CJK_0212	8.0
3.	Dart-Firing Stun Gun (End-of-course examination is only required for Dart-Firing Stun Gun)	CJK_0421	6.0
4.	Cross-Over Correctional to Law Enforcement Tactical Applications	CJK_0213	40.0
5.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
6.	Patrol	CJK_0060	57.0
7.	Investigations	CJK_0070	57.0
8.	Investigating Offenses	CJK_0075	40.0
9.	Traffic Stops	CJK_0080	62.0
10.	Traffic Crash Investigations	CJK_0085	32.0
	Total		444.0

(h) Traditional Correctional to Traditional Correctional Probation Basic Recruit Cross-Over Training Program course number 667. A correctional officer shall complete the following courses to cross-over from the “Correctional Discipline” to the “Correctional Probation Discipline”:

1. through 4. No change.

(i) Traditional Correctional Probation to Traditional Law Enforcement Basic Recruit Cross-Over Training Program course number 223 (Retired March 31, 2006). A correctional probation officer shall complete the following courses to cross-over from the “Correctional Probation Discipline” to the “Law Enforcement Discipline”:

	Course Name	Course Number	Course Hours
1.	Cross-Over Correctional Probation Legal to Law Enforcement	CJD_796	46.0
2.	Cross-Over Correctional Probation to Law Enforcement	CJD_797	64.0
3.	Law Enforcement Patrol	CJD_731	64.0
4.	Law Enforcement Traffic	CJD_732	46.0
5.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
6.	Law Enforcement Investigations	CJD_734	64.0
7.	CMS Criminal Justice Firearms	CJK_0040	80.0
	Total		412.0

(j) Traditional Correctional Probation to Traditional Correctional Basic Recruit Cross-Over Training Program course number 556. A correctional probation officer shall

complete the following courses to cross-over from the "Correctional Probation Discipline" to the "Correctional Discipline":

	Course Name	Course Number	Course Hours
1.	Cross-Over Correctional Probation to Correctional 1	CJD_798	50.0
2.	Cross-Over Correctional Probation to Correctional 2	CJD_799	36.0
3.	Emergency Preparedness	CJD_741	26.0
4.	Correctional Operations	CJD_752	64.0
5.	CMS Criminal Justice Firearms	CJK_0040	80.0
	Total		256.0

(k) CMS Law Enforcement to Traditional Correctional Basic Recruit Cross-Over Training Program course number 1155. A correctional officer shall complete the following courses to cross-over from the "CMS Law Enforcement Discipline" to the "Correctional Discipline":

	Course Name	Course Number	Course Hours
1.	Cross-Over CMS Law Enforcement to Traditional Correctional Introduction	CJK_202	29.0
2.	CMS Law Enforcement to Traditional Correctional Interpersonal Skills	CJK_203	30.0
3.	Emergency Preparedness	CJD_741	26.0
4.	Interpersonal Skills 2	CJD_750	50.0
5.	Correctional Operations	CJD_752	64.0
	Total		199.0

(l) CMS Law Enforcement to Traditional Correctional Probation Basic Recruit Cross-Over Training Program course Number 1156. A correctional probation officer shall complete the following courses to cross-over from the "CMS Law Enforcement Discipline" to the "Correctional Probation Discipline":

	Course Name	Course Number	Course Hours
1.	Cross-Over CMS Law Enforcement to Traditional Correctional Probation Introduction	CJK_253	61.0
2.	Cross-Over CMS Law Enforcement to Traditional Correctional Probation Supervision	CJK_254	51.0
	Total		112.0

(m) Traditional Correctional Probation to CMS Law Enforcement Basic Recruit Cross-Over Training Program Course Number 1157. A correctional probation officer shall

complete the following courses to cross-over from the "Correctional Probation Discipline" to the "CMS Law Enforcement Discipline":

	<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
1.	<u>Cross-Over Traditional Correctional Probation to CMS Law Enforcement Introduction to Law</u>	<u>CJK 215</u>	<u>43.0*</u>
2.	<u>Cross-Over Traditional Correctional Probation to CMS Law Enforcement Human Issues</u>	<u>CJK 216</u>	<u>36.0*</u>
3.	<u>Cross-Over Traditional Correctional Probation to CMS Law Enforcement Communications</u>	<u>CJK 217</u>	<u>49.0*</u>
4.	<u>CMS Law Enforcement Vehicle Operations</u>	<u>CJK 0020</u>	<u>48.0</u>
5.	<u>CMS Criminal Justice Firearms</u>	<u>CJK 0040</u>	<u>80.0</u>
6.	<u>Dart-Firing Stun Gun</u>	<u>CJK 0421</u>	<u>6.0</u>
7.	<u>Patrol</u>	<u>CJK 0060</u>	<u>57.0</u>
8.	<u>Investigations</u>	<u>CJK 0070</u>	<u>57.0</u>
9.	<u>Investigating Offenses</u>	<u>CJK 0075</u>	<u>40.0</u>
10.	<u>Traffic Stops</u>	<u>CJK 0080</u>	<u>62.0</u>
11.	<u>Traffic Crash Investigations</u>	<u>CJK 0085</u>	<u>32.0</u>
12.	<u>Tactical Applications</u>	<u>CJK 0090</u>	<u>44.0*</u>
	<u>*Instructors are authorized to facilitate instruction in a review format and place emphasis as needed.</u>	<u>Total</u>	<u>554.0</u>

Specific Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 1-10-94, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06,_____.

11B-35.0021 High-Liability Proficiency Courses for Basic Recruit Training and Instructor Training.

(1) through (3) No change.

(4) Instructor to student ratios for instruction of proficiency skills in High-Liability Basic Recruit Training Courses and instructor courses.

(a) through (d) No change.

(e) For instruction of the CMS First Aid for Criminal Justice Officers Course, CMS First Aid Instructor Course, or CMS First Aid Instructor Transition Course, at least one Commission-certified CMS First Aid Instructor shall be required for every ten students actively engaged in the practical and performance areas of the training. Actively engaged is defined as “a student involved in the practical performance of any first aid skills training.” CPR Instructors, who possess a valid CPR Instructor Certification, which is at minimum at the “Basic Life Support (BLS) Instructor” or Heartsaver Instructor” level with the American Heart Association, “CPR/AED for the Professional Rescuer Instructor” or “First Aid/CPR/AED Instructor” or “Emergency Response Instructor” or “Lifeguarding Instructor” level with the American Red Cross, “First Aid/CPR/AED Instructor” or “BLS Instructor” level with the American Safety and Health Institute, or “BLS Instructor” level with the National Safety Council, the “Basic Life Support (BLS) Healthcare Provider Level” with the American Heart Association, “CPR for the

~~Professional Rescuer” with the American Red Cross and American Safety and Health Institute, or “Advanced First Aid and CPR” with the National Safety Council, are permitted to instruct CPR in the CMS First Aid for Criminal Justice Officers Course, the CMS First Aid Instructor Transition Course, or the CMS First Aid Instructor Course, or be used to meet the required instructor to student ratio for demonstration of proficiency in these courses. The instructor to student ratio shall match the prerequisites set forth in the approved CPR course certification requirements. A copy of the Instructor Exemption Application, form CJSTC-82, revised May 6, 2004, hereby incorporated by reference, and a copy of the instructor’s valid CPR Instructor Certification shall be maintained in the instructor’s file.~~

Specific Authority 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS. Law Implemented 943.12(5), 943.17 FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,_____.

11B-35.0024 Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses.

(1) No change.

(2)(a) A basic recruit student shall be given the opportunity for one additional attempt at the required demonstration of high-liability proficiency skills, or one re-examination of required cognitive knowledge in each of the four high-liability topics of firearms, vehicle operations, defensive tactics, and first aid. A basic recruit student, who has failed to successfully demonstrate the cognitive knowledge or

the required demonstration of the high-liability proficiency skills after a second attempt, shall be deemed to have failed the High-Liability Training Course.

(b) An instructor student shall successfully demonstrate cognitive knowledge and proficiency skills during the initial qualification. An instructor student, who has failed to successfully demonstrate the cognitive knowledge or the high-liability proficiency skills during the first attempt, shall be deemed to have failed the High-Liability Instructor Training Course. An instructor student who has failed a cognitive end-of-course examination of the high-liability proficiency skills during the first attempt, shall be granted a re-examination by the training center director if:

1. There is technical difficulty in the administration of the test, such as a power failure or evacuation of the building.

2. A condition of the student adversely impacts the student's ability to achieve a passing score on an end-of-course examination. A condition of the student that adversely impacts the student's ability could include illness or death of a family member.

3. The end-of-course testing instrument is determined to be invalid by the training school.

(3) Completion of a high-liability course and demonstration of proficiency in the high-liability topics is required for each of the following courses: CMS Criminal Justice Defensive Tactics Course, CMS Defensive Tactics Instructor Courses, CMS Criminal Justice Firearms Course, CMS Firearms Instructor Courses, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Courses, CMS First Aid for Criminal Justice Officers Course, and CMS First Aid Instructor Courses.

(a) through (d) No change.

	Topic Areas	Course Number	Minimum Hours
1.	Administration		1
2.	Community Interaction		6
3.	Introduction to Basic Law		24
4.	Post Crime Considerations		6
5.	Introduction to Traffic		5
6.	Field Activities		21 12
7.	CMS First Aid for Criminal Justice Officers	CJK_0031	40
8.	<u>Dart-Firing Stun Gun</u>	<u>CJK_0421</u>	<u>6.0</u>
	Total Law Enforcement Auxiliary Officer Prerequisite Course Hours		109 94
(b)	CMS Criminal Justice Firearms	CJK_0040	80
(c)	CMS Criminal Justice Defensive Tactics	CJK_0050	80
(d)	CMS Law Enforcement Vehicle Operations (Optional: Based on employing agency requirements)	CJK_0020	48
	Total Law Enforcement Auxiliary Officer Program Hours		317 302

(6) Correctional Auxiliary Officer Basic Recruit Training Program requirements.

(e) CMS First Aid for Criminal Justice Officers Course.

1. No change.

2. A basic recruit student shall demonstrate the required First Aid High-Liability Proficiency Skills at 100% with the results recorded on the required CMS First Aid Performance Evaluation, form CJSTC-5 CMS, revised August 3, 2006 ~~created May 6, 2004~~, hereby incorporated by reference.

(f) No change.

(g) CMS Law Enforcement Vehicle Operations Course.

1. No change.

2. A basic recruit student shall demonstrate the required Vehicle Operations Proficiency Skills with four out of five runs (80%) for each exercise, with the results recorded on the required CMS Vehicle Operations Performance Evaluation, form CJSTC-7 CMS, revised August 3, 2006 ~~May 5, 2005~~, hereby incorporated by reference.

(h) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12, 943.17 FS. History--New 2-17-93, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, _____.

11B-35.003 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training.

(1) through (4) No change.

(5) Law Enforcement Auxiliary Officer Basic Recruit Training Program requirements.

(a) Law Enforcement Auxiliary Officer Prerequisite Course topics effective January 1, 1997, Course Number 211:

(a) Correctional Auxiliary Officer Prerequisite Course topics effective January 1, 1997, (Course Number 501):

(b) through (c) No change.

(7) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History–New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06,_____.

11B-35.006 Advanced Training Program.

(1) No change.

(2) The following is a complete list of Advanced Training Program Courses:

Course Number	Course Name	Course Hours
016	Narcotics and Dangerous Drugs Investigations Identification and Investigation	40 hours
050	Stress Awareness and Management Techniques	40 hours
055	Sex Crimes Investigation (Retired 12/31/06)	40 hours
058	Supervision of the Youthful Offender Program	40 hours
072	Firefighting Fire Fighting for Correctional Officers	40 hours
073	Community and Human and Community Relations	40 hours
074	Substance Abuse and Drug Abuse Awareness and Education	40 hours
080	Computers and Technology Applications in Criminal Justice	40 hours
095	Laser Speed Measurement Operators Course for Law Enforcement Officers (Retired 12/31/06)	40 hours
100	Crimes Against the Elderly and Disabled	40 hours
1153	Computer Crimes Investigations	40 hours
1154	Financial Fraud Investigations	40 hours
1158	Laser and Radar Speed Measurement Course (Effective 1/1/07)	40 hours
1161	Managing and Communicating with Inmates and Offenders (Effective 11/16/06)	40 hours
1164	Inmate Manipulation (Effective 11/16/06)	40 hours

(3) through (4) No change.

(5) To successfully complete an Advanced Training Program Course, a student shall comply with student attendance, performance, and course documentation requirements pursuant to Rule 11B-35.001, F.A.C.

(a) No change.

(b) A Laser and Radar Operator Performance Report form CJSTC-11, created August 3, 2006, hereby incorporated by reference Laser Operator Performance Report, form CJSTC-9, revised May 5, 2005, hereby incorporated by reference, shall be completed for the Laser Speed Measurement Operators Course for Law Enforcement Officers.

(6) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1) FS. History–New 12-13-92, Amended 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06,_____.

11B-35.007 Specialized Training Program.

(1) through (2) No change.

(3) Specialized Instructor Training Courses. Courses developed and approved by the Commission for instructor training shall be delivered in their entirety by a training school for an individual to qualify to apply as a Commission-certified instructor. Commission-approved Specialized Instructor Training Courses are:

(a) through (q) No change.

	Course Number	Course Names	Course Hours
(r)	1108	Radar Speed Measurement Instructor Course for Law Enforcement Officers (Retired 12/31/06)	40
(s)	1109	Laser Speed Measurement Device (LSMD) Instructor Transition Course for Radar Instructors (To be retired 12/31/08)	24
(t) through (u) No change.			
(v)	1159	Laser and Radar Speed Measurement Instructor Course for Law Enforcement Officers (Effective 1/1/07)	40

(4) Commission-approved Specialized Training Program Courses developed and approved by the Commission that have

not been designated as Commission-approved Advanced Training Program Courses:

(a) through (i) No change.

	Course Number	Course Names	Course Hours
(j)	1113	Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators <u>(To be retired 12/31/08)</u>	12

(k) through (ee) No change.

(ff)	1160	Dart-Firing Stun Gun	6.0
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(5) through (7) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.175, 943.25 FS. History–New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06,_____.

11B-35.009 Exemption from Basic Recruit Training.

(1) through (4) No change.

(5) Documentation requirements for out-of-state, federal, and inactive Florida Officers. Upon verification of an individual’s request for exemption of training, pursuant to this rule section, an employing agency or Criminal Justice Selection Center shall submit to Commission staff a completed Equivalency-of-Training, form CJSTC-76, revised May 6, 2004, hereby incorporated by reference, for out-of-state, federal, and inactive Florida Officers. Supporting documentation verifying the individual’s compliance with comparable basic recruit training and sworn criminal justice experience pursuant to this rule section shall be maintained on file by the employing agency or Criminal Justice Selection Center and submitted to Commission staff for review. The agency shall be notified of the approval or denial of the requested exemption of certification in writing within 30 working days. Any appeal of denial of exemption is governed by If the exemption is denied, the individual shall be granted a hearing pursuant to Section 120.57, F.S.

(6) High-Liability Basic Recruit Training proficiency skills requirements for out-of-state, federal, or inactive Florida officers. Prior to applying for certification, an out-of-state or federal officer, or inactive Florida officer, who is exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., shall demonstrate proficiency in the required High-Liability Basic Recruit Training Proficiency Skills of vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought. Such officers shall achieve a passing score on the State Officer Certification Examination, pursuant to paragraph 11B-30.008(2)(c), F.A.C. Demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills and passing the State Officer Certification Examination shall be completed within one year after receiving exemption. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills, the training school shall complete an Equivalency-of-Training

Proficiency Demonstration, form CJSTC-76A, revised May 5, 2005, hereby incorporated by reference, and provide a copy to the officer of both form CJSTC-76A and the Commission-approved Examination Admission Voucher, form CJSTC-517 of the form to the officer. The training center director or designee shall, within thirty days of course completion, electronically transmit a completed Training Report form CJSTC-67 through the Commission’s ATMS, or submit an updated form CJSTC-67.

(7) through (8) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.131(2) FS. History–New 1-2-97, Amended 7-7-99, 11-5-02, 11-30-04, 3-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Hunt, (850)410-8516
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vickie Marsey, (850)410-8660
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER NO.: 11C-4
RULE CHAPTER TITLE: Crime Information Bureau; Criminal History Records; Fingerprinting and Reports
RULE NOS.: 11C-4.003, 11C-4.004
RULE TITLES: Arrest Fingerprint Card Submission, Criminal Justice Information Services Procedural Manual

PURPOSE AND EFFECT: Proposed revisions to Chapter 11C-4, F.A.C., are necessary to update procedures and technology for submission of arrest fingerprint cards.

SUMMARY: The proposed rule provides for arrest fingerprint cards to be submitted in a digitized format and removes the reference to an obsolete manual.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.05(2)(d), 943.051(2) FS.

LAW IMPLEMENTED: 943.05, 943.051 FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jean Itzin at (850)410-7890. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jean Itzin, Florida Department of Law Enforcement, Criminal Justice Information Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7890

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-4.003 Arrest Fingerprint Card Submission.

All law enforcement agencies of the State shall take the following action on all felony, misdemeanor, or comparable ordinance arrests of adults and on all felony and statutorily specified misdemeanor arrests of juveniles:

(1) Complete at the time of arrest, ~~as outlined in the Department's Criminal Justice Information Services Procedural Manual,~~ an electronic submission of criminal arrest and fingerprint information containing legible quality fingerprint impressions, or a hard fingerprint card ~~an electronic equivalent~~. The state identification number (FDLE NO.) should be recorded on each arrest fingerprint card when the arrestee has a prior arrest record.

(2) A minor transferred for prosecution as an adult shall be fingerprinted and the notation, "Treat as an adult," shall be recorded on the criminal arrest fingerprint card by the arresting agency or clerk of certifying court.

(3) Submit on a daily basis all completed fingerprint cards to: Florida Department of Law Enforcement, Attention: ~~Florida~~ Crime Information Center Bureau, Post Office Box 1489, Tallahassee, Florida 32302-1489.

Specific Authority 943.03(4), 943.05(2)(d), 943.051(2) FS. Law Implemented 943.05, 943.051 FS. History--New 6-24-76, Amended 6-27-78, Formerly 11C-4.03, Amended 7-7-99, _____.

11C-4.004 Criminal Justice Information Services Procedural Manual.

Specific Authority 943.03(4), 943.05(2)(d), 943.051 FS. Law Implemented 220.187(6), 943.05, 943.051, 943.053(11), 943.13(5), 985.407(4), 1002.421(3), 1012.32(3), 1012.465(2), 1012.56(9) FS. History--New 6-24-76, Amended 6-27-78, 3-18-85, Formerly 11C-4.04, Amended 7-7-99, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jean Itzin, Bureau Chief, Criminal Justice Information Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7890

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donna Uzzell, Director, Criminal Justice Information Services, Florida Department Of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

**DEPARTMENT OF LAW ENFORCEMENT
Division of Criminal Justice Information Systems**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

11C-6 Criminal History Records
Dissemination Policy

RULE NO.: RULE TITLE:
11C-6.010 Retention of Applicant Fingerprints

PURPOSE AND EFFECT: Proposed revisions to Chapter 11C-6, F.A.C., are necessary to update procedures for fingerprint retention.

SUMMARY: Requires that applicant fingerprints be submitted in a digital format, revises the procedures for submission of information and payment of fees for the Applicant Fingerprint Retention and Notification Program (AFRNP).

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

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

SPECIFIC AUTHORITY: 987.407(4), 1012.32(3), 1012.465, 1012.56 FS.

LAW IMPLEMENTED: 220.187(6), 744.3135(3), 943.053(11), 943.13(5), 987.407(4), 1002.421(3), 1012.32(3), 1012.465(2), 1012.56(9) FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha Wright, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7000

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-6.010 Retention of Applicant Fingerprints.

(1) The Florida Department of Law Enforcement shall enter and retain in the Automated Fingerprint Identification System (AFIS) the applicant fingerprints submitted for state and national criminal history checks by agencies having statutory authorization, as indicated in the Law Implemented section below, to participate in the Applicant Fingerprint Retention and Notification Program (AFRNP) for current and prospective employees, contractors, volunteers, and persons seeking to be licensed or certified.

(2) Such applicant fingerprints shall be submitted ~~on a paper~~ in a digitized format for entry into AFIS, and shall be retained in the AFRNP database, in such a manner as to be distinct from the criminal history record database.

(3) through (6) No change.

(7) Governmental agencies will be charged this fee annually, in advance, on the anniversary of the individual applicant's initial entry into the program. ~~in one of two ways according to the agency's preference:~~

~~(a) Annually in advance on October 1; or~~

~~(b) Annually in advance on the anniversary of the individual applicant's initial entry into the program.~~

(8) As a condition of participation in the AFRNP, the agency must inform the Department in writing and receive written confirmation from the Department of all persons with retained fingerprints who are no longer employed, licensed, certified, or otherwise associated with the agency in order that such persons may be removed from the AFRNP database. With respect to any person previously entered in the database for whom the Department does not receive notification of removal by 30 days prior to the anniversary date, September 29 in the case of the first billing option above at subsection (7), or by two days prior to the anniversary date in the case of the second billing option, the annual fee must be paid.

Specific Authority 987.407(4), 1012.32(3), 1012.465, 1012.56 FS. Law Implemented 220.187(6), 744.3135(3), 943.053(11), 943.13(5), 987.407(4), 1002.421(3), 1012.32(3), 1012.465(2), 1012.56(9) FS. History--New 11-30-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha Wright, Bureau Chief, Criminal Justice User Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donna Uzzell, Director, Criminal Justice Informations Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.: 11C-7.008
 RULE TITLE: Administrative Expunction Procedures

PURPOSE AND EFFECT: Implements new requirements for the administrative expunction of Florida criminal history arrest records that are made contrary to law or by mistake.

SUMMARY: The proposed rule adds statutorily mandated requirements for those requesting an administrative expunction of Florida criminal history records that are made contrary to law or by mistake.

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

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

SPECIFIC AUTHORITY: 943.051 FS.

LAW IMPLEMENTED: 943.051 FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting: Jean Itzin at (850)410-7890. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jean Itzin, Florida Department of Law Enforcement, Criminal Justice Information Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7890

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-7.008 Administrative Expunction Procedures.

(1) Non-judicial records of arrest made contrary to law or by mistake will be administratively expunged by the Department, upon application by the arresting law enforcement agency, or by the person arrested or, in the case of a minor child, the parent or legal guardian of the minor person arrested. An application submitted by the person arrested, or the parent or legal guardian of the minor person arrested, shall be supported by the endorsement of the head of the arresting agency or of the state attorney of the judicial circuit in which the arrest occurred.

~~(2) Application for administrative expunction requires either that the arresting law enforcement agency has determined that the arrest was made contrary to law or by mistake; or that a court of competent jurisdiction has entered a final order finding that the arrest was made contrary to law or by mistake. Arrest records which are mistakenly or improperly forwarded to the Department for processing and retention as eriminal history records will be administratively expunged by the Department.~~

~~(3) An application for administrative expunction must be in writing. If submitted by the arresting law enforcement agency, the application shall be on agency letterhead, and signed by the head of the arresting agency, chief law enforcement officer or his or her authorized designee. An application submitted by the person arrested or the parent or legal guardian of the minor person arrested, must be in writing and must identify the relationship of the person signing the application to the person arrested. If the chief law enforcement officer of the arresting agency in Florida requests an administrative expunction as to particular record of an arrest made by the agency, the Department shall comply provided that the request is in writing, on agency letterhead, and signed by the chief law enforcement officer or his authorized designee.~~

~~(4) A supporting endorsement of an application submitted by the person arrested or the parent or legal guardian of the minor person arrested, must be in writing, on agency letterhead, and signed by the head of the arresting agency or his or her authorized designee or by the state attorney of the judicial circuit in which the arrest occurred or his or her authorized designee. Written documents related to administrative expunctions shall make specific reference to identifying information, including:~~

- ~~(a) Name;~~
- ~~(b) Alias/Maiden Name(s);~~
- ~~(c) Sex;~~
- ~~(d) Race;~~
- ~~(e) Date of Birth;~~
- ~~(f) Social Security Number (If Available);~~
- ~~(g) Date of Arrest;~~
- ~~(h) Arrest Number and Original Charges;~~

~~(i) FDLE Number and FBI Number (If Applicable and Known);~~

~~(j) Reason For Administrative Expunction.~~

~~(5) An application for administrative expunction submitted by the arresting law enforcement agency, or the supporting endorsement in the case of an application submitted by the person arrested, or the parent or legal guardian of the minor person arrested, shall identify the arrest to be expunged by providing the following information. Written documents related to administrative expunctions shall make specific reference to identifying information, including:~~

- ~~(a) Name;~~
- ~~(b) Alias/Maiden Name(s);~~
- ~~(c) Sex;~~
- ~~(d) Race;~~
- ~~(e) Date of Birth;~~
- ~~(f) Social Security Number (Not required);~~
- ~~(g) Date of Arrest;~~
- ~~(h) Arrest Number and Original Charges;~~
- ~~(i) FDLE Number and FBI Number (If Applicable and Known);~~

~~(j) Reason For Administrative Expunction.~~

~~An individual may request that the chief law enforcement officer of the arresting agency request an administrative expunction pursuant to this section. The procedures by which an individual may secure an administrative correction of the eriminal history record pertaining to the individual are set out in Chapter 11C 8, F.A.C.~~

~~(6) Any application for administrative expunction, whether submitted by the arresting law enforcement agency or by the person arrested or the parent or legal guardian of the minor person arrested, must be supported by an affidavit executed by the chief of the arresting law enforcement agency, sheriff, or department head of the arresting state law enforcement agency in which the affiant verifies that he or she has reviewed the record of the arrest and that the arrest was contrary to law or was a mistake. The affidavit shall include the date and time of the arrest, the name of the arresting officer, the name of the person arrested, and the crime or crimes charged and shall be submitted directly to the Department by the arresting law enforcement agency. An application which does not include this affidavit, in the form prescribed, will be rejected by the Department and a written explanation of the reason for rejection will be provided to the applicant by the Department. A copy of the rejection notice and explanation will also be provided to the arresting agency if that agency has made a submission in support of the application.~~

~~(7) No application, endorsement, or affidavit made under this section shall be admissible as evidence in any judicial or administrative proceeding or otherwise be construed in any way as an admission of liability in connection with an arrest.~~

(8) The procedures by which an individual may secure an administrative correction of the criminal history record pertaining to the individual are set out in Chapter 11C-8, F.A.C. Non-criminal arrest records which are mistakenly or improperly forwarded to the Department for processing and retention as criminal history records will be removed as an administrative correction expunge by the Department.

Specific Authority 943.03, 943.0581 FS. Law Implemented 943.0581 FS. History—New 8-5-92, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jean Itzin, Bureau Chief, Criminal Justice Information Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donna Uzzell, Director, Criminal Justice Informations Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE CHAPTER NO.: RULE CHAPTER TITLE:

11D-6 DNA Database Collection

RULE NO.: RULE TITLE:

11D-6.001 Definitions

PURPOSE AND EFFECT: To update the statute references in subsection 11D-6.001(3), F.A.C.

SUMMARY: The proposed rule updates statutory references pertaining to the definition of offender as it applies to the collection of specimens for the DNA database.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.325(9)(d) FS.

LAW IMPLEMENTED: 943.325 FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lisa Bohl at (850)410-7000.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Bohl at (850)410-7000

THE FULL TEXT OF THE PROPOSED RULE IS:

11D-6.001 Definitions.

As used in Rule 11D-6.003, F.A.C., the following definitions apply:

(1) “Blood sample” shall mean a specimen of whole blood, at least 7 cc in volume.

(2) “Other approved biological specimen” shall mean epithelial cells collected from the cheek in the oral cavity utilizing an FDLE-approved swab collection kit.

(3) “Offender” shall mean a person meeting any of the criteria specified in Sections 943.325(1), 943.325(10)(c), 943.325(11), 947.1405(7)(a)9., 948.03(1)(n), 947.1405(7); 948.03(5)(a)8. or 948.30(1)(i) 948.03(10), F.S.

Specific Authority 943.03(4), 943.325(9)(d) FS. Law Implemented 943.325 FS. History—New 7-4-90, Amended 7-6-99, 8-22-00, 11-5-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lisa Bohl, Florida Department of Law Enforcement, DNA Database Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7000

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Coffman, Chief Of Forensic Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER NO.: RULE CHAPTER TITLE:

11G-2 Standard Investigation Procedures

RULE NOS.: RULE TITLES:

11G-2.002 Identification

11G-2.006 Practice Guidelines

PURPOSE AND EFFECT: To update procedures followed by the medical examiners in the process of identifying deceased bodies and to recognize the use of new tools for identification.

Practice Guidelines are revised to assure uniformity in the services rendered statewide by Medical Examiners in performance of their statutory duties.

SUMMARY: Rule 11G-2.002, F.A.C.: Revises procedures regarding the identification of a deceased body. Rule 11G-2.006, F.A.C.: Revises the duties and standards of care for Medical Examiners.

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

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

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 406.075, 406.11, 406.13, 406.145 FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bureau Chief Vickie Marsey at (850)410-8600

THE FULL TEXT OF THE PROPOSED RULES IS:

11G-2.002 Identification.

(1) The body shall be identified as soon as possible. If necessary to make an identification, the medical examiner shall determine and record the following information:

(a) Photograph and record a detailed description of the body; A detailed physical description, including a clothing, and personal effects; inventory;

(b) Obtain cComplete skeletal x-rays;;

(c) Create tThorough dental charts and x-rays;;

(d) Blood groupings Retain samples for possible DNA profiling; and

(e) Obtain a complete set of fFingerprints, if possible, and these shall be forwarded to the Department by the medical examiner or through the investigating law enforcement agency.

(2) In all cases, a photograph of the face shall be taken. If no identification has been made within seven days, the above information shall be furnished to the Department on a form furnished for that purpose. If identification is subsequently made, the medical examiner shall inform the Department.

(3) In all cases, a photograph of the face shall be taken, and in cases of questionable identity, fingerprints shall be taken on forms provided by the Department and these shall be forwarded to the Department through the appropriate law enforcement agency.

(3)(4) The medical examiner shall retain unidentified remains and preserve them in accordance with the law.

(4)(5) In the case of apparent criminal homicide, the medical examiner shall take all actions necessary so that he can testify to the identity of the deceased.

Specific Authority 406.04 FS. Law Implemented 406.11, 406.13, 406.145 FS. History--New 10-18-81, Formerly 11G-2.02, Amended 8-22-00,_____.

11G-2.006 Practice Guidelines.

The duties and standards of care of a medical examiner are to be consistent with those contained in the Practice Guidelines for Florida Medical Examiners, Sponsored by the Florida Association of Medical Examiners, which publication is dated 8-9-2006 5-15-2003 and is hereby incorporated by reference.

Specific Authority 406.04 FS. Law Implemented 406.075, 406.11, 406.13 FS. History--New 7-29-01, Amended 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Luten, Florida Department of Law Enforcement, Medical Examiner's Commission, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8609

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vicki Marsey, Bureau Chief of Standards, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
11N-1	Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account
RULE NOS.:	RULE TITLES:
11N-1.002	Criteria
11N-1.0031	Limitations on Drug Control Investigative Funding
11N-1.004	Procedures for Emergency Violent Crime Investigative Funding
11N-1.005	Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding

11N-1.0051 Procedures for Funding Requests for Matching Drug Control Investigative Funding

11N-1.007 Annual Audit

11N-1.009 Victim/Witness Protection Program
PURPOSE AND EFFECT: Updates program procedures and forms.

SUMMARY: This rule chapter updates program and contact information, creates and revises forms to capture budgetary information from agencies and provide documentation for audits, expands funding request deadline to provide more time to process requests.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-7096.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joyce Gainous-Harris at (850)410-7096

THE FULL TEXT OF THE PROPOSED RULES IS:

11N-1.002 Criteria.

The Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall be used:

(1) through (2) No change.

(3) Application information, funding criteria, and dates of scheduled VCDCC meetings can be found at <http://www.fdle.state.fl.us>.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History–New 3-10-94, Amended 10-10-95, 10-25-01, 11-5-02,_____.

11N-1.0031 Limitations on Drug Control Investigative Funding.

(1) through (5) No change.

(6) Limits Upon Drug Control Funding.

(a) through (d) No change.

(e) Previously-approved drug investigation initiatives are eligible for additional funding from the Council, up to the funding limits set by Rules 11N-1.003 and 11N-1.0031, F.A.C., and Section 943.031, F.S. In order to receive consideration for additional funding, an entity seeking such consideration must demonstrate:

1. through 3. No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History–New 10-25-01, Amended 12-3-03, 3-27-06,_____.

11N-1.004 Procedures for Emergency Violent Crime Investigative Funding.

(1) Requests for violent crime investigative emergency funding up to the maximum of \$25,000 shall be made by a detailed written request demonstrating how emergency funding criteria established in this rule are satisfied and certifying that the requesting agency cannot initiate or continue the investigation without immediate supplemental funding. The request shall be accompanied by ~~f~~Form FDLE/IFS-001 ~~FDLE/OSI-001~~, Violent Crime Investigative Reimbursement Application, revised 08/01/06 ~~10/08/02~~, hereby incorporated by reference, and shall be mailed to the chairperson of the Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address.

(2) No change.

(3) Agencies receiving emergency violent crime investigative funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written quarterly report to the chairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report shall be accompanied by ~~f~~Form FDLE/IFS-002 ~~FDLE/OSI-002~~, Violent Crime Investigative Quarterly Report, revised 08/01/06 ~~10/08/02~~, hereby incorporated by reference, and shall be mailed to the chairperson of the Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address. Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(4) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 3-10-94, Amended 10-10-95, 8-22-00, 10-25-01, 12-3-03,_____.

11N-1.005 Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding.

(1) No change.

(2) In order to assure careful consideration of requests before presentation to the Council, written requests for funding shall be submitted by the head of the Regional Violent Crime Investigative Coordinating Team so that they are received at least ~~30 thirty~~ days prior to the next scheduled Violent Crime and Drug Control Council meeting. Requests shall be mailed to: Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, ~~and shall indicate who will be making the presentation to the Council.~~

(3) Agencies making formal funding requests under this section, shall submit to the Council via the Regional Violent Crime Investigative Coordinating Team a detailed and itemized written request and the head of the requesting agency shall certify in writing that the request complies with the requirements established by this rule for funding. The request shall be accompanied by ~~f~~Form FDLE/IFS-001 ~~FDLE/OSI-001~~. The request shall describe the violent crime case in relation to the criteria established in this rule chapter and shall state details and specifics demonstrating that the resources of each requesting agency are insufficient to meet the investigative or trial expenses in the agency's current fiscal year.

(4) through (5) No change.

(6) Agencies receiving advance funding under this section from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written quarterly report to the chairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report for such advance funding shall be accompanied by ~~f~~Form FDLE/IFS-002 ~~FDLE/OSI-002~~. Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(7) through (9) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 3-10-94, Amended 10-10-95, 10-25-01, 12-3-03, 3-27-06,_____.

11N-1.0051 Procedures for Funding Requests for Drug Control Investigative Funding.

(1) The Department of Law Enforcement has established in each area of the state served by a Department regional office a Regional Drug Enforcement Coordinating Team (Team) to coordinate the identification and development of multi-agency or statewide drug control or illicit money laundering

investigative or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under Section 397.333, F.S. Each Team will be under the direction of the Florida Department of Law Enforcement Special Agent in Charge ~~Regional Director~~ for the area of the state in which the Team operates. The Team should be made up of representatives of state, local, and federal law enforcement and prosecuting entities working within the area.

(2) through (4) No change.

(5) Submissions from a Regional Drug Enforcement Coordinating Team shall be made to the Department of Law Enforcement's Investigations and Forensic Science Program (IFS) ~~Office of Statewide Intelligence~~. Materials being submitted shall be secured and transmitted in a manner to assure that the criminal investigative and criminal intelligence information contained is not compromised.

(6) The ~~IFS Office of Statewide Intelligence~~ will receive and review all submissions from the various Regional Drug Enforcement Coordinating Teams utilizing the criteria of this rule, and shall prioritize from the pending submissions those proposals that best meet the criteria of this rule and are determined to be multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that are most likely to significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent the most significant of proposed illicit money laundering investigative efforts, or are cases that are best believed to otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under Section 397.333, F.S.

(7) The ~~IFS Office of Statewide Intelligence (OSI)~~ shall present to the Council all cases forwarded to it by the regional Teams, indicating its prioritization determinations at a meeting of the Council. The presentation must include a recommendation of which cases ~~IFS OSI~~ believes should receive funding priority and the amount of drug control funding recommended and may identify the relative strengths and weaknesses of the cases under consideration in meeting the underlying goals of Council funding.

(8) The Council will make its drug control funding decisions based upon the information presented to it by ~~IFS OSI~~, or otherwise made available at a Council meeting, and the availability of funds for use by the Council. The Council may direct that approved funding shall be paid in a lump sum or in installments. The Council may fund all, a portion, or none of a request presented to it.

(9) through (10) No change.

(11) If after receipt of funds, it appears that a funded investigative effort will substantially depart from the focus and effort originally approved by the Council, the agencies receiving Council funds shall suspend use of such funds and shall contact the Regional Drug Enforcement Coordinating Team leader and describe the change of focus and effort.

(a) through (b) No change.

(c) The Council may endorse changes of focus or efforts and authorize the continued use of Council funds when receiving progress reports during regularly scheduled meetings provided that the Team and the IFS endorse the new focus or efforts for such continued funding.

(12) In order to assure careful consideration of original requests for drug control funding and resubmitted requests for funding that have been previously denied, the written requests and approvals shall be submitted by the head of the Team to the ~~IFS Office of Statewide Intelligence~~ no later than 30 days prior to the meeting of the Council in which the request for funding might be considered.

(13) Agencies seeking drug control funding under this section shall cooperate with the Team in the agencies' area, and provide all information as requested by the Team to assist in the preparation of a funding request, including information to identify the amounts of agency funds being committed by each participating agency to be matched by Council drug control funds. The head of each requesting agency that seeks to receive Council drug control funds shall include in the submission to the Team a certification in writing that to the agency head's best knowledge and belief, the request complies with the requirements established by law and this rule for funding. The agency head shall also agree to provide requested information to the Council to assist the Council in its performance-monitoring obligations and shall agree to retain proof and documentation as may be required by the Council and to submit to any audits or reviews of agency utilization of Council funds or funds derived from any Council-funded investigative effort as may be performed. The request shall be accompanied by ~~Form~~ FDLE/IFS-003 ~~FDLE/OSI-003~~ Drug Control & Money Laundering Application, revised 08/01/06 ~~12/03/2004~~, incorporated by reference.

(14) through (15) No change.

(16) Council Funding Documentation.

(a) Agencies receiving drug control funding under this section shall provide a written quarterly report of expenditures of Council funds and of the progress of the investigative effort. The report shall be prepared in consultation with the Regional Drug Enforcement Coordinating Team and submitted by that Team through the ~~IFS Office of Statewide Intelligence~~ for compilation and presentation to the Council at a quarterly meeting. Form FDLE/IFS-004A ~~FDLE/OSI-004A~~, Drug Control Quarterly Report, revised 08/01/06 ~~12/03/2004~~, incorporated by reference, shall be utilized to make the report. In addition, the Council may require oral progress reports to be

made at Council meetings by a representative of the Regional Drug Enforcement Coordinating Team or a designee of the lead investigative agency in a funded investigative effort. Agencies receiving Drug Control funding after September 1, 2005, shall utilize FDLE/IFS-004B ~~FDLE/OSI-004B~~, Drug Control Bi-Annual Report, revised 08/01/06 ~~12/03/2004~~, hereby incorporated by reference.

(b) Agencies receiving Council funding shall retain documentation supporting the amounts and purposes of expenditures made from Council funds, the amounts and purposes of expenditure of agency match funds, the performance and accomplishments of the investigative efforts, and shall make these available to the Council upon request. With regard to agency personnel assigned to investigative efforts receiving Council funds, each agency shall retain, and make available to the Council as requested, each employee's official time and leave records and such other documentation demonstrating the time devoted by the employee to the funded investigative effort, but these records shall not be submitted with either FDLE/IFS-004A ~~FDLE/OSI-004A~~ or FDLE/IFS-004B ~~FDLE/OSI-004B~~.

(c) Agencies receiving Council funding shall provide such other information as required by the Council or the ~~IFS Office of Statewide Intelligence~~ in its capacity as support staff, to assist in preparing its annual report to the Legislature, to assist audits of Council activities, or to assist the Council and ~~IFS~~ ~~OSI~~ in fulfilling their role to monitor the performance of funded investigations.

(17) through (18) No change.

(19) If agencies receiving Council funding fail to submit the required forms, FDLE/IFS-004A ~~FDLE/OSI-004A~~ or FDLE/IFS-004B ~~FDLE/OSI-004B~~, by the stated deadline, the Council Chair in consultation with ~~FDLE/IFS~~ ~~OSI~~ staff is authorized to request that all unexpended funds be returned within 30 days. Upon such a finding, the Agency Head of the funded agencies will be notified in writing as to the manner in which such funds must be returned. Any agency that is delinquent in submitting either form FDLE/IFS-004A ~~FDLE/OSI-004A~~ or FDLE/IFS-004B ~~FDLE/OSI-004B~~ by 90 or more days shall be subject to this provision.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 10-25-01, Amended 12-3-03, 3-27-06, _____.

11N-1.007 Annual Audit.

(1) The Department of Law Enforcement will annually arrange for an independent evaluation of the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account to ensure expenditures are consistent with provisions of this rule chapter, and annually arrange for an independent audit of the financial statement.

(2) Upon the lead agency’s receipt of the Council award, the Agency Head and the Chief Financial Officer (CFO) will be required to sign, date, and return the State Financial Assistance form FDLE/IFS-006, created 08/01/06 and incorporated by reference, indicating agreement to maintain the requested documentation detailing the actual funds expended during the investigations, and to provide documentation to an auditor upon request.

(3) Within 30 days of receipt of the award, the lead agency shall mail the signed State Financial Assistance form to: Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History–New 3-10-94, Amended 10-10-95, 10-25-01,_____.

11N-1.009 Victim/Witness Protection Program.

(1) Requests for Victim/Witness Protection funding, pursuant to Section 943.031(6), F.S., must be made using the Victim/Witness Protection Program Application, form FDLE/IFS-005 ~~FDLE/OSI-005~~, revised 08/01/06 ~~10/8/02~~ and incorporated by reference.

(2) In order to be considered for funding, completed applications shall be submitted to FDLE/IFS, OSI, at least 30 days prior to the next scheduled Violent Crime and Drug Control Council (VCDCC) meeting. ~~Application information and dates of scheduled VCDCC meetings can be found at <http://osiweb.fdle.flejn.net/VCDCC/vwcases/vwapplication.htm>.~~

(3) Completed forms shall be mailed to: ~~Chairperson,~~ Florida Violent Crime & Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attn.: Investigations and Forensic Science Program ~~Violent Crime Agent/Office of Statewide Intelligence.~~

Specific Authority 943.03(4) FS. Law Implemented 943.031(6), 914.25 FS. History–New 12-3-03, Amended 3-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joyce Gainous-Harris, Florida Department of Law Enforcement, Investigations and Forensic Science Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7096

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard A. Ward, Special Agent Supervisor, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

PUBLIC SERVICE COMMISSION

DOCKET NO. 060668-TP

RULE NO.: 25-4.0161
RULE TITLE: Regulatory Assessment Fees; Telecommunications Companies

PURPOSE AND EFFECT: To state the new minimum annual Regulatory Assessment Fees that telecommunications companies pay the Commission.

SUMMARY: Amended Rule 25-4.0161, F.A.C., defines new minimum annual regulatory assessment fees (RAF) companies must pay the Commission, regardless of their gross operating revenues and Commission RAF forms are changed to reflect the new minimum RAFs applicable to a specific company type.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The rule changes will increase the annual amount some companies must pay the Commission.

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

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.113, 364.285, 364.336 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE THESE PROPOSED RULE IS: Christiana T. Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6098

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) As applicable and as provided in Sections 350.113, 364.02(13) and 364.336, F.S., each company shall remit a fee based upon its gross operating revenue as provided below. This fee shall be referred to as a regulatory assessment fee, and each company shall pay a regulatory assessment fee in the amount

of 0.0020 of its gross operating revenues derived from intrastate business. For the purpose of determining this fee, each telecommunications company shall deduct from gross operating revenues any amount paid to another telecommunications company for the use of any telecommunications network to provide service to its customers. Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$50 shall be imposed as follows:

- (a) Local Exchange Company – \$1,000;
 - (b) Pay Telephone Service Provider – \$100;
 - (c) Shared Tenant Service Provider – \$100;
 - (d) Interexchange Company – \$700;
 - (e) Alternative Access Vendor – \$600;
 - (f) Competitive Local Exchange Company – \$600.
- (2) through (3) No change.

(4) Commission Form PSC/CMP 25 (xx/xx01/05), entitled “Local Exchange Company Regulatory Assessment Fee Return”; Form PSC/CMP 26 (xx/xx01/05), entitled “Pay Telephone Service Provider Regulatory Assessment Fee Return”; Form PSC/CMP 34 (xx/xx01/05), entitled “Shared Tenant Service Provider Regulatory Assessment Fee Return”; Form PSC/CMP 153 (xx/xx01/05), entitled “Interexchange Company Regulatory Assessment Fee Return”; Form PSC/CMP 1 (xx/xx01/05), entitled “Alternative Access Vendor Regulatory Assessment Fee Return”; and Form PSC/CMP 7 (xx/xx01/05), entitled “Competitive Local Exchange Company Regulatory Assessment Fee Return” are incorporated into this rule by reference and may be obtained from the Commission’s Division of the Commission Clerk and Administrative Services.

- (5) through (13) No change.

Specific Authority 350.127(2) FS. Law Implemented 350.113, 364.285, 364.336 FS. History—New 5-18-83, Formerly 25-4.161, Amended 10-19-86, 1-1-91, 12-29-91, 1-8-95, 12-26-95, 7-7-96, 11-11-99, 12-7-04, 10-6-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot
NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 32, No. 42, October 20, 2006

DEPARTMENT OF ELDER AFFAIRS

Division of Volunteer and Community Services

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
58B-1	Aging Resource Centers
RULE NOS.:	RULE TITLES:
58B-1.001	Definitions
58B-1.003	Operating Procedures
58B-1.005	Monitoring and Sanctioning of Access Points Service Providers
58B-1.007	Oversight Standards for the Aging Resource Center Governing Body
58B-1.009	Outcome Measures and Quality Assurance Standards

PURPOSE AND EFFECT: The purpose of the proposed rules is to implement Section 430.2053(12), F.S. This statute establishes requirements under which aging resource centers shall operate.

SUMMARY: The proposed rules shall establish definitions, operating procedures, monitoring and sanctioning of access points, oversight standards for the aging resource center governing body, outcome measures, and quality assurance standards for aging resource centers in order to meet the requirements set forth in Section 430.2053(12), F.S.

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

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

SPECIFIC AUTHORITY: 430.08, 430.2053(12) FS.

LAW IMPLEMENTED: 430.2053 FS.

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

DATE AND TIME: January 10, 2007, 9:30 a.m. – 12:00 p.m. EST.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone Number: (850)414-2000; Email address: crochethj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone Number: (850)414-2000; Email address: crochethj@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULES IS:

58B-1.001 Definitions.

In addition to the definitions included in Chapter 430, F.S., the following terms shall apply in this rule chapter:

(1) Access Point: A service provider or other entity that performs one or more aging resource center functions under an agreement with the aging resource center. The agreement can be in the form of a referral agreement, contract, memorandum of understanding, or any similar document.

(2) Aging Resource Center (ARC): An entity approved by the Department of Elder Affairs (DOEA), accessible through multiple entry points, that provides access to economic and long-term care services for all elders and their families, regardless of ability to pay. The eligibility functions are determined by the Comprehensive Assessment and Review for Long-term Care Services (CARES)/DOEA and the Department of Children and Families (DCF) Economic Self-Sufficiency (ESS) programs integrated through collocation of DOEA and DCF staff.

(a) Determination of financial and technical eligibility for all public assistance programs, including Medicaid, is the responsibility of DCF/ESS staff.

(b) Determination of medical eligibility for Medicaid waiver services and nursing home placement is the responsibility of DOEA/CARES staff.

(c) The ARC coordinates the following functions under its contract with DOEA:

1. Access: Providing elders, their families and caregivers a customer friendly way to gain long-term care information and entry into services and programs.

2. Information: Responding to an inquiry from a person, or on behalf of a person, regarding public and private resources and available services.

3. Referral: Obtaining information about a person's needs; directing people to resources most capable of meeting the need; contacting the resource for the person as needed. (Follow-up is mandatory to determine the outcome of the Referral/Assistance.)

4. Screening: Performing standard data collection to gather information about an applicant for services and to conduct preliminary evaluation of eligibility for assistance.

5. Triaging: Sorting applicants for long-term care services and prioritizing access on the basis of need for or likely benefit from long-term care services.

6. Eligibility Determination: Reviewing and analyzing program specific criteria in order to decide if an individual is qualified to receive publicly funded program services.

7. Long-Term Care Options: Answering questions and providing unbiased information on available long-term care service options and advising on what factors to consider when selecting a program or provider.

8. Choice Counseling: Exploring all available alternatives to nursing facility placement and recommending placement and proper support services in the least restrictive, most appropriate setting possible; performed by DOEA CARES staff.

9. Fiscal Control: Maximizing the use, efficiency and targeting of public resources. Tools include Assessed Priority Consumer List (wait list) management and care plan review.

10. Quality Assurance: Ensuring that performance is in the client's best interest and long-term care services are cost-effective, of high quality, and responsive and appropriate to assessed needs.

(3) Aging Resource Center client: An individual currently receiving services through any of the programs referred by the ARC, including individuals referred to private providers.

(4) Executive Director: An individual who shall be delegated responsibility for the ARC management and implementation of governing body policy; and who shall be accountable to the governing body for the ARC's performance. The ARC executive director may be the same individual who serves as the area agency on aging executive director.

(5) Governing Body: The board of the area agency on aging as described in Section 20.41(7), F.S.

(6) Information and Referral Specialist: The staff person(s) responsible for providing:

(a) Information to individuals regarding public and private resources;

(b) Referral of individuals to the resources capable of meeting their needs; and

(c) Follow-up on referrals.

(7) Intake, Screening and Triaging Professional: The staff person(s) responsible for carrying out the following duties and responsibilities:

(a) For Title XIX (Medicaid/MedWaiver) services:

1. Assisting in the initial preliminary determination of programs and services that may serve the needs of the individual; and

2. Providing information on eligibility criteria and the application process.

(b) For other funded services (Older Americans Act, Community Care for the Elderly, Home Care for the Elderly, Alzheimer's Disease Initiative, and contracted services), determining an applicant's:

1. Potential eligibility for non-Medicaid programs;

2. Prioritized need for long-term care services; and
3. Priority for a comprehensive assessment.

Specific Authority 430.08, 430.2053(12) FS. Law Implemented 430.2053 FS. History—New _____.

58B-1.003 Operating Procedures.

(1) SERVICE DELIVERY and ACCESSIBILITY. At a minimum, information shall be provided to all persons accessing the ARC by telephone, the Internet, or in person.

(a) The ARC shall, at a minimum, maintain regular business hours from 8 a.m. to 5 p.m., Monday through Friday, excluding state and national holidays.

(b) A staff member shall be assigned to answer the published, main telephone number of the ARC during regular business hours.

(c) The ARC shall ensure there is a system in place for answering and responding to calls received outside of the regular business hours.

1. The system shall, at a minimum, identify the agency, hours of operation, and give callers the option to leave a message or speak with a live attendant. The live attendant may be a private answering service.

2. The system shall instruct callers to dial “911” in the event of an emergency.

3. Messages shall be responded to the next business day.

(d) The ARC shall maintain an adequate number of access points to ensure that consumers who reside in all counties in the planning and service area have access to ARC services.

(2) EXECUTIVE STAFF REQUIREMENTS: At a minimum, executive staffing requirements shall consist of:

(a) An executive director who shall be a full-time employee having designated authority over the staff and all activities of the ARC; and

(b) A fiscal officer.

(3) PROFESSIONAL STAFF REQUIREMENTS: Professional staff shall be available to perform the tasks required of the ARC. Additional professional staff shall be required to adequately meet the needs of elders residing within the area served by the center if the minimum staffing standards cannot adequately meet those needs. At a minimum, the ARC shall employ the following professional staff:

(a) One Information and Referral Specialist; and

(b) One Intake, Screening and Triaging Professional.

The minimum professional staff requirement does not preclude an individual from performing the functions of both positions, provided the individual meets the minimum qualifications for each position as outlined in subsection (4) of this rule.

(4) MINIMUM EDUCATION and EXPERIENCE REQUIREMENTS: The ARC executive staff and professional staff shall meet minimum standards for education and experience and shall demonstrate competency in job

knowledge pertinent to their areas of responsibility. The following are the criteria for ARC executive staff and professional staff:

(a) The executive director shall meet the following minimum standards:

1. Have a Bachelor’s Degree from an accredited college or university in public administration, education, social work, or a related academic area with a minimum of five years of professional or administrative supervisory experience in social, economic, health, or rehabilitative services. A Master’s degree can substitute for one year of required work experience.

2. Work experience as indicated above may be substituted for the required college education on a year for year basis.

3. Five years experience in project management or community organization and planning related to elderly services is preferred.

(b) The fiscal officer shall meet the following minimum standards:

1. Have the appropriate educational and accounting experience as indicated below:

a. A current CPA certification; or

b. A Bachelor’s Degree in accounting with two years of cost accounting experience in a non-profit setting; or

c. Have at least four years experience with Medicaid fiscal regulations and four years with state accounting procedures. The four years experience for each category may occur simultaneously.

2. Demonstrate a working knowledge of cost principles and internal control procedures for grants and contracts with the federal government for non-profit organizations (OMB circulars A-87, A-110, A-122, and A-133).

(c) The Information and Referral Specialist shall meet the following minimum standards:

1. Have a Bachelor’s Degree from an accredited college or university in a human services related field; or

2. Have an Associate of Arts Degree from an accredited entity in a human services related field and a minimum of two years experience in information and referral services, case management, call center services, social services, or related work experience; or

3. Have a high school diploma or GED and four years experience in information and referral services, case management, call center services, social services, or related work experience.

(d) The Intake, Screening and Triaging Professional shall meet the following minimum standards:

1. Have a Bachelor’s Degree from an accredited college or university in a human services related field; or

2. Have an Associate of Arts Degree from an accredited entity in a human service related field and a minimum of two years experience as a caseworker, case manager, intake specialist, or related work experience with the long-term care client population; or

3. Have a high school diploma or GED and four years experience as a caseworker, case manager, intake specialist, or related work experience with the long-term care client population.

(5) RECORDS: The ARC shall maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting principles and sound business practices that sufficiently and properly reflect all revenues and expenditures of funds provided by the department. This documentation shall be made available upon request for monitoring and auditing purposes.

(a) All financial documents shall be filed, retained, and made available in the manner described in the contract with the department for a period of at least five (5) years after termination of the contract. If an audit has been initiated and audit findings have not been resolved at the end of the five (5) years, the records shall be retained at least until resolution of the audit findings.

(b) The ARC shall be audited annually by an independent accounting firm and shall submit the final report of the audit to the Department within six months after the end of the ARC's fiscal year.

(6) INFORMATION TECHNOLOGY STANDARDS: The ARC shall meet the minimum standards for information technology provided below.

(a) The ARC shall have sufficient computer hardware and software resources to provide:

1. Connectivity to DOEA applications via a private network such as the Florida Suncom network or a subscription Virtual Private Network (VPN). The department shall verify the security of all connections to its information systems.

2. A computing environment sufficient to operate the department's application programs. These applications require the current versions of the Microsoft or Netscape branded browsers that support the execution of Java Script, meet the version 4.0 Hypertext Markup Language (HTML 4.0) standards, and the version 1.0 Cascading Style Sheets (CSS 1.0) standard.

(b) The ARC shall have information technology measures in place that meet security requirements for computer viruses, Denial of Service (DOS) attacks, and malware; and compliance with the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(c) The ARC shall maintain operational security including, but not limited to, current security patches that ensure stability of the network.

(d) The ARC shall utilize information technology that ensures compatibility and connectivity with the department.

(e) The ARC shall employ staff with technical expertise needed to support and maintain a computerized information system in accordance with the ARC's contract with the department.

(f) The ARC shall include information technology protocols in its disaster/emergency and continuity of operations plans to ensure data backup and continuity during a disaster or emergency.

Specific Authority 430.08, 430.2053(12) FS. Law Implemented 430.2053 FS. History--New _____.

58B-1.005 Monitoring and Sanctioning of Access Points Service Providers.

This rule applies only to access points that have a direct monetary funding agreement with the ARC.

(1) MONITORING: The ARC shall perform administrative, programmatic, quality assurance, and, if applicable, fiscal monitoring of access points to ensure compliance with ARC agreements.

(a) The ARC shall ensure appropriate methods for monitoring and sanctioning access points, including a grievance process, if the entity is eligible to file a grievance.

(b) In addition to monitoring access points in accordance with ARC agreements, ARC monitoring procedures shall include, at a minimum, the following elements:

1. Ensuring that professional staff has the minimum educational and experience requirements required in Rule 58B-1.003, F.A.C.

2. Timeliness and accuracy of the functional screening and financial eligibility;

3. Timeliness and accuracy of eligibility determination and enrollment procedures;

4. Effectiveness of information and referral services and long-term care options counseling;

5. Effectiveness of processes for receiving and acting on complaints and resolving client grievances and other persons who use ARC services; and

6. Identification of training and technical assistance needs.

(2) SANCTIONING: ARC access points that do not meet requirements of the ARC agreements may be subject to sanctioning. Sanctions may include, but are not limited to, the following:

(a) Development, submission, and implementation of an acceptable corrective action plan to address identified areas of concern, agreement breaches, and noncompliance issues;

(b) Submission of additional and/or more detailed financial and/or performance reports;

(c) Designation as a high-risk access point, requiring additional monitoring visits;

(d) Repayment of disallowed costs;

(e) Amendments to the current ARC agreement;

(f) Restrictions on ability to draw down programmatic and administrative funding;

(g) Imposition of required technical assistance;

(h) Limitation or prohibition of direct service provision;

(i) Limitation or prohibition of use of specific service providers;

(j). Financial penalties not to exceed \$5,000 per agreement violation;

(k) Suspension of the entity's ability to function as an access point; and

(l) Termination of the entity's ability to function as an access point.

Specific Authority 430.08, 430.2053(12) FS. Law Implemented 430.2053 FS. History--New _____.

58B-1.007 Oversight Standards for the Aging Resource Center Governing Body.

Pursuant to its contract with the ARC, the department shall monitor the performance and oversight activities of the ARC governing body to ensure the appropriateness and quality of care received by clients. The governing body shall be accountable for oversight standards for the ARC including, but not limited to:

(1) Compliance with legal and contractual requirements, established department policies, and effective management principles;

(2) Ensuring that services are provided in the most cost effective and cost saving manner in order to provide services to the greatest number of eligible individuals to help them remain in the community and avoid unnecessary institutional care;

(3) Reviewing the implementation of policies, governing body directives, and overall organizational accountability;

(4) Reviewing human resource management;

(5) Ensuring the ARC has a system for recruiting, hiring, evaluating, and terminating employees;

(6) Ensuring the ARC has written protocols for the development of cooperative relationships with community service agencies, and documented existence of cooperative relationships to ensure the intent of the ARC concept and mission are met;

(7) Ensuring compliance with program guidelines;

(8) Ensuring information management and data integrity, including accurate and reliable collection of client specific data;

(9) Completing a written annual performance evaluation of the executive director;

(10) Ensuring that the ARC develops an annual operational plan to be submitted to the department. The plan shall demonstrate that the ARC is achieving the goals as set forth by contract, statute, and rules;

(11) Ensuring that the ARC develops and incorporates disaster/emergency and continuity of operations plans in cooperation with those established by the area agency on aging for the planning and service area; and

(12) Overseeing the appropriateness of the ARC financial operations.

Specific Authority 430.08, 430.2053(12) FS. Law Implemented 430.2053 FS. History--New _____.

58B-1.009 Outcome Measures and Quality Assurance Standards.

(1) OUTCOME MEASURES: The ARC governing body shall ensure that ARCs perform the following minimum outcome measures:

(a) Adhere to the annual Legislative mandate for the percentage of individuals, age 60 and older, determined to be eligible for nursing home placement that are placed in home and community based services; and

(b) Demonstrate the average monthly savings per client for home and community based services as compared to nursing home care for comparable client groups.

(c) Establish baseline measures for the processing time for applicants seeking services under the programs outlined in Section 430.2053(11)(a) through (g), F.S., which are administered by the ARC through its contract with DOEA.

1. The processing time shall begin on the date applicants make their initial contact with the ARC and end on the date they are enrolled to receive services.

2. In addition to establishing the baseline information as outlined in subparagraph (1)(c)1. above, the ARC shall implement measures to track and report processing time on an ongoing basis for each of the programs referenced in Section 430.2053(11)(a) through (g), F.S.

3. This requirement does not apply to applicants who are placed on an assessed priority consumer list for services.

(2) QUALITY ASSURANCE STANDARDS: The ARC governing body shall ensure that the ARC develops quality assurance standards to provide assurance that clients are receiving appropriate services and access points are adhering to the terms of the ARC agreements. This activity shall include the following elements:

(a) Ensuring access points adhere to the ARC agreements regarding the provision of client services in the most effective and cost saving manner. This shall be determined through regular monitoring, feedback and client satisfaction surveys.

(b) Ensuring that clients receive appropriate care and services while living in the community in order to avoid nursing home placement. This shall be accomplished through periodic clinical review of client care plans, client progress towards goals, and client satisfaction surveys.

(c) Ensuring that an annual program improvement plan is developed and submitted to the department.

Specific Authority 430.08, 430.2053(12) FS. Law Implemented 430.2053 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Crochet

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles T. Corley, Interim Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE CHAPTER NO.: 60BB-3
RULE CHAPTER TITLE: Florida Unemployment Compensation Claims And Benefits

RULE NOS.:	RULE TITLES:
60BB-3.011	Definitions
60BB-3.012	General Information
60BB-3.013	Filing Claims and Providing Documentation
60BB-3.015	Continued Claims for Benefits
60BB-3.016	Monetary Determinations
60BB-3.017	Nonmonetary Determinations
60BB-3.018	Determinations of Charges to Employer Accounts in Connection with a Claim for Benefits
60BB-3.019	Determinations Regarding Suitable Work
60BB-3.020	Determination Regarding Discharge for Misconduct
60BB-3.021	Determinations Regarding Claimant's Ability to Work and Availability for Work
60BB-3.022	Determinations Regarding Approved Training
60BB-3.024	Short-Time Compensation Plan Application
60BB-3.028	Reemployment Services
60BB-3.029	Public Use Forms

PURPOSE AND EFFECT: The rule amendments set forth in this Notice of Proposed Rulemaking clarify the procedures and policy relating to filing initial and additional claims for

benefits, reopening previously filed claims for benefits, continued claims for benefits, monetary and nonmonetary determinations, and short time compensation.

SUMMARY: The Agency for Workforce Innovation seeks to amend Chapter 60BB-3, Florida Administrative Code to more accurately reflect the current practices and functions performed by the Agency in regard to the implementation of those provisions of Chapter 443, Florida Statutes that relate to claims for unemployment benefits.

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

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

SPECIFIC AUTHORITY: 443.1317(1)(b) FS.

LAW IMPLEMENTED: 443.036, 443.041, 443.091, 443.101, 443.111, 443.1116, 443.131, 443.141, 443.151, 443.171, 443.1715, 443.221 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: John R. Perry, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial Rewording of Rule 60BB-3.011 follows. See Florida Administrative Code for present text.)

60BB-3.011 Definitions.

In addition to the following definitions, the definitions contained in Rule 60BB-2.022, F.A.C., apply to this rule and are herein incorporated by reference.

(1) Additional claim: A claim filed during an existing benefit year after a break in the claims series and intervening work.

(2) Claimed week of unemployment: A week for which a certification for benefits was filed pursuant to Section 443.111(1)(b), F.S.

(3) Continued claim: A week of unemployment claimed during a benefit year.

(4) Contract: For the purpose of interpreting Section 443.091(3), F.S.:

(a) Fixed Contract: A written agreement of employment for a specified period of time.

(b) Continuing Contract: A written agreement that is automatically renewed until terminated by one of the parties to the contract.

(5) Customary work week: The days during which work is usually performed in a particular industry or occupation.

(6) Declared Disaster: A disaster declared by the President of the United States which designates the state or a portion of the state as eligible for Disaster Unemployment Assistance.

(7) Filing Date: When reports, notices, applications, protests, and other documents are mailed to the Agency, the postmark date of the United States Postal Service will be considered the date of filing. When faxed or transmitted electronically, the date of receipt by the Agency is considered the date of filing. When filed by Internet (at www.floridajobs.org/unemployment), the date the confirmation number is generated is considered the date of filing. The date that the automated application and an interview with an Agency representative are completed will be the filing date of a claim filed telephonically through Interactive Voice Response (IVR). When filing is made by a delivery service other than the United States Postal Service, the date of receipt by the Agency will be considered the date of filing.

(8) Flexible Week: A period of seven (7) consecutive calendar days designated by an employer pursuant to an approved Short Time Compensation Plan as its official work week for purposes of determining weekly eligibility for Short Time Compensation benefits pursuant to Section 443.1116, F.S. A day may be counted in only one flexible week.

(9) Gross earnings: "Earned income" as defined in Section 443.036(16), F.S.

(10) Initial claim: A claim filed to establish a benefit year.

(11) Mass Separation: The permanent or temporary separation on or about the same time of 50 or more workers from a single establishment.

(12) Notification: The mailing or delivery (in the absence of mailing) of a document by the Agency to a party's official address of record shall constitute notice. Where a party is represented by counsel or other duly authorized representative, notice to the representative will constitute notice to the party.

(13) Re-employment Services: Job search assistance, job and vocational training referrals, employment counseling and testing, labor market information, employability skills enhancement, needs assessment, orientation, and other related services provided by One-Stop Career Centers operated by local regional workforce boards.

(14) Re-opened claim: A re-application for benefits filed during an existing benefit year, after a break in reporting with no intervening work.

(15) Report date: The date assigned by the Agency or its designee and communicated to the claimant to file a continued claim for benefits, participate in reemployment service activities, or provide information necessary to process a claim.

(16) Waiting week: The first week claimed in a benefit year for which all claim requirements are met. No benefits are payable for the waiting week.

(17) Week: Except for flexible weeks claimed under an approved Short Time Compensation Plan, the term "week" refers to the seven (7) calendar day period from Sunday through Saturday. A week shall be deemed to be "in", "within" or "during" that benefit year which includes the greater part of such week.

Specific Authority 120.53(1)(b), 443.1317(1)(b) FS. Law Implemented 443.036, 443.091, 443.101, 443.1116, 443.151(2),(3), FS. History—New 8-25-92, Amended 12-23-98, Formerly 38B-3.011, Amended _____.

60BB-3.012 General Information.

(1) Information Management. In accordance with legislative intent as expressed in Chapter 282, F.S., the Agency uses information exchange technology to increase program effectiveness and facilitate information exchange, while conforming with the confidentiality provisions of Chapter 443, F.S. New technologies may be utilized by the Agency for fund transfers, claimant and employer reports, payment histories, determinations and decisions, and other information access and exchange compatible with programmatic and statutory requirements. Information exchange technology may include voice, video, magnetic, image, internet, and other electronic transfer systems.

(2) Maintaining an Address of Record. It is the responsibility of each claimant to maintain a current address of record with the Agency throughout the benefit year. It is the responsibility of each employer to maintain a current address of record with the Department at all times.

Specific Authority 282.604, 443.1317(1)(b) FS. Law Implemented 443.041(3), 443.141(2), 443.171(5) FS. New _____.

(Substantial Rewording of Rule 60BB-3.013 follows. See Florida Administrative Code for present text.)

60BB-3.013 Filing Claims and Providing Documentation.

(1) Approved Methods and Forms for Filing Florida Claims. Initial, additional, and reopened claims may be filed:

(a) on the Internet at www.floridajobs.org/unemployment. Select "Internet Unemployment Compensation Claim Application (Initial Claim)" or

(b) on the Agency's Interactive Voice Response System, (Call 1(800)204-2418 toll-free to obtain local filing information), or

(c) by mailing or faxing a completed claim application, which may be obtained by contacting the Agency toll-free at 1(800)204-2418. These applications are:

1. AWI Form UC-310, "Unemployment Compensation Application for Services" (Rev. 10/05), incorporated by reference in Rule 60BB-3.029, F.A.C., is to be used by Florida residents who file by mail or fax.

2. Form IB-1, "Initial Interstate Claim" (08/03), incorporated by reference in Rule 60BB-3.029, F.A.C., is to be used by non-Florida residents who file by mail or fax.

(d) at a location which may be designated by the Agency when unemployment results from mass layoff, labor dispute, declared disaster or emergency, or the claimant needs special assistance or accommodation.

(2) Required Documentation.

(a) The claimant's valid social security number and one other approved form of secondary identification must be provided at the time of filing. Approved secondary identifiers include:

1. Driver's license issued by a state, possession of the United States, or a Canadian government authority, provided it contains a photograph or identifying information such as name, date of birth, sex, height, and address;

2. Documentation issued by a federal, state, or local government agency that contains a photograph or identifying information such as name, date of birth, sex, height, and address;

3. School ID with photograph;

4. US military ID card, dependent's ID card, or U.S. Coast Guard Merchant Mariner card;

5. Native American tribal document;

6. U.S. Passport (unexpired or expired);

7. Certificate of U.S. Citizenship or Certificate of Naturalization;

(b) Proof of employment, social security number, and/or identity will be required if the identity of the claimant is in question. Circumstances requiring such documentation include, for example:

1. The Social Security Administration does not confirm the validity of the social security number; or

2. A previous claim was filed using the same social security number by a person with another name; or

3. The Agency receives information indicating fraudulent use of the social security number in question; or

4. Reasonable evidence, such as a U.C. fraud detection crossmatch, that places in question the identity of the claimant or the validity of the claim.

(c) Documentation from the Immigration and Naturalization Service verifying authorization to work in the United States will be required from any alien whose work authorization cannot be identified using the Systematic Alien Verification for Entitlement (SAVE) system. Benefits will be delayed or denied only when neither primary nor secondary verification procedures verify the claimant's authorization to work in the United States. A determination denying benefits due to the absence of authorization to work will be reconsidered when the claimant furnishes the required documentation.

(d) A military veteran filing a military claim will be required to furnish a copy of Form DD-214 to establish service dates and nature of discharge when the branch of the military in which the claimant served does not promptly respond to the Agency's request.

(e) An individual filing a claim based on federal civilian employment will be required to furnish a copy of Standard Form 50, Form W-2, or paystubs and Standard Form 8, received at the time of separation when the federal employer does not promptly respond to the Agency's request.

(3) Registration for Work. The filing of a UC claim also constitutes registration for job search and re-employment assistance with the One-Stop Career Center nearest the claimant's address of record.

(4) Disclosure of Support Obligations. Each individual filing a new or additional claim for unemployment compensation must disclose at the time of filing whether he or she owes support obligations and being enforced by the Florida Department of Revenue pursuant to 42 USC 503(e)(2)(A)(i) and 42 USC 654.

(5) Effective Date of Claim. Unless otherwise provided by Section 443.036(9), F.S., the effective date of an initial, additional or reopened claim will be the Sunday immediately preceding the filing date, with the following exceptions:

(a) Change of Calendar Quarter. When an initial claim is filed during a week in which a change of calendar quarter occurs, the claimant will have the option of filing the claim effective the beginning of the new calendar quarter.

(b) Group Filing. When arrangements for group filing are made, generally due to mass separation, labor dispute or implementation of a Short Time Compensation Plan, initial and additional claims will be backdated to the Sunday immediately preceding the date on which the unemployment began, provided the claimant reports in accordance with the group filing arrangements.

(c) Sunday Filing. Claims filed on a Sunday will be effective on the date of filing.

Specific Authority 120.53(1)(b), 443.1317(1)(b) FS. Law Implemented 443.036, 443.091, 443.101, 443.221 FS. History--New 8-25-92, Amended _____.

(Substantial Rewording of Rule 60BB-3.015 follows. See Florida Administrative Code for present text.)

60BB-3.015 Continued Claims for Benefits.

(1) Method of Filing Continued Claims. After filing an initial, additional or reopened claim, the claimant will be instructed and required to report bi-weekly for the duration of the unemployment through agency-established systems including Internet, telephone, mail, or fax. In the event of a mass reduction in force, labor dispute, disaster or emergency, claimants may be permitted or required to report in person at locations designated by the Agency. Continued claims can be

filed on-line at www.floridajobs.com, at www.floridajobs.org/unemployment, or by calling 1(800)204-2418.

(2) Time Limit for Filing Continued Claims.

(a) Scheduled Reports. Continued claims for benefits must be filed within 14 calendar days following the scheduled report date as shown on AWI Form UCB-60V (Rev. 06/04), incorporated by reference in Rule 60BB-3.029, F.A.C., the Internet Confirmation Page, or otherwise communicated to the claimant by the Agency. AWI Form UCB-60V will be mailed to the claimant within 14 days after an initial, additional or re-opened claim is filed and upon receipt of each bi-weekly claim thereafter. The Agency will discontinue mailing AWI Form UCB-60V when the claimant ceases to report, has no additional benefits or weeks to claim, or benefits were denied and no appeal is pending at the end of the appeal period.

(b) Late Reports. If a report is not made within 14 days after the scheduled report date shown on AWI Form UCB-60V, the Internet Confirmation Page, or communicated to the claimant by an Agency representative, the claim will be re-opened effective the first day of the week in which a report is filed. Upon request, the claimant will be permitted to file a late report for weeks that were not claimed within the permissible time period and will be granted appeal rights to any resulting determination denying benefits for the weeks in question.

(c) Resubmitted Continued Claim. When a claimant is directed by the Agency to resubmit a continued claim for completion or correction, the scheduled report date will be extended to 14 days from the date the Agency notifies the claimant that the claim was incomplete or incorrect. If the notification is mailed, the mailing date will be considered the date of notification.

(d) Early Reports. The Agency may accept a continued claim certification prior to the scheduled report date provided each claimed week has ended.

(e) Special Reports. At any time during the pendency of any claim for benefits, the Agency may make a written request for information and/or documentation from the claimant regarding any question whose resolution is necessary to ascertain the claimant's entitlement to benefits and/or the amount of any such benefits. The failure of the claimant to respond will result in a determination made from the best available evidence.

Specific Authority 120.53(1)(b), 443.1317(1)(b) FS. Law Implemented 443.091(1), 442.101, 443.111(1), 443.151(2) FS. History—New 8-25-92, Amended 4-1-96,_____.

(Substantial Rewording of Rule 60BB-3.016 follows. See Florida Administrative Code for present text.)

60BB-3.016 Monetary Determinations.

(1) Computation of Wages.

(a) All employment in the base period reported by an employer or determined by the Agency from available information shall be considered in computing the monetary eligibility of a claimant.

(b) Assignment of Wages to Calendar Quarters. Wages will generally be counted as reported by the employer. Upon request by the claimant or employer and for the purpose of determining the claimant's weekly benefit amount and maximum available credits, wages may be assigned to the calendar quarter in which the wages were earned, but can be used in only one base period.

(2) Notices to Employers.

(a) The Agency will use AWI Form UCB-412, "Determination Notice of Unemployment Compensation Claim Filed," (Rev. 02/05), incorporated by reference in Rule 60BB-3.029, F.A.C., to notify the claimant's most recent employing unit and each employer in the claimant's base period of each claim for benefits filed, pursuant to Section 443.151(3)(a), F.S.

(b) The Agency will use AWI Form UCB-9 (Rev. 04/01), incorporated by reference in Rule 60BB-3.029, F.A.C., to request wage information regarding a specific claimant. If a timely response is not received, the claimant's monetary eligibility will be based on other evidence, including but not limited to an affidavit from the claimant.

(3) Notices to Claimants. The Agency will issue a determination of monetary eligibility to each claimant on AWI Form UCB-11, "Wage Transcript and Determination," (Rev. 01/04), incorporated by reference in Rule 60BB-3.029, F.A.C., which will serve as notice to the claimant pursuant to Section 443.151(3)(a), F.S.

Specific Authority 120.53(1)(b), 443.1317(1)(b) FS. Law Implemented 443.036, 443.091, 443.101, 443.151(3) FS. History—New 8-25-92, Amended_____.

(Substantial Rewording of Rule 60BB-3.017 follows. See Florida Administrative Code for present text.)

60BB-3.017 Nonmonetary Determinations.

(1) Investigation of Issues. The Agency will investigate all issues that may affect a claimant's benefits. The Agency will make a reasonable attempt to contact all parties and obtain facts necessary to resolve nonmonetary issues. Contact methods include, but are not limited to, telephone, mail, e-mail and facsimile transmission. If it is determined that the claimant has satisfied the terms of a potential disqualification that would otherwise be imposed, no investigation need be conducted. However, a determination will be made pursuant to Rule 60BB-3.018, F.A.C., regarding charges to the employer's account.

(2) Parties Entitled to Notice of Determination. Determinations will be issued to all parties entitled to notice on AWI Form UCB-45, "Notice of Determination", (Rev. 02/05), incorporated by reference in Rule 60BB-3.029, F.A.C.

(a) Claimants. A claimant is entitled to notice of any determination affecting his or her benefits.

(b) Employers. Pursuant to Section 443.151(3), F.S., an employer entitled to notice is the employer:

1. From which the separation occurred, when job separation is the issue;

2. That offered work to the claimant; when failure to accept work is the issue;

3. Directly involved in the dispute, at whose factory, establishment or other premises the claimant is or was employed, when labor dispute is the issue;

4. By or on behalf of which such remuneration was paid, when wages in lieu of notice, retirement income, workers' compensation or other remuneration is the issue;

5. Directly involved, when false or fraudulent representation to obtain or to increase benefits is the issue;

6. That employed and/or employs the claimant, when employment status, fraud, or overpayment resulting from improperly reported earnings is the issue.

Specific Authority 120.53(1)(b), 443.1317(1)(b) FS. Law Implemented 443.091, 443.101, 443.151(3) FS. History–New 8-25-92, Amended _____.

(Substantial Rewording of Rule 60BB-3.018 follows. See Florida Administrative Code for present text.)

60BB-3.018 Determinations Regarding Charges to Employer Accounts in Connection with Claims for Benefits.

(1) Employer Responsibilities. Except as otherwise specified in Sections 443.131(3)(a) and 443.101(9)(b), F.S., the Agency will not relieve an employer's account of charges for benefit payments unless the employer provides:

(a) A telephone response to a request for information when the Agency initiated the telephone request as part of an investigation pursuant to subsection 60BB-3.017(1), F.A.C.; or

(b) A written response to a determination or claim notification; or

(c) Written notification of a refusal to accept an offer of suitable work with that employer.

(2) Determination Procedures.

(a) Determinations affecting benefits will include a determination on charges to the employer's account when:

1. The employer meets the requirements for relief from charges; or

2. The employer account is subject to charges on the basis of the determination result.

(b) A separate determination regarding employer charges will be issued when:

1. A previous nonmonetary determination did not address employer charges; and

2. The employer complies with the requirements for relief from charges.

(c) A final determination regarding charges to an employer's account for a specified period of employment will also apply to any subsequent benefit year established.

Specific Authority 120.53(1)(b), 443.1317(1)(b) FS. Law Implemented 443.131(3) FS. History–New 8-25-92, Amended _____.

60BB-3.019 Determinations Regarding Suitable Work.

No change.

Specific Authority 120.53(1)(b), 443.1317(1)(b) FS. Law Implemented 443.091(1), 443.101(2) FS. History–New 8-25-92.

(Substantial Rewording of Rule 60BB-3.020 follows. See Florida Administrative Code for present text.)

60BB-3.020 Determinations Regarding Discharge for Misconduct.

When it is determined a discharge was for misconduct, the following weeks of disqualification apply:

(1) 27 to 52 weeks for extreme misconduct, which includes, but is not limited to, the commission of a felony in connection with work.

(2) 13 to 26 weeks for serious misconduct, which includes but is not limited to the following work-connected actions:

(a) Misdemeanor violations of the law, such as assault or disorderly conduct; or

(b) Reporting to work under the improper influence of alcohol or drugs, or improper use of alcohol or drugs at work; or

(c) Willful, intentional or repeated carelessness or negligence in the performance of work which results in damage to equipment or material or jeopardizes the safety of others; or

(d) Dishonest acts, such as lying, falsification of attendance records and misrepresentation of prior employment history.

(3) General misconduct in connection with work shall warrant 1 to 12 weeks of disqualification. Examples include the following work-connected actions:

(a) Conflicts on the job for which the claimant is partially or totally responsible and which affect job performance of the claimant or other employees;

(b) Chronic or unauthorized absenteeism or tardiness over which the claimant has control;

(c) Conducting unauthorized personal activities during working hours;

(d) Refusing to carry out or violating reasonable, lawful instructions;

(e) Violating reasonable and lawful company rules, after warning.

Specific Authority 120.53(1)(b), 443.1317(1)(b) FS. Law Implemented 443.036(29), 443.101(1)(b), (9) FS. History–New 8-25-92, Amended _____.

60BB-3.021 Determinations Regarding Ability to Work and Availability for Work.

~~In order to be determined~~ eligible for a claimed week of unemployment, a claimant must be:

- (1) Authorized to work in the United States; and
- (2) Able to work and available for work and located in the State of Florida, any other State, a United States Military Base, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, or a contiguous country with which the United States has a reciprocal agreement with respect to unemployment compensation, during the major portion of the claimant's customary work week; and
- (3) Actively seeking work in a manner customary to the occupation in which work is being sought. Factors to be considered ~~by the Agency~~ in determining whether the claimant has conducted an active work search are:
 - (a) The number of job contacts made by the claimant and the dates the contacts were made; and
 - (b) Whether the type of work being sought is reasonable considering the claimant's background, training, abilities, and duration of unemployment; and
 - (c) Whether the claimant possesses the necessary license, certification and tools to perform the type of work being sought; and
 - (d) Whether the claimant is on a temporary layoff; and
 - (e) Whether the claimant is on a seasonal layoff and resides in a geographical area in which no suitable off-season work prospects are available.
- (4) Free of unreasonable occupational restrictions regarding wages, hours, place and type of work in relation to the claimant's training, experience, work history, and local labor market conditions.
- (5) Free of personal circumstances which would substantially limit or restrict the claimant from conducting an active work search or accepting an offer of suitable employment. Examples of such circumstances ~~may~~ include:
 - (a) Attendance at school or a training course during customary work hours unless the claimant continues to actively seek work and is willing to change or forego classes or training that interfere with the claimant's ability to accept work; or
 - (b) Absence from the local area unless the absence is for the primary purpose of seeking employment or working; or
 - (c) Domestic responsibilities and conditions which substantially interfere with the claimant's ability to seek and accept suitable work.
- (6) For any period in which the claimant is participating in training approved by the Agency as provided in Section 443.091(1)(c)2., F.S. and Rule 60BB-3.022, F.A.C., the claimant is exempt from the requirements set forth in subsections (2) through (5) of this rule.

Specific Authority 120.53(1)(b), 443.1317(1)(b) FS. Law Implemented 443.091, 443.101 FS. History–New 8-25-92, Amended _____.

60BB-3.022 Determinations Regarding Approved Training.

Pursuant to Section 443.091(1)(c), F.S.:

(1) Approved training includes training authorized by Workforce Florida, Inc., a Regional Workforce Board, or Workforce Investment Board created pursuant to the Workforce Investment Act.

~~(2)(1)~~ The Agency shall not approve other training unless ~~the following criteria are met:~~

- (a) The claimant ~~must~~ possesses aptitude and skills that can be usefully supplemented by the training; and
- (b) The labor market demands for the claimant's present skills ~~are must be~~ minimal; and
- (c) The training ~~is must be~~ a vocational, technical, intern, managerial, high school equivalency or academic program designed to prepare individuals for gainful employment; and
- (d) ~~A~~ There must be a reasonable expectation exists that the claimant will be employable upon completing the training; and
- (e) The training course or school ~~is must be~~ approved by the Florida Department of Education or other official governmental approving agency within the State of Florida, any other State, a United States Military Base, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, or a contiguous country with which the United States has a reciprocal agreement with respect to unemployment compensation, and which is where the training is being conducted.

~~(3)(2)~~ ~~In order to~~ be eligible for benefits during a week of approved training, the claimant must:

- (a) Furnish attendance reports from the training instructor or facility; when requested by the Agency; and
- (b) Attend the scheduled training session(s) ~~during the week.~~ Continued unsatisfactory attendance may result in a withdrawal of the Agency's approval of the training.

Specific Authority 120.53(1)(b), 443.1317(1)(b) FS. Law Implemented 443.091(1) FS. History–New 8-25-92, Formerly 38B-3.022, Amended _____.

60BB-3.024 Short-Time Compensation Plan Application. Employers who wish to participate in the Short-Time Compensation program, pursuant to Section 443.111(6), F.S., must make application on AWI Form UCB/STC-3, "Short-Time Compensation Plan Application," (11/01), incorporated by reference in Rule 60BB-3.029, F.A.C. Copies may be obtained on the internet at www.floridajobs.org or by writing to: Agency for workforce Innovation; P. O. Box 5350; Tallahassee, FL 32314-5350.

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.1116 FS. History–New _____.

(Substantial Rewording of Rule 60BB-3.028 follows. See Florida Administrative Code for present text.)

60BB-3.028 Reemployment Services.

(1) One Stop Career Center Services. Reemployment services provided by One Stop Career Centers include:

(a) Priority Re-employment Planning (PREP) for claimants who, without such assistance, are likely to exhaust unemployment compensation benefits prior to becoming reemployed, and

(b) Job-Ready Reemployment Services for claimants who do not voluntarily attend reemployment assistance services or remain unemployed in excess of four weeks.

(2) Re-employment Services. One-Stop Career Centers operated by local regional workforce boards shall provide re-employment services, which may include needs assessment, an orientation interview, job search assistance, job referral, labor market information, employability skills enhancement, vocational training, employment counseling and testing, and other related services. Participation in re-employment services may be waived for claimants who are attached to regular jobs, including claimants who are:

(a) Temporarily unemployed due to lack of work and have a fixed or approximate return-to-work date within six weeks; or

(b) Union members who traditionally obtain employment through a union hiring hall. To qualify for this waiver, the claimant must provide the union hiring hall local number.

(3) Eligibility Review. Pursuant to Section 443.091(1), F.S., claimants must report as directed for periodic review of eligibility and participate in re-employment services as directed by the Agency. Such report shall include information regarding continuing eligibility for unemployment compensation benefits.

(4) Selection and Scheduling. Claimants shall be randomly selected from a pool of claims identified by results of a characteristics screening or length of unemployment. Notice shall be mailed to all claimants who are selected for participation.

(5) Characteristics Screening. Pursuant to Section 443.091(1)(d), F.S., the following characteristics will be used to identify claimants who are likely to exhaust regular benefits and be in need of re-employment services. Identified claimants:

(a) Received a first benefit payment within 42 days of the beginning of the benefit year; and

(b) Are intrastate claimants; and

(c) Are not on recall status to return to a specific job within six weeks; and

(d) Are not seasonally unemployed; and

(e) Are not partially employed; and

(f) Are not union members seeking work through a hiring hall.

(6) Penalty for Failure to Report for or Participate in Services. A claimant who fails, without good cause, to report for or participate in eligibility review or re-employment services as directed by the Agency or its designee shall be ineligible to receive benefits for the week(s) in which such failure occurred. Good cause for such failure will include only compelling reasons, such as:

(a) Personal illness;

(b) Illness of a family member requiring care by the claimant;

(c) A job interview at a time that conflicts with the service appointment time; and

(d) Other similar situations that would cause a reasonable person to miss a scheduled appointment for re-employment services.

Specific Authority 443.1317(1)(b) FS., Chapter 94-347, Laws of Florida. Law Implemented 443.091 FS., Chapter 94-347, Laws of Florida. History–New 2-28-96, Amended _____.

60BB-3.029 Public Use Forms.

(1) The following forms and instructions are used by the Agency for Workforce Innovation in its dealings with the public in the administration of the unemployment compensation program, and are hereby incorporated herein by reference ~~into this rule~~:

(a) AWI Form ERWC – “Employee’s or Employer’s Authorization and Request for Wage Records” (version date 02/06).

(b) AWI Form AWA-01 – “Notarized Authorization for Release of Records” (version date 3/2005).

(c) IB-1 – “Initial Interstate Claim” (Rev. 08/03).

(d) AWI Form UC-310 – “Unemployment Compensation Application for Services” (Rev. 10/05).

(e) AWI Form UCB/STC-3 – “Short Time Compensation Plan Application” (Rev. 11/01).

(f) AWI Form UCB-9 (04/01).

(g) AWI Form UCB-11 – “Wage Transcript and Determination” (Rev. 01/04).

(h) AWI Form UCB-45 – “Notice of Determination” (Rev. 02/05).

(i) AWI Form UCB-60V (Rev. 06/04).

(j) AWI Form UCB-412 – “Determination Notice of Unemployment Claim Filed” (Rev. 02/05).

(k) Form AWI-UCW4VT (Rev. 11/06).

(l) Form AWI-UCW4VFL (S) (Rev. 11/06).

(m) Form AWI-UCW4VFL (C) (Rev. 11/06).

(n) Form AWI-UC20A (Rev. 11/06).

(o) Form AWI-UC20A (S) (Rev. 11/06).

(p) Form AWI-UC20A (C) (Rev. 11/06).

(q) UC Bulletin 1 (Rev. 04/05).

(2) These forms may be ~~obtained by found at:~~

~~(a) Downloading selected forms from the Agency's Internet site at http://www.floridajobs.org/unemployment/uc_emp_forms.html;~~

~~(a)(b) Writing to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, P. O. Drawer 5750, Tallahassee, FL 32314-5750 along with a self-addressed, postage paid envelope;~~

~~(b)(e) Faxing a request to the Agency's UC Records Unit at (850)921-9327 or (850)921-3912;~~

~~(c)(d) Calling the UC Records Unit at (850)921-3470.~~

~~(3) Forms and other information about the unemployment compensation program can be found on the Agency's Internet site at www.floridajobs.org/unemployment/.~~

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.171(5), 443.1715(1), (2)(b)1. FS. History—New 6-4-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John R. Perry, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mindy K. Raymaker, Deputy General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-7128

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.:	RULE TITLE
61G5-18.0055	Supervised Cosmetology Practice Exception

PURPOSE AND EFFECT: To address the requirements for the supervised practice of license applicants.

SUMMARY: Allows supervised practice by an applicant under certain conditions.

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

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

SPECIFIC AUTHORITY: 477.016, 477.019(4) FS.

LAW IMPLEMENTED: 477.019(4) 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-18.0055 Supervised Cosmetology Practice Exception.

(1) Following the completion of the first licensing examination by a graduate of licensed cosmetology school or cosmetology program offered in a public school system, which school or program is certified by the Department of Education, ~~and pending the results of that examination and the issuance of a license to practice cosmetology by the Department,~~ an applicant for licensure as a cosmetologist by examination is ~~shall be~~ eligible to practice temporarily in a current, actively licensed cosmetology salon practice cosmetology subject to under the following conditions:

(a) In the event an applicant obtains passing scores on the first attempt of both the written and clinical examinations, the applicant shall be eligible, prior to having their application acted on by the Board, to practice cosmetology in a licensed salon, provided that they post their examination results for both examinations at their work station with a recent photograph affixed thereto.

(b) In the event that the applicant fails to obtain a passing score on either the written or clinical examination on the first attempt, the applicant shall not be eligible to practice cosmetology under this rule until the applicant:

1. Applies to the Department for authorization to retake the failed portion(s) of the examination; and

2. Presents the salon owner a copy of both the reexamination application and the examination scheduling authorization letter from the testing vendor.

3. Upon completion of these conditions, the applicant is eligible to practice cosmetology in a licensed cosmetology salon subject to the provisions of paragraph (c) referenced below, provided that the applicant posts the examination results for both examinations at their work station with a recent photograph affixed thereto, which practice may extend for a period of no more than 60 days from the date of the reexamination application. The applicant must discontinue practicing when 180 days have passed from the date the original examinations were taken if reexamination has not yet been completed. Under no circumstances shall the applicant be eligible to practice prior to having applied for reexamination and having obtained the examination scheduling authorization letter from the testing vendor.

(c) All cosmetology services performed by the applicant under this exception shall be performed under the supervision of a licensed cosmetologist. "Under the supervision of a licensed cosmetologist" shall mean that an individual who then

holds a current, active Florida license as a cosmetologist shall be physically present at all times when the applicant is performing cosmetology services.

(2) In the event an applicant, who previously failed either or both of the examinations on the first attempt, fails to obtain a passing score on either or both of the second licensure examination(s), the applicant is no longer eligible to practice cosmetology under this exception and must immediately discontinue practicing cosmetology until the applicant has been issued a license to practice by the Department.

(a) All cosmetology services to be performed by the applicant under this exception shall be performed under the supervision of a licensed cosmetologist. "Under the supervision of a licensed cosmetologist" shall mean that an individual who then holds a current, active Florida license as a cosmetologist shall be physically present at all times when the applicant is performing cosmetology services.

(b) All cosmetology services performed by the applicant under this exception shall be performed in a licensed cosmetology salon. For all times during which the applicant is practicing in the cosmetology salon, the license for the cosmetology salon shall be in a current and active status.

(2) Prior to beginning the practice of cosmetology or performance of cosmetology services under this exception, all applicants shall provide to the cosmetology salon license holder or his or her representative a copy of the completed application for licensure by examination submitted to the Department by the applicant, and a copy of the notification by the Department that the applicant has been scheduled to take the licensure examination. All applicants shall also provide to the cosmetology salon license holder or his or her representative a copy of the results of all licensure examinations taken by the applicant immediately upon receipt of those results by the applicant. If the applicant is required to apply for reexamination in order to continue practicing cosmetology or performing cosmetology services under this exception, the applicant shall also provide to the cosmetology salon license holder or his or her representative a copy of the completed application for reexamination submitted to the Department by the applicant.

(3) Upon receipt of the results of the first licensure examination taken by the applicant which indicate that the applicant has failed to achieve a passing grade on the licensure examination, the applicant shall immediately cease the practice of cosmetology or performing cosmetology services under this exception unless and until the applicant applies to retake the licensure examination at the next available licensure examination immediately following the licensure examination which the applicant failed. Once the applicant shall have submitted a complete application for reexamination and shall have paid all applicable reexamination fees, the applicant shall be eligible to resume the practice of cosmetology subject to the same conditions as stated above.

~~(4) Upon receipt of the results of the second licensure examination taken by the applicant which indicate that the applicant has failed to achieve a passing grade on the licensure examination, the applicant shall immediately cease the practice of cosmetology or performing cosmetology services under this exception; and shall not be eligible to resume the practice of cosmetology until after the applicant shall have taken and passed the licensure examination and been issued a license to practice cosmetology by the Department.~~

Specific Authority 477.016, 477.019(4) FS. Law Implemented 477.019(4) FS. History--New 11-25-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-20.001 RULE TITLE: Salon Defined

PURPOSE AND EFFECT: To further clarify the definition of a salon.

SUMMARY: The rule clarifies exceptions to the licensing requirements.

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

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

SPECIFIC AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.025 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-20.001 Salon Defined.

Salon means any establishment or place of business wherein cosmetology as defined in Section 477.013(4), F.S., or any specialty as defined in Section 477.013(6), F.S., is practiced for

compensation, however this does not prevent the practice of cosmetology in a licensed barbershop, or the practice of barbering in a licensed cosmetology salon, provided the salon employs a licensed cosmetologist. Except as provided in Rule 61G5-20.010, F.A.C., a salon must be at a fixed location.

Specific Authority 477.016 FS. Law Implemented 477.025 FS. History—New 11-2-80, Amended 10-10-82, 10-6-85, Formerly 21F-20.01, Amended 10-18-87, Formerly 21F-20.001, Amended 2-10-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-20.002 RULE TITLE: Salon Requirements

PURPOSE AND EFFECT: To address salon personnel requirements

SUMMARY: The change substitutes language with similar meanings.

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

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

SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-20.002 Salon Requirements.

(1) No change.

(2)(a) through (f) No change.

(g) Pedicure Equipment Sterilization and Disinfection:

The following cleaning and disinfection procedures must be used for any pedicure equipment that holds water, including sinks, bowls, basins, pipe-less spas, and whirlpool spas:

1. After each client, all pedicure units must be cleaned with a low-foaming chelating soap or detergent with water to remove all visible debris, then disinfected with an EPA registered hospital grade bactericidal, fungicidal, virucidal, and pseudomonacidal disinfectant used according to manufacturers instructions for at least ten (10) minutes. If the pipe-free foot spa has a foot plate, it should be removed and the area beneath it cleaned, rinsed, and wiped dry.

2. At the end of each day of use, the following procedures shall be used:

a. All filter screens in whirlpool pedicure spas or basins for all types of foot spas must be sanitized. All visible debris in the screen and the inlet must be removed and cleaned with a low-foaming chelating soap or detergent and water. For pipe-free systems, the jet components or foot plate must be removed and cleaned and any debris removed. The screen, jet, or foot plate must be completely immersed in an EPA registered, hospital grade bactericidal, fungicidal, virucidal, and pseudomonacidal disinfectant that is used according to manufacturer’s instructions. The screen, jet, or foot plate must be replaced after disinfection is completed and the system is flushed with warm water and low-foaming low-sudsing soap for 5 minutes, rinsed, and drained.

b. After the above procedures are completed, the basin should be filled with clean water and the correct amount of EPA registered disinfectant. The solution must be circulated through foot spa system for 10 minutes and the unit then turned off. The solution should remain in the basin for at least 6 to 10 hours. Before using the equipment again, the basin system must be drained and flushed with clean water.

3. Once each week, subsequent to completing the required end-of-day cleaning procedures, the basin must be filled with a solution of water containing one teaspoon of 5.25% bleach for each gallon of water. The solution must be circulated through the spa system for 5 to 10 minutes and then the solution must sit in the basin for at least 6 hours. Before use, the system must be drained and flushed.

4. A record or log book containing the dates and times of all pedicure cleaning and disinfection procedures must be documented and kept in the pedicure area by the salon and made available for review upon request by a consumer or a Department inspector.

(3) through (6) No change.

Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.025 FS. History—New 4-22-81, Amended 9-11-81, 1-17-83, 8-10-83, 6-28-84, 10-6-85, Formerly 21F-20.02, Amended 6-18-86, 10-18-87, 8-20-90, 5-19-91, 1-30-92, 5-11-92, 4-15-93, 5-31-93, Formerly 21F-20.002, Amended 1-9-95, 4-5-95, 8-8-95, 2-28-96, 6-16-97, 8-27-98, 4-13-99, 8-1-05, 9-6-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Cosmetology
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Cosmetology
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 20, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 22, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-204.800
RULE TITLE: Federal Regulations Adopted by Reference

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update, through September, 30, 2006, the department's adoption-by-reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 51, 60, 63 and 65.

SPECIFIC AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Rebecca Robinette, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) No change.

(2) Chapter 40, Code of Federal Regulations, Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

(a) No change.

(b) The following appendices of 40 CFR Part 51, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 51, Appendix M, Recommended Test Methods for State Implementation Plans; amended September 21, 2006, at 71 FR 55119.

2. through 3. No change.

(3) through (7) No change.

(8) Chapter 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) through (b) No change.

1. through 75. No change.

76. 40 CFR 60, Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines; promulgated July 11, 2006, at 71 FR 39153.

77. 40 CFR 60, Subpart KKKK, Standards for Stationary Combustion Turbines; promulgated July 6, 2006, at 71 FR 38481.

(c) No change.

(d) General Provisions Adopted. The general provisions of 40 CFR Part 60, Subpart A, revised as of July 1, 2001; amended August 27, 2001, at 66 FR 44978; amended July 8, 2004, at 69 FR 41346; amended May 18, 2005, at 70 FR 28605; amended December 16, 2005, at 70 FR 74869; amended June 1, 2006, at 71 FR 31100; amended July 6, 2006, at 71 FR 38481; amended July 11, 2006, at 71 FR 39153; are adopted and incorporated by reference except that the Secretary is not the Administrator for purposes of 40 CFR 60.4, 40 CFR 60.8(b)(2) and (3), 40 CFR 60.11(e)(7) and (8), 40 CFR 60.13(g), (i) and (j)(2), and 40 CFR 60.16.

(e) Appendices Adopted. The following appendices of 40 CFR Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 CFR 60, Appendix A-2, Test Methods 2G through 3C; amended May 15, 2006, at 71 FR 28081.

3. No change.

4. 40 CFR 60, Appendix A-4, Test Methods 6 through 10B; amended May 15, 2006, at 71 FR 28081.

5. through 6. No change

7. 40 CFR 60, Appendix A-7, Test Methods 19 through 25E; amended May 15, 2006, at 71 FR 28081; amended September 21, 2006, at 71 FR 55119.

8. No change.

9. 40 CFR 60, Appendix B, Performance Specifications, amended January 12, 2004, at 69 FR 1785; amended May 18, 2005, at 70 FR 28605; amended September 21, 2006, at 71 FR 55119.

10. through 12. No change.

(9) through (10) No change.

(11) Chapter 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

(a) No change.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 63, Subpart F, Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.106(c)(1) through (4).

2. 40 CFR 63, Subpart G, Organic Hazardous Air Pollutants From the Synthetic Organic Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater; amended June 23, 2003, at 68 FR 37333; amended December 23, 2004, at 69 FR 76859; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.153(c)(1) through (4).

3. through 5. No change.

6. 40 CFR 63, Subpart L, Coke Oven Batteries; amended June 23, 2003, at 68 FR 37333; amended April 15, 2005, at 70 FR 19991; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.313(d)(1) through (5).

7. 40 CFR 63, Subpart M, Perchloroethylene Dry Cleaning Facilities; amended June 23, 2003, at 68 FR 37333; amended July 27, 2006, at 71 FR 42723; amended September 21, 2006, at 71 FR 55280; except that the Secretary is not the Administrator for purposes of 40 CFR 63.326(c)(1) through (4).

8. 40 CFR 63, Subpart N, Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; amended June 23, 2003, at 68 FR 37333; amended July 19, 2004, at 69 FR 42885; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.348(c)(1) through (4).

9. through 10. No change.

11. 40 CFR 63, Subpart R, Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations); amended June 23, 2003, at 68 FR 37333; amended December 19, 2003, at 68 FR 70959; amended April 6, 2006, at 71 FR 17352; except that the Secretary is not the Administrator for purposes of 40 CFR 63.429(c)(1) through (4).

12. through 13. No change.

14. 40 CFR 63, Subpart U, Group I Polymers and Resins; amended July 16, 2001, at 66 FR 36924; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.507(c)(1) through (4).

15. 40 CFR 63, Subpart W, Epoxy Resins Production and Non-Nylon Polyamides Production; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.529(c)(1) through (4).

16. No change.

17. 40 CFR 63, Subpart Y, Marine Tank Vessel Loading Operations; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.568(c)(1) through (4).

18. 40 CFR 63, Subpart AA, Phosphoric Acid Manufacturing Plants; amended December 17, 2001, at 66 FR 65072; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.611(c)(1) through (4).

19. 40 CFR 63, Subpart BB, Phosphate Fertilizers Production Plants; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.632(c)(1) through (4).

20. No change.

21. 40 CFR 63, Subpart DD, Off-Site Waste and Recovery Operations; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.698(c)(1) through (4).

22. No change.

23. 40 CFR 63, Subpart GG, Aerospace Manufacturing and Rework Facilities; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.759(c)(1) through (4).

24. 40 CFR 63, Subpart HH, Oil and Natural Gas Production Facilities; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.776(c)(1) through (4).

25. through 26. No change.

27. 40 CFR 63, Subpart KK, Printing and Publishing Industry; amended June 23, 2003, at 68 FR 37333; amended May 24, 2006, at 71 FR 29792; except that the Secretary is not the Administrator for purposes of 40 CFR 63.831(c)(1) through (4).

28. 40 CFR 63, Subpart LL, Primary Aluminum Reduction Plants; amended June 23, 2003, at 68 FR 37333; amended November 2, 2005, at 70 FR 66280; amended April

20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.853(c)(1) through (4).

29. 40 CFR 63, Subpart MM, Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills; amended July 19, 2001, at 66 FR 37591; amended August 6, 2001, at 66 FR 41086; amended February 18, 2003, at 68 FR 7706; amended May 8, 2003, at 68 FR 24653; amended July 18, 2003, at 68 FR 42603; amended December 5, 2003, at 68 FR 67953, amended May 6, 2004, at 69 FR 25321; amended April 20, 2006, at 71 FR 20445.

30. through 33. No change.

34. 40 CFR 63, Subpart SS, Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process; amended July 12, 2002, at 67 FR 46257; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.992(b)(1) through (5).

35. through 39. No change.

40. 40 CFR 63, Subpart YY, Generic Maximum Achievable Control Technology Standards; amended November 2, 2001, at 66 FR 55844; amended July 12, 2002, at 67 FR 46257; amended July 12, 2002, at 67 FR 46289; amended February 10, 2003, at 68 FR 6635; amended April 13, 2005, at 70 FR 19266; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.1114(b)(1) through (5).

41. 40 CFR 63, Subpart CCC, Steel Pickling – HCL Process Facilities and Hydrochloric Acid Regeneration Plants; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1166(c)(1) through (8).

42. No change.

43. 40 CFR 63, Subpart EEE, Hazardous Waste Combustors; amended July 3, 2001, at 66 FR 35087; amended October 15, 2001, at 66 FR 52361; amended December 6, 2001, at 66 FR 63313; amended February 13, 2002, at 67 FR 6791; amended February 14, 2002, at 67 FR 6967; amended December 19, 2002, at 67 FR 77687; amended June 23, 2003, at 68 FR 37333; amended October 12, 2005, at 70 FR 59401; amended December 19, 2005, at 70 FR 75042; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1214(c)(1) through (4).

44. 40 CFR 63, Subpart GGG, Pharmaceuticals Production; amended April 2, 2002, at 67 FR 15486; amended June 23, 2003, at 68 FR 37333; amended May 13, 2005, at 70 FR 25665; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1261(c)(1) through (4).

45. 40 CFR 63, Subpart HHH, Natural Gas Transmission and Storage Facilities; amended September 27, 2001, at 66 FR 49299; amended February 22, 2002, at 67 FR 8202; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1286(c)(1) through (4).

46. No change.

47. 40 CFR 63, Subpart JJJ, Group IV Polymers and Resins; amended July 16, 2001, at 66 FR 36924; amended August 6, 2001, at 66 FR 40903; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1336(c)(1) through (4).

48. No change.

49. 40 CFR 63, Subpart MMM, Pesticide Active Ingredient Production; amended November 21, 2001, at 66 FR 58393; amended March 22, 2002, at 67 FR 13507; amended March 22, 2002, at 67 FR 13513; amended September 20, 2002, at 67 FR 59335; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1369(c)(1) through (4).

50. 40 CFR 63, Subpart NNN, Wool Fiberglass Manufacturing; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1388(c)(1) through (4).

51. 40 CFR 63, Subpart OOO, Manufacture of Amino/Phenolic Resins; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1419(c)(1) through (4).

52. 40 CFR 63, Subpart PPP, Polyether Polyols Production; amended June 23, 2003, at 68 FR 37333; amended July 1, 2004, at 69 FR 39862; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1421(c)(1) through (4).

53. 40 CFR 63, Subpart QQQ, Primary Copper Smelting; promulgated June 12, 2002, at 67 FR 40477; amended July 14, 2005, at 70 FR 40672; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1458(c)(1) through (4).

54. 40 CFR 63, Subpart RRR, Secondary Aluminum Production; amended September 24, 2002, at 67 FR 59787; amended November 8, 2002, at 67 FR 68038; amended December 30, 2002, at 67 FR 79807; amended June 23, 2003, at 68 FR 37333; amended September 3, 2004, at 69 FR 53979; amended October 3, 2005, at 70 FR 57513; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1519(c)(1) through (4).

55. 40 CFR 63, Subpart TTT, Primary Lead Smelting; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1550(c)(1) through (4).

56. 40 CFR 63, Subpart UUU, Catalytic Cracking Units, Catalytic Reforming Units and Sulfur Recovery Units; promulgated April 11, 2002, at 67 FR 17761; amended February 9, 2005, at 70 FR 6929; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.1578(c)(1) through (5).

57. No change.

58. 40 CFR 63, Subpart XXX, Ferroalloys Production: Ferromanganese and Silicomanganese; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1661(c)(1) through (4).

59. 40 CFR 63, Subpart AAAA, Municipal Solid Waste Landfills; promulgated January 16, 2003, at 68 FR 2227; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1985(c).

60. 40 CFR 63, Subpart CCCC, Manufacturing of Nutritional Yeast; amended April 20, 2006, at 71 FR 20445.

61. 40 CFR 63, Subpart DDDD, Plywood and Composite Wood Products; promulgated July 30, 2004, at 69 FR 45943; amended February 16, 2006, at 71 FR 8341; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.2291(c)(1) through (5).

62. 40 CFR 63, Subpart EEEE, Organic Liquids Distribution (Non-Gasoline); promulgated February 3, 2004, at 69 FR 5038; amended April 20, 2006, at 71 FR 20445; amended July 28, 2006, at 71 FR 42897; except that the Secretary is not the Administrator for purposes of 40 CFR 63.2402(b)(1) through (4).

63. 40 CFR 63, Subpart FFFF, Miscellaneous Organic Chemical Manufacturing; promulgated November 10, 2003, at 68 FR 63851; amended July 1, 2005, at 70 FR 38553; amended August 30, 2005, at 70 FR 51269; amended March 1, 2006, at 71 FR 10439; amended April 20, 2006, at 71 FR 20445; July 14, 2006, at 71 FR 40315; except that the Secretary is not the Administrator for purposes of 40 CFR 63.2545(b)(1) through (4).

64. 40 CFR 63, Subpart GGGG, Solvent Extraction for Vegetable Oil Production; amended April 5, 2002, at 67 FR 16317; amended September 1, 2004, at 69 FR 53338; amended April 20, 2006, at 71 FR 20445.

65. 40 CFR 63, Subpart HHHH, National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production; promulgated April 11, 2002, at 67

FR 17823; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.3002(b)(1) through (4).

66.65. 40 CFR 63, Subpart IIII, Surface Coating of Automobiles and Light-Duty Trucks; promulgated April 26, 2004, at 69 FR 22601; amended April 20, 2006, at 71 FR 20445.

67.66. 40 CFR 63, Subpart JJJJ, Paper and Other Web Coating; promulgated December 4, 2002, at 67 FR 72329; amended May 24, 2006, at 71 FR 29792; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.3420(b).

68.67. 40 CFR 63, Subpart KKKK, Surface Coating of Metal Cans; promulgated November 13, 2003, at 68 FR 64431; amended January 6, 2006, at 71 FR 1377; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.3560(c)(1) through (4).

69.68. 40 CFR 63, Subpart MMMM, Surface Coating of Miscellaneous Metal Parts and Products; promulgated January 2, 2004, at 69 FR 129; amended April 26, 2004, at 69 FR 22601; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.3980(c)(1) through (4).

70.69. 40 CFR 63, Subpart NNNN, Surface Coating of Large Appliances; promulgated July 23, 2002, at 67 FR 48253; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.4180(c)(1) through (4).

71.70. 40 CFR 63, Subpart OOOO, Printing, Coating, and Dyeing of Fabrics and Other Textiles; promulgated May 29, 2003, at 68 FR 32171; amended August 4, 2004, at 69 FR 47001; amended April 20, 2006, at 71 FR 20445; amended May 24, 2006, at 71 FR 29792; except that the Secretary is not the Administrator for purposes of 40 CFR 63.4370(c)(1) through (4).

72.74. 40 CFR 63, Subpart PPPP, Surface Coating of Plastic Parts and Products; promulgated April 19, 2004, at 69 FR 20967; amended April 26, 2004, at 69 FR 22601; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.4580(c)(1) through (4).

73.72. 40 CFR 63, Subpart QQQQ, Surface Coating of Wood Building Products; promulgated May 28, 2003, at 68 FR 31745; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.4780(c)(1) through (4).

74.73. 40 CFR 63, Subpart RRRR, Surface Coating of Metal Furniture; promulgated May 23, 2003, at 68 FR 28605; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.4980(c)(1) through (4).

74. through 75. renumbered 75. through 76. No change.

77.76. 40 CFR 63, Subpart UUUU, Cellulose Products Manufacturing; promulgated June 11, 2002, at 67 FR 40043; amended June 24, 2005, at 70 FR 36523; amended August 10, 2005, at 70 FR 46683; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.5605(b)(1) through (4).

78.77. No change.

79.78. 40 CFR 63, Subpart WWWW, Reinforced Plastic Composites Production; promulgated April 21, 2003, at 68 FR 19375; amended August 25, 2005, at 70 FR 50117; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.5930(c)(1) through (4).

80.79. 40 CFR 63, Subpart XXXX, Rubber Tire Manufacturing; promulgated July 9, 2002, at 67 FR 45587; amended March 12, 2003, at 68 FR 11745; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.6014(c)(1) through (4).

81.80. 40 CFR 63, Subpart YYYY, Stationary Combustion Turbines; promulgated March 5, 2004, at 69 FR 10511; amended August 18, 2004, at 69 FR 51184; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.6170(c)(1) through (5).

82.84. 40 CFR 63, Subpart ZZZZ, Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, promulgated June 15, 2004, at 69 FR 33473; amended April 20, 2006, at 71 FR 20445; amended June 23, 2006, at 71 FR 36014.

83.82. 40 CFR 63, Subpart AAAAA, Lime Manufacturing Plants; promulgated January 5, 2004, at 69 FR 393; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.7141(c)(1) through (6).

84.83. 40 CFR 63, Subpart BBBB, Semiconductor Manufacturing; promulgated May 22, 2003, at 68 FR 27913; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.7194(c)(1) through (4).

85.84. 40 CFR 63, Subpart CCCCC, Coke Ovens: Pushing, Quenching, and Battery Stacks; promulgated April 14, 2003, at 68 FR 18007; amended April 22, 2003, at 68 FR 19885; amended October 13, 2004, at 69 FR 60813; amended August 2, 2005, at 70 FR 44285; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.7351(c)(1) through (6).

86.85. 40 CFR 63, Subpart DDDDD; Industrial, Commercial, and Institutional Boilers and Process, promulgated September 13, 2004, at 69 FR 55217; amended December 28, 2005, at 70 FR 76917; amended April 20, 2006,

at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.7570(b)(1) through (5).

87.86. 40 CFR 63, Subpart EEEEE, Iron and Steel Foundaries; promulgated April 22, 2004, at 69 FR 21905; amended May 20, 2005, at 70 FR 29399; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.7761(c)(1) through (4).

88.87. 40 CFR 63, Subpart FFFFF, Integrated Iron and Steel Manufacturing; promulgated May 20, 2003, at 68 FR 27645; amended April 20, 2006, at 71 FR 20445; amended July 13, 2006, at 71 FR 39579; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.7851(c)(1) through (4).

89.88. 40 CFR 63, Subpart GGGGG, Site Remediation; promulgated October 8, 2003, at 68 FR 58171; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.7956(c)(1) through (4).

90.89. 40 CFR 63, Subpart HHHHH, Miscellaneous Coating Manufacturing; promulgated December 11, 2003, at 68 FR 69163; amended December 29, 2003, at 68 FR 75033; amended May 13, 2005, at 70 FR 25675; amended July 6, 2005, at 70 FR 38780; amended December 21, 2005, at 70 FR 75923; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.8100(b)(1) through (4).

91.90. 40 CFR 63, Subpart IIIII, Mercury Emissions from Mercury Cell Chlor-Alkali Plants; promulgated December 19, 2003, at 68 FR 70903; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.8264(c)(1) through (4).

92.94. 40 CFR 63, Subpart JJJJJ, Brick and Structural Clay Products Manufacturing; promulgated May 16, 2003, at 68 FR 26689; amended May 28, 2003, at 68 FR 31744; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.8510(c)(1) through (4).

93.92. 40 CFR 63, Subpart KKKKK, Clay Ceramics Manufacturing; promulgated May 16, 2003, at 68 FR 26689; amended May 28, 2003, at 68 FR 31744; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.8660(c)(1) through (4).

94.93. 40 CFR 63, Subpart LLLLL, Asphalt Processing and Asphalt Roofing Manufacturing; promulgated May 7, 2003 at 68 FR 24561; amended May 17, 2005, at 70 FR 28359; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.8697(b)(1) through (4).

95.94. 40 CFR 63, Subpart MMMMM, Flexible Polyurethane Foam Fabrication Operations; promulgated April 14, 2003, at 68 FR 18061; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.8828(c)(1) through (4).

96.95. 40 CFR 63, Subpart NNNNN, Hydrochloric Acid Production; promulgated April 17, 2003, at 68 FR 19075; amended April 7, 2006, at 71 FR 17738; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.9070(c)(1) through (4).

97.96. 40 CFR 63, Subpart PTTTT, Engine Test Cells/Stands; promulgated May 27, 2003, at 68 FR 28774; amended August 28, 2003, at 68 FR 51830; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.9370(c)(1) through (4).

98.97. 40 CFR 63, Subpart QQQQQ, Friction Materials Manufacturing Facilities; promulgated October 18, 2002, at 67 FR 64497; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.9560(c)(1) through (4).

99.98. 40 CFR 63, Subpart RRRRR, Taconite Iron Ore Processing; promulgated October 30, 2003, at 68 FR 61867; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.9651(c)(1) through (4).

100.99. 40 CFR 63, Subpart SSSSS, Refractory Products Manufacturing; promulgated April 16, 2003, at 68 FR 18729; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.9822(c)(1) through (4).

101.400 40 CFR 63, Subpart TTTTT, Primary Magnesium Refining; promulgated October 10, 2003, at 68 FR 58615; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.9941(c)(1) through (4).

(c) through (d) No change.

1. 40 CFR Part 63, Subpart A, General Provisions; amended February 27, 2002, at 67 FR 9156; amended April 5, 2002, at 67 FR 16581; amended February 18, 2003, at 68 FR 7706; amended April 21, 2003, at 68 FR 19375; amended May 20, 2003, at 68 FR 27645; amended May 23, 2003, at 68 FR 28605; amended May 27, 2003, at 68 FR 28774; amended May 28, 2003, at 68 FR 31745; amended May 29, 2003, at 68 FR 32171; amended May 30, 2003, at 68 FR 32585; amended November 13, 2003, at 68 FR 64431; amended December 19, 2003, at 68 FR 70959; amended January 2, 2004, at 69 FR 129; amended February 3, 2004 at 69 FR 5038; amended April 19, 2004, at 69 FR 20967; amended April 22, 2004, at 69 FR 21905; amended April 26, 2004, at 69 FR 22601; amended June 15, 2004, at 69 FR 33473; amended July 30, 2004, at 69 FR 45943; amended April 15, 2005, at 70 FR 19991; amended

May 20, 2005, at 70 FR 29399; amended October 12, 2005, at 70 FR 59401; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of 40 CFR 63.5(e), 40 CFR 63.5(f), 40 CFR 63.6(g), 40 CFR 63.6(h)(9), 40 CFR 63.6(j), 40 CFR 63.13, and 40 CFR 63.14.

2. through 5. No change.

(e) No change.

(12) No change.

(13) Chapter 40, Code of Federal Regulations, Part 65, Consolidated Federal Air Rule. The following subparts of 40 CFR Part 65, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference.

(a) 40 CFR 65, Subpart A, General Provisions; amended April 20, 2006, at 71 FR 20445.

(b) through (g) No change.

(14) through (25) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, 9-4-06, 9-6-06,_____.

DEPARTMENT OF JUVENILE JUSTICE

Detention Services

RULE NOS.:	RULE TITLES:
63G-1.005	Fiscally Constrained Counties
63G-1.007	Tri-Annual Reporting
63G-1.008	Annual Reconciliation
63G-1.009	Dispute Resolution and Collection

PURPOSE AND EFFECT: The proposed rule amendments revise the methodology by which fiscally constrained counties are proportionately assessed for predisposition detention care when costs exceed the legislative appropriation. Amendments are also made to the reporting and reconciliation cycle.

SUMMARY: The timeline for notifying fiscally constrained counties of an estimated shortfall is moved to the end of July. Reporting of counties' actual usage has been reduced from four to three times per year, and corresponding changes are made to the reconciliation and dispute procedures.

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

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

SPECIFIC AUTHORITY: 20.316, 985.405, 985.2155 FS.

LAW IMPLEMENTED: 985.2155 FS.

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

DATE AND TIME: Tuesday, January 9, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Milla, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63G-1.005 Fiscally Constrained Counties.

(1) Each fiscally constrained county will be assigned a percentage computed by dividing its previous year's number of predisposition detention days by the total number of predisposition detention days used by all fiscally constrained counties during the previous year.

(2) Each county's percentage is multiplied by the amount appropriated by the legislature to pay the costs of detention care. For informational purposes, fiscally constrained counties will be invoiced for their prorated monthly share.

(3) If the total number of predisposition service days actually used by all fiscally constrained counties combined exceeds the previous year's usage for which appropriation was made by the legislature, matching funds will be required to make up the shortfall. Fiscally constrained counties will be assessed for the amount of the shortfall under the following methodology:

(a) The total number of ~~excess~~ service days will be translated into a dollar figure based upon the percentage of increase over the original budgeted amount.

(b) Each fiscally constrained county will be responsible for a share of the shortfall computed by multiplying its assigned percentage calculated in subsection (1) by the total shortfall computed in paragraph (3)(a).

(4) The department shall determine whether an estimated shortfall is likely by July 31 at the end of the third quarter. If a shortfall is expected, the department shall provide fiscally constrained counties an estimate of their share of the expected shortfall on or before August 15 June 1.

(5) Fiscally constrained counties will be billed for their share of the shortfall in equal monthly installments beginning November 1 through May 1 by August 1, and payment is due no later than November 1.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(4) FS. History--New 7-16-06, Amended.

63G-1.007 ~~Tri-Annual~~ Quarterly Reporting.

(1) ~~Every four months~~ Each quarter, the Department shall prepare a report to determine the extent of each county's actual usage. The report is to assist counties in fiscal planning and budgeting, and is not a substitute for the annual reconciliation or grounds for adjusting or withholding payment.

(2) The report shall contain the following information:

- (a) Youth's name;
- (b) Youth's address at the time of the referral;
- (c) Sex;
- (d) Date of birth;
- (e) Name of parent or guardian;
- (f) Phone contact, and;
- (g) Number of detention days.

(3) The report will be provided to counties ~~75 45~~ days after the end of October, February and June ~~each quarter~~.

(4) The limited release of juvenile identifying information contained in each county's quarterly report is confidential. The release will not include treatment or charging information, is limited to the county official(s) designated to receive the report, and is not to be used for any purpose other than that of verifying the provision of detention services.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(7) FS. History--New 7-16-06, Amended.

63G-1.008 Annual Reconciliation.

(1) On or before January 31 ~~November 30~~ of each year, the Department shall provide a reconciliation statement to each paying county. The statement shall reflect the difference between the estimated costs paid by the county during the past fiscal year and the actual cost of the county's usage during that period.

(2) If a county's actual usage is found to have exceeded the amount paid during the fiscal year, the county will be invoiced for the excess usage. The invoice will accompany the reconciliation statement, and shall be payable on or before April 1 ~~January 31~~.

(3) If a county's actual usage was less than the estimated amounts paid during the fiscal year, the county will be credited for its excess payments. Credit will be reflected in the April ~~November~~ billing mailed March 1, and will carry forward as necessary.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5) FS. History--New 7-16-06, Amended.

63G-1.009 Dispute Resolution and Collection.

(1) The tri-annual ~~quarterly~~ reporting marks the point at which a county may take issue with the charges referenced in the report, but it cannot be the basis for withholding payment. Adjustments, including those necessitated by dispute resolution, cannot be made until the annual reconciliation.

(2) Disputes based upon a tri-annual quarterly report, such as those relating to the residence of served youth or the number of chargeable service days, must be brought within 90 days of receipt of the tri-annual quarterly report to which the dispute pertains.

(3) General objections, such as those seeking confirmation of a youth's county of residence, will be summarily denied. Disputes involving a detained youth's county of residence must include one or more of the following indicia of specificity:

- (a) An alternative address asserted to be correct;
- (b) Supporting documentation, and;
- (c) An explanation of the basis for the dispute on form 63G-1-1.

(4) Disputes must be raised by means of form 63G-1-1, and sent by certified mail to the Department's Bureau of Finance and Accounting at 2737 Centerview Drive, Suite 212, Tallahassee, Florida 32399-3100. Accompanying documentation in support of the county's position may be included.

(5) Form 63G-1-1 (May 2006), "Notice of Disputed Detention Charge," is incorporated by reference and is available from the Bureau of Finance and Accounting in Tallahassee.

(6) The Department's response constitutes final agency action and may be challenged through the process available in Chapter 120, F.S.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5)-(8) FS. History--New 7-16-06, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beth Davis, Chief, Department of Juvenile Justice Bureau of Finance and Accounting
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jane McElroy, Director of Administration, Department of Juvenile Justice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2006

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-28.010
RULE TITLE: Requirements for Board Approval of Continuing Education Programs

PURPOSE AND EFFECT: To address Approved Continuing Education.

SUMMARY: Grants approval to continuing education courses offered by the Board that comply with requirements.

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

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

SPECIFIC AUTHORITY: 456.013(8), (9), 456.025(7), 456.036, 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(8), (9), 456.025(7), 456.036, 480.0415 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: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.010 Requirements for Board Approval of Continuing Education Programs.

(1) through (8) No change.

(9) The following courses, that meet the criteria for approval under this section, are approved by the Board:

(a) Organized and accepted courses of study offered by providers approved by the National Certification Board for Therapeutic Massage and Bodywork; and

(b) Organized courses offered by a Board Approved Massage School.

(c) Continuing education courses offered by or sponsored by the Florida Board of Massage Therapy.

Specific Authority 456.013(8), (9), 456.025(7), 456.036, 480.035(7), 480.0415 FS. Law Implemented 456.013(8), (9), 456.025(7), 456.036, 480.0415 FS History--New 4-21-86, Amended 9-14-87, 8-29-88, 2-8-89, 3-12-90, 1-3-91, Formerly 21L-28.010, Amended 9-30-93, 8-16-94, 6-12-95, 2-12-97, Formerly 61G11-28.010, Amended 2-18-98, 10-26-98, 9-20-99, 11-4-99, 11-21-02, 10-12-03, 12-13-05, 7-5-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2006

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-9.001
RULE TITLE: Examination for Licensure
PURPOSE AND EFFECT: The amended language will modify examination procedures.

SUMMARY: The rule amendment will modify examination procedures.

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

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

SPECIFIC AUTHORITY: 456.017(1), (5), 484.005 FS.

LAW IMPLEMENTED: 456.017(1), (5) 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-9.001 Examination for Licensure.

(1) There shall be five ~~three~~ parts to the examination for Florida Licensure in opticianry: a national written opticianry competency examination; a national written contact lens examination; a neutralization examination; a dispensing problems examination; and a ~~state board approved~~ practical examination.

(2) through (5) No change.

(6) Applicants, who have been certified eligible by the board, having completed all requirements, will be admitted to take the neutralization, a dispensing problems, and the practical examination. An applicant who has completed all the requirements for the state board approved practical examination and who has been certified eligible by the Board will be admitted to the practical examination.

(7) The neutralization ~~portion of the practical~~ examination for opticianry licensure shall require candidates to neutralize lenses within the tolerances set out in the American National Standard (Z80.1-1987) A score of at least seventy percent (70%) shall be required to pass the neutralization examination, which is incorporated herein by reference to achieve a score of seventy percent (70%).

(8) The dispensing problems examination for opticianry licensure shall be taken via computer at a testing center. A score of at least seventy percent (70%) shall be required to pass the neutralization examination.

~~(9)(8)~~ The remainder of the practical examination for opticianry licensure shall consist of ~~and be graded as to each part as follows, as relates to all optical devices:~~

- (a) Measuring and Calipering 20%
- (b) Lens Identification
- (c) Fitting and Adjusting

(d) Pupillary Distance

~~Taking a P.D., Lens I.D., and Fitting and Adjustments 40%~~

~~Practical Dispensing 40%~~

~~For each section of the practical,~~ Grading tolerances for measuring and calipering shall be as follows:

- Measuring and Calipering thickness $\pm .2\text{mm}$
- base curve $\pm .25$ diopters
- length $\pm 2\text{mm}$
- mechanical $\pm 1\text{mm}$
- width $\pm 1\text{mm}$
- decentration $\pm 1\text{mm}$

Grading tolerances for pupillary distance shall be as follows:

Monocular Distance P.D.

Left and right $\pm 1\text{mm}$

Binocular P.D.

Distance and near $\pm 2\text{mm}$

~~Fitting and Adjustment, Taking a P.D.~~

~~Fitting— Examiner’s judgment of pantoscopic tilt and symmetrical angling~~

~~Monocular Distance~~

~~P.D.—~~

~~Binocular P.D.—~~

~~Left $\pm 1\text{mm}$~~

~~Distance $\pm 2\text{mm}$~~

~~Right $\pm 1\text{mm}$~~

~~Near $\pm 2\text{mm}$~~

~~Practical Dispensing~~

~~The transposition, decentration, prism, slaboff and vertex shall be exact.~~

A score of at least seventy percent (70%) shall be required ~~in order~~ to pass the practical ~~portion of the~~ examination.

~~(10)(9)~~ No change.

~~(11)(10)~~ No change.

Specific Authority 456.017(1), (5), 484.005 FS. Law Implemented 456.017(1), (5) FS. History—New 12-6-79, Amended 8-10-80, 3-11-81, 10-29-81, 6-30-82, 8-11-82, 2-2-83, 8-29-85, Formerly 21P-9.01, Amended 9-17-87, 3-30-89, 2-18-93, Formerly 21P-9.001, Amended 5-2-94, Formerly 61G13-9.001, Amended 5-4-97, Formerly 59U-9.001, Amended 4-20-98, 9-12-99, 1-7-03, 8-28-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2006

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-9.016
 RULE TITLE: Eligibility of Individuals Licensed in Another State

PURPOSE AND EFFECT: The amended rule language will clarify requirements for individuals licensed or practicing in another state.

SUMMARY: The proposed rule amendment will clarify requirements of individuals licensed or practicing in another state.

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

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

SPECIFIC AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.007(1)(d)2. 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: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-9.016 Eligibility of Individuals ~~Practicing or~~ Licensed in Another State.

(1) For purposes of determining eligibility for examination of an individual pursuant to Section 484.007(1)(d)2. and 3., Florida Statutes, the Board shall interpret the phrase "immediately preceding application" to mean that the individual must apply for the examinations set forth in Rule 64B12-9.001(1), (3) and (4) for licensure in Florida within two (2) years of ceasing the actual practice of opticianry in the other state upon which the eligibility is claimed.

(2) Applicants for examination pursuant to Section 484.007(1)(d)2., F.S., shall submit with the application, documentation that they are licensed to practice opticianry, in another state, territory, or jurisdiction of the United States, for a period of more than 3 years immediately preceding application. Periods of apprenticeship or training in opticianry shall not be considered to constitute any portion of the required years of practice. ~~Applicants for examination pursuant to Section 484.007(1)(d)3., F.S., shall submit with the application documentation that they have actively practiced opticianry for a period of 5 years immediately preceding application. Periods of apprenticeship or training in opticianry shall not be considered to constitute any portion of the required years of~~

practice. The applicant must establish independent engagement that he independently engaged in all aspects of the practice of opticianry during the period for which actual practice is claimed. Such documentation shall include the following:

~~(a) Tax records and business records which establish that the applicant has actually engaged in the practice of opticianry. Affidavits from eye care business people or professionals which state the method by which the affiant has knowledge of the applicant's practice of opticianry, the extent of the affiant's knowledge of the applicant's actual practice and a detailed statement of the applicant's professional acts or experience of which the affiant has personal knowledge.~~

~~(b) An affidavit by the applicant which states with specificity the professional acts or experiences engaged in during the five-year period during which the applicant claims the actual practice of opticianry occurred.~~

~~(c) Current certification of ABO and NCLE and verification of licensure status from another state, when applicable.~~

~~(3) For the purposes of this rule, an affidavit is defined to mean a written statement of facts which the affiant has confirmed by oath or affirmation taken before a person authorized by law to administer the oath or affirmation and which bears the signature and official seal of the officer or person before whom the affidavit was taken.~~

Specific Authority 484.005 Law Implemented 484.007(1)(d)2 FS. History-New 8-30-84, Formerly 21D-17.01, Amended 9-17-87, 1-26-88, Formerly 21P-17.001, Amended 9-2-92, 2-18-93, Formerly 21P-9.016, Amended 5-2-94, Formerly 61G13-9.016, 59U-9.016, Amended 8-6-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2006

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-7.001
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes to add language regarding disciplinary guidelines used for a licensee practicing on a delinquent license, inactive status license or retired status license.

SUMMARY: The rule amendment will add a new subsection detailing the fines for practicing on a delinquent license, inactive license or a retired status license.

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

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

SPECIFIC AUTHORITY: 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 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: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-7.001 Disciplinary Guidelines.

(1)(a) through (aa) No change.

(bb) Section 456.036(1), F.S. and Section 486.125(1)(k), F.S. or Section 456.072(1)(dd), F.S.: Practicing on a delinquent license, inactive status license and retired status license – from a minimum fine of \$1,000 up to a maximum fee of \$5,000 and/or suspension of license for two years followed by two years of probation. For a second offense, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation of license. After the second offense, from a minimum fine of \$7,500 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or revocation.

(2) No change.

Specific Authority 456.036, 456.072, 456.079, 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 486.125 FS. History–New 2-10-87, Formerly 21M-9.023, Amended 8-2-90, 10-14-91, 12-6-92, 3-24-93, Formerly 21MM-7.002, 61F11-7.002, 59Y-7.002, Amended 1-8-98, 8-3-00, 1-2-03, 4-9-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-2.001 RULE TITLE: License by Endorsement

PURPOSE AND EFFECT: The Board proposes to amend this rule to add language with regard to applicants seeking reentry into the profession, after 5 years of non-practice.

SUMMARY: The proposed rule amendment will clarify requirements for applicants seeking to re-enter profession after 5 years of non-practice.

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

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

SPECIFIC AUTHORITY: 468.353(1), 468.358(3) FS.

LAW IMPLEMENTED: 468.358(2), (3), 468.365 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: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-2.001 License by Endorsement.

(1) Each applicant applying for licensure shall pay an application fee in the form of a check or money order payable to the Department of Health. The initial application must be accompanied by the application fee. The application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application and application fee, a new application and new fee shall be required from any applicant who desires to be considered for licensure.

(2) Every applicant for licensure as a registered respiratory therapist or certified respiratory therapist shall demonstrate the following:

(a)1. That the applicant holds the “Registered Respiratory Therapist” or “Certified Respiratory Therapist” credential issued by the National Board for Respiratory Care, or an equivalent credential acceptable to the Board; or 2. That the applicant holds licensure, or the equivalent, to deliver respiratory care in another state and such licensure was granted pursuant to requirements determined to be equivalent to, or more stringent than, the requirements in Florida.

(b) That the applicant is not otherwise disqualified by reason of a violation of Chapter 456, or Chapter 468, Part V, F.S., or the rules promulgated thereunder.

(c) That the applicant has completed a Board approved 2-hour course in medical error prevention meeting the criteria set forth in Rule 64B32-6.006, F.A.C.

(d) An applicant who has been out of the practice of respiratory care for 2 years or more must complete a Board-approved comprehensive review course in order to ensure that he or she has the sufficient skills to re-enter the profession. Board-approved comprehensive course means any course or courses which includes, at a minimum, fourteen (14) direct contact education hours in the topics and numbers of hours as follows (for the purpose of this section, home study courses are not permitted):

<u>Patient assessment</u>	<u>3 hours</u>
<u>Hemodynamics</u>	<u>2 hours</u>
<u>Pulmonary Function</u>	<u>1 hour</u>
<u>Arterial blood gases</u>	<u>1 hour</u>
<u>Respiratory equipment</u>	<u>2 hours</u>
<u>Airway Care</u>	<u>1 hour</u>
<u>Mechanical ventilation</u>	<u>2 hours</u>
<u>Emergency care/special procedures</u>	<u>1 hour</u>
<u>General respiratory care</u>	<u>1 hour</u>

Specific Authority 468.353(1), 468.358(3) FS. Law Implemented 468.358(2), (3), 468.365 FS. History—New 4-29-85, Formerly 21M-34.02, 21M-34.002, 61F6-34.002, 59R-71.002, 64B8-71.002, Amended 7-22-02, 8-28-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.002 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes a new rule to clarify academic credit hours in continuing education.

SUMMARY: The proposed rule amendment will clarify academic credit hours in relation to continuing education.

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

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

SPECIFIC AUTHORITY: 468.353(1) 468.361(2) FS.

LAW IMPLEMENTED: 468.361FS.

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: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.002 Definitions.

(1) “Academic Quarter Credit Hour” means ten (10) contact hours.

(2) “Academic Semester Credit Hour” means fifteen (15) contact hours.

(3)(4) “Appropriate continuing education” means planned offerings designed to enhance learning and promote the continued development of knowledge, skills, and attitudes consistent with contemporary standards for the individual’s respiratory care practice.

(4)(2) “Approved” means acceptable to the Board.

(5)(3) “Biennium” means a time period of two (2) calendar years, as designated by the Department.

(6)(4) “One (1) contact hour” equals a minimum of fifty (50) minutes. One-half (1/2 or .5) contact hour equals a minimum of twenty-five (25) minutes.

(7)(5) “Offering” means a planned educational experience dealing with a specific content based on the stated learner objectives.

(8)(6) “Orientation – Standard Agency Operation” is the means by which respiratory care professionals are introduced to the philosophy, goals, policies, procedures, role expectations, physical facilities and special services in a specific work setting. Orientation does not meet the continuing education requirement for the purpose of these rules.

(9)(7) “Participation” means sharing in the learning experience in order to achieve the stated learner objectives.

Specific Authority 468.353(1) 468.361(2) FS. Law Implemented 468.361 FS. History—New 4-29-85, Formerly 21M-38.02, Amended 9-29-86, Formerly 21M-38.002, 61F6-38.002, 59R-75.002, 64B8-75.002, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.:	RULE TITLES:
69U-110.002	Definitions
69U-110.005	Application and Filing Fee
69U-110.0061	Bylaws
69U-110.008	Branches
69U-110.021	Filing of Appointments
69U-110.0211	Liability and Bond Insurance
69U-110.0212	Policies
69U-110.026	Supervisory/Audit Committee; Audit Powers
69U-110.031	Applications for Credit
69U-110.0381	Loans Secured by Real Estate
69U-110.0382	Credit Cards
69U-110.042	Investments
69U-110.043	Reserves
69U-110.0431	Depletion of Regular Reserves
69U-110.0432	Equity Plan Requirements
69U-110.044	Accounting Practices
69U-110.045	Reports to OFR
69U-110.050	Currency Reporting Compliance Requirements
69U-110.062	Capitalization Criteria for Conservatorship or Involuntary Liquidation Actions
69U-110.063	Credit Unions Liquidation Certificate and Maintenance of Records
69U-110.065	Merger
69U-110.066	Conversion
69U-110.068	Central Credit Unions

PURPOSE AND EFFECT: Chapter 2005-181, Laws of Florida, revises provisions contained in Chapters 655 and 657, Florida Statutes, relating to state-chartered financial institutions in general and the regulation of state-chartered credit unions in particular. In light of this law, the Office of Financial Regulation is proposing the adoption of new rules, and amendments to, or the repeal of, certain existing administrative rules governing the regulation of state-chartered credit unions to reflect and implement the statutory changes.

SUMMARY: Chapter 2005-181, Laws of Florida, revises provisions contained in Chapters 655 and 657, Florida Statutes, relating to state-chartered financial institutions in general and the regulation of state-chartered credit unions in particular. The law incorporates changes to provide consistency with the National Credit Union Administration guidelines and federal regulations; authorizes the Financial Services Commission to adopt rules to establish criteria under which the Office of

Financial Regulation may place a credit union in involuntary liquidation; updates accounting requirements to conform with generally accepted accounting principles of the United States; revises procedures governing a merger of credit unions; removes specific powers of a credit union in favor of broader business powers; broadens the authority of the Office of Financial Regulation to issue an emergency order to require merger, conversion, or other appropriate action for a failing bank or trust company to apply to other financial institutions, including credit unions; and removes obsolete language relating to the Florida Credit Union Guaranty Corporation, which no longer exists. The proposed rules update the current regulations governing state-chartered credit unions to implement and reflect these statutory changes.

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

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

SPECIFIC AUTHORITY: 120.54, 655.012(2), 657.005, 657.062, 657.063 FS.

LAW IMPLEMENTED: 655.044, 655.045, 655.057, 655.60, 655.061, 657.005, 657.008, 657.021, 657.026, 657.028, 657.031, 657.038, 657.042, 657.043, 657.005, 657.0061, 657.062, 657.063, 657.064, 657.065, 657.066, 657.008 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: Sharon Whiddon, Chief, Bureau of Credit Union Regulation, Office of Financial Regulation, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399. Telephone: (850)410-9536

THE FULL TEXT OF THE PROPOSED RULES IS:

69U-110.002 Definitions.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 657.002, 657.008(2), 657.038(12) FS. History—New 7-25-66, Renumbered from 3-5.02 to 3D-10.01 on 7-18-75, Amended 10-13-81, Formerly 3C-30.01, 3C-30.001, Amended 10-8-95, Formerly, 3C-110.002, Repealed.

69U-110.005 Application and Filing Fee.

Application for authority to organize and operate a credit union shall be made to OFR per 69U-105.001, 69U-105 Part I, and as follows:

- (1) The organizers of the proposed credit union shall complete and file Form OFR-U-60, Application for Authority to Organize and Operate a Credit Union (revised 10/2006 3/2003), which is hereby incorporated by reference, in triplicate and proposed bylaws on Form OFR-U-61, Model

Credit Union Bylaws ~~By-laws~~ (revised 10/2006 ~~3/2003~~), which is hereby incorporated by reference, in triplicate. The original shall be submitted to OFR with a nonrefundable filing fee of \$250. A copy shall be submitted to the National Credit Union Administration and a copy shall be retained by the organizers.

(2) Each proposed director, member of the supervisory committee, ~~and~~ member of the credit committee, ~~and~~ executive officer shall complete the biographical report section only of Form OFR-U-10, Interagency Biographical and Financial Report (revised 6/2006 3/2003) and Form OFR-U-10-A, Addendum to Form OFR-U-10 (revised 6/2006), which are hereby incorporated by reference, in triplicate. The original shall be submitted to OFR, a copy shall be submitted to the National Credit Union Administration, and a copy shall be retained by the organizers.

(3) Filing: Pre-filing meeting. OFR encourages that the applicant, including a member of the proposed board of directors, meet with staff of OFR to discuss the procedures and requirements for opening a new state financial institution prior to filing an application.

Specific Authority 120.54, 655.012(2), ~~420.543(1)(b), 655.012(23), 657.005 FS. Law Implemented 657.005 FS. History—New 10-21-75, Amended 3-21-77, 10-13-81, Formerly 3C-30.02, 3C-30.002, Amended 10-8-95, Formerly 3C-110.005, Amended _____.~~

69U-110.0061 Bylaws.

(1) New Credit Unions. Newly organized credit unions shall adopt bylaws in such form as provided by OFR, Form OFR-U-61, Model Credit Union Bylaws (revised 10/2006) OFR-U-61, Form Bylaws, which is hereby incorporated by reference, as their initial set of bylaws. The Model Credit Union Bylaws Form bylaws may be obtained from the OFR website (www.flofr.com) or upon request.

(2) Amendments. All proposed bylaw amendments shall be submitted to OFR by filing Form OFR-U-61-A, Bylaw Amendment (revised 10/2006), which is hereby incorporated by reference. OFR shall approve or disapprove proposed bylaw amendments within 60 days after receipt of a complete application. ~~after receipt of same, except that amendments to the bylaws affecting the following subjects shall not require prior approval before they become operative:~~

- (a) ~~Receipting for moneys received.~~
- (b) ~~Dividends and interest refunds.~~
- (c) ~~Executive officers.~~

~~Bylaw Amendment Form OFR U 61 A (revised 3/2003), which is hereby incorporated by reference, shall be used for submitting all bylaw amendments to OFR.~~

(3) To ensure compliance with Section 657.0061(1), F.S., a credit union that is proposing to expand its field of membership through a bylaw amendment must:

(a) Be operating in a safe and sound manner per paragraph 69U-100.948(2)(a), F.A.C., unless evidence is provided to show that a field of membership expansion will improve the

~~financial condition of the credit union, and; OFR shall require any credit union filing a bylaw amendment which expands its field of membership to complete Form~~

(b) Complete Form OFR-U-70, Expansion of Field of Membership Expansion Questionnaire (effective 10/95, revised 10/2006 3/2003), which is hereby incorporated by reference, when the expansion is geographic or increases the credit union's potential field of membership by more than five percent (~~5%~~); or

(c) Provide to the OFR written notice of the number of potential new members if the field of membership expansion is non-geographic, and the resulting increase is five percent or less than the potential membership.

(4) Relocation. A credit union may change its principal place of doing business upon approval of OFR and filing an amendment on Form OFR-U-61-A, Bylaw Amendment, which is incorporated by reference in subsection (2), to its bylaws. The filing shall include appropriate and sufficient financial information as OFR may require to document the investment in fixed assets.

(5)(4) Adoption of OFR Model Credit Union Bylaws. ~~Form Bylaws.~~ Any existing credit union ~~may which desires to~~ adopt the OFR Model Credit Union Bylaws contained in Form OFR-U-61, which is incorporated by reference in subsection (1), form bylaws as their bylaws may do so, in whole or in part, without prior application or notice to the OFR, ~~however, no credit union shall change its name, the address of its principal place of business, or its field of membership through this process. The credit union shall file its amended bylaws with OFR within 10 business days of such adoption by the appropriate bylaw amendment process, and file with OFR after adoption by the credit union. Prior approval of the OFR shall not be required for such adoption provided that no credit union shall change its name, the address of its principal place of business, its field of membership, or the par value of each share without first obtaining the written approval of OFR.~~

(6)(5) Restatement of Bylaws. Any existing credit union may administratively which desires to restate its bylaws for clarity, correction of typographical errors, and to incorporate, incorporating all previously approved bylaw amendments without prior application or notice to the OFR, may do so. No However, a credit union may not make additional changes to its bylaws are authorized through the bylaw restatement procedure. The credit union shall file its restated bylaws with OFR within 10 business days of such restatement.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 657.005, 657.0061, 657.008 ~~657.005(3)(e), 657.0061(1) FS. History—New 7-25-66, Renumbered from 3-5.10 to 3D-10.05 on 7-18-75, Amended 10-21-75, Formerly 3D-10.06, Amended 10-13-81, Formerly 3C-30.06, 3C-30.006, Amended 10-8-95, Formerly 3C-110.0061, Amended _____.~~

69U-110.008 Branches Relocation and Place of Doing Business.

(1) “Branch office” means any permanent location or mobile unit other than the principal place of business where membership services are provided by credit union staff. Relocation. A credit union may change its principal place of doing business in the state upon approval of OFR.

(a) ~~OFR shall approve such request when the credit union has shown that:~~

~~1. The relocation of the principal place of business is reasonably necessary to furnish service to its members; and~~

~~2. The new location will not unduly injure any state or federal credit union whose field of membership overlaps that of the applicant credit union.~~

~~(b) A credit union may change the location of its office without approval of OFR provided the street address as filed with OFR is not changed.~~

(2) Branches. A credit union operating in a safe and sound manner in Rule 69U-100.948(2)(a), F.A.C., may open a branch office or relocate branch offices previously established by providing separate from its principal place of business after prior written notification to OFR not less than thirty (30) days before the opening of the branch. The notification must specify the name and location of the branch office and effective date of the change. The branch office location and operations must comport with the credit union’s bylaws and authorized field of membership. Notification shall be made on Form OFR-U-65, Notice of Establishment of a Credit Union Branch Office (revised 3/2003), which is hereby incorporated by reference.

(3) Any additional investment in fixed assets related to be made in conjunction with a change in location or opening of a branch office may not exceed the statutory limits of investments in real estate and equipment without prior written approval of OFR unless the credit union meets the criteria of subparagraph 69U-110.031(2)(a)2., F.A.C.

(4) OFR shall be notified in writing within ten business days of the closing of an established branch office.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 657.008, 657.042, 657.008(1), (2), (5), 657.042(5) FS. History–New 6-16-78, Amended 10-13-81, _____.

69U-110.021 Filing of Appointments.

(1) Within thirty (30) days after election or appointment, including any change of position, each executive officer, director, member of the supervisory or audit committee, and member of the credit committee, or credit manager, and chief executive officer shall complete and file with the OFR the biographical report section only of Form OFR-U-10, Interagency Biographical and Financial Report (revised 6/2006) and Form OFR-U-10-A, Addendum to Form OFR-U-10 (revised 6/2006). The foregoing forms are hereby incorporated by reference. file Form OFR U 62, Statement of

Directors, Committee Members and Certain Officers (revised 3/2003) which are hereby incorporated by reference, with OFR.

(2) No change.

(3) Within 30 days after election or appointment, a record of the names and addresses of the members of the board, members of committees, and all officers of the credit union shall be filed with the office. This filing may be satisfied by providing the office with a copy of reports filed with the National Credit Union Administration per 12 C.F.R. § 741.6 (2006), which is incorporated by reference.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 657.021(3), 657.028(4), (6) FS. History–New 7-24-66. Renumbered from 3-5.07 to 3D-10.08 on 7-18-75, Amended 10-21-75, Formerly 3D-10.08, Amended 10-13-81, Formerly 3C-30.08, 3C-30.008, Amended 10-8-95, Formerly 3C-110.02, Amended _____.

69U-110.0211 Liability and Bond Insurance Surety Bonds.

The credit union shall maintain officer and director liability insurance and blanket bond insurance in such amounts and terms as required to maintain insurance of accounts by the National Credit Union Share Insurance Fund, as provided in National Credit Union Administration Rules 741.3(c) and 741.201(a) (codified at 12 C.F.R. §§ 741.3(c) and 741.201(a), respectively (2006)), which are hereby incorporated by reference. The liability and bond insurance shall provide, at a minimum, coverage for errors, omissions, negligence, fraud, and dishonesty by all employees, directors, officers, supervisory or audit committee members, and credit committee members. The credit union shall also maintain applicable insurance coverage with respect to all operations and activities.

(1) All officers, directors, committee members and employees of a credit union handling or having access to money, bank accounts, or securities owned by or pledged to the credit union shall be covered by a blanket surety bond protecting the credit union against loss due to fraud or dishonesty in an amount not less than that shown in the following schedule based on the assets of the credit union at the end of the preceding calendar year:

(a) The minimum required amounts of blanket bond coverage, based on the credit union’s total assets, are:

Assets	Minimum Bond Coverage
\$0 to \$10,000	equal to the credit union’s assets.
\$10,001 to \$1,000,000	\$10,000 for each \$100,000 or fraction thereof in assets.
\$1,000,001 to \$50,000,000	\$100,000 plus \$50,000 for each million or fraction thereof over \$1,000,000 in assets.
\$50,000,001 to \$295,000,000	\$2,550,000 plus \$10,000 for each million or fraction thereof over \$50,000,000 in assets.
Over \$295,000,000	\$5,000,000

The board of directors is required to provide adequate protection to meet the credit union's unique circumstances by obtaining, when necessary, bond and insurance coverage in excess of the required minimum. The board of directors must also conduct an annual review of all bond and insurance policies to ascertain that such coverage adequately covers the risks of operating the credit union, and also meets the minimum requirements. The board shall ensure that the credit union complies with all National Credit Union Administration rules relating to surety bonds.

(2) The maximum amounts of permissible deductibles, based on the credit union's assets, are:

Assets	Deductible allowed:
Assets of \$1 to \$100,000	No deductible allowed
Assets of \$100,001 to \$250,000	\$1,000 deductible
Assets of \$250,001 to \$1,000,000	\$2,000 deductible
Assets over \$1,000,001	\$2,000 plus 1/1,000 of total assets up to a maximum deductible of \$200,000

Specific Authority 120.54, 655.012(2) FS. Law Implemented 657.021(7)(a) FS. History—New 10-13-81, Formerly 3C-30.33, 3C-30.033, Amended 10-8-95, _____.

69U-110.0212 Policies.

The board of directors shall establish appropriate written policies and operating strategies to conduct prudent credit union operations based on the size, complexity, and financial condition of the credit union. Policies shall be reviewed and approved/reaffirmed per a schedule adopted by the Board, but no less than once every two years from the previous adoption or reaffirmation of each policy. The board is encouraged to consider published industry guidance provided by regulatory agencies in the development of policies, if available. The policies shall ensure that the credit union complies with all applicable state and federal requirements with respect to all operations and activities.

Specific Authority 120.54, 655.012 FS. Law Implemented 657.021 FS. History—New _____.

69U-110.026 Supervisory/Audit Committee; Audit.

(1) The supervisory committee of each state chartered credit union shall perform, or cause to be performed, an audit of the credit union to include every general ledger control account and related internal control procedures within each calendar year and within 15 months of the previous audit. Such audit shall be in compliance with the Comprehensive Annual Audit—Minimum Audit Procedures Report and shall be filed on Form OFR U-63 (revised 3/2003), which is hereby incorporated by reference. No audit performed to satisfy this requirement shall be made within six (6) months of the previous audit, unless prior written consent has been obtained from OFR.

(1) Audit Committee.

(2) In lieu of establishing a supervisory committee, a credit union may elect or appoint an audit committee in compliance with the following conditions:

(a) The credit union's bylaws must be amended to provide for an audit committee, to set forth the membership of the audit committee, and to establish whether the members of the audit committee are appointed or elected to such position;

(b) Directors Any director which participates on the audit committee shall not perform or participate in any audits an audit for the audit committee; and

(c) No change.

(2) The supervisory or audit committee of each state chartered credit union shall perform, or cause to be performed, an annual audit of the credit union in each calendar year and within 15 months of the previous audit. The complete audit, including all summaries, reports, drafts, work papers, and similar documents, shall be made available upon request to the OFR for examination, copying, and review at the credit union's principal place of business. The annual audit shall be performed in such a manner as to ensure the maintenance of account insurance as required by Section 657.033, Florida Statutes, as provided in National Credit Union Administration Rule 741.202 (codified at 12 C.F.R. § 741.202 (2006)), which is hereby incorporated by reference.

(3) Persons Qualified to Perform Audits. Any person which performs audits for a credit union must qualify pursuant to one of the following classes:

(a) The supervisory committee which has been duly elected by the membership or appointed by the board of directors. The supervisory committee must complete all the requirements contained in the Comprehensive Annual Audit—Minimum Audit Procedures Report, Form OFR U-63, including preparing supporting work papers;

(b) Any person with a minimum of two (2) years of experience in auditing or examining financial institutions and which person has been duly appointed by the supervisory committee to perform such audit. Such person shall complete all the requirements of the Comprehensive Annual Audit—Minimum Audit Procedures Report, Form OFR U-63, including all supporting work papers.

(c) Certified public accountants which are licensed to practice in the State of Florida and which are independent of the credit union and its affiliates. Certified public accountants shall complete all of the requirements of the Comprehensive Annual Audit—Minimum Audit Procedures Report, Form OFR U-63. Such minimum audit procedures shall include preparation of supporting work papers and the inclusion of the written comments of the credit union's management. In lieu of completing the requirements of the Comprehensive Annual Audit—Minimum Audit Procedures Report, Form OFR U-63, an opinion audit meeting minimum compliance with the American Institute of Certified Public Accountant's (AICPA)

~~“Audit and Accounting Guide—Audits of Credit Unions” (dated May 1, 1994), which is hereby incorporated by reference, will satisfy the audit requirement.~~

~~(3)(4) Content, Submission and Review of Audit Reports.~~

~~(a) Within 90 days after the completion of the audit, and within 45 days of acceptance by the board of directors, the board of directors shall submit with the report or shall be included in the report the following to the OFR: The audit report submitted to OFR shall include the following:~~

~~1. The date or dates on which the audit was conducted and the completion date;~~

~~2. A statement indicating that all of the procedures in the Comprehensive Annual Audit—Minimum Audit Procedures Report, Form OFR U 63, were performed, or specific reasons why required procedures were not included in the audit. Additionally, a completed copy of Form OFR U 63 shall also be included. If an opinion audit prepared by a certified public accountant is submitted, the opinion audit must include a statement that certifies that the minimum audit procedures required by the AICPA’s “Audit and Accounting Guide—Audits of Credit Unions” (dated May 1, 1994), which is hereby incorporated by reference, have been performed;~~

~~2.3. A statement of condition as of the audit date;~~

~~3.4. A statement of income and expense for the calendar period year-to-date;~~

~~5. A schedule of verifications;~~

~~6. A summary schedule of delinquent accounts;~~

~~4.7. A statement describing the audit findings and recommendations; and~~

~~5.8. The A statement of the credit union’s response to the audit findings and recommendations.~~

~~(4) OFR shall review each audit and, if it finds that the audit does not comprehensively address all relevant areas of concern or accurately reflect the condition of the credit union, OFR shall require an audit pursuant to paragraph 655.045(3)(a), F.S.~~

~~(b) The completed audit report shall be submitted to the board of directors within thirty (30) days of the completion date of the audit report. Within forty-five (45) days of the acceptance date of the audit report by the board of directors, the completed audit report, including all the requirements of paragraph (4)(a), and a notice of acceptance and consideration by the board of directors shall be submitted to OFR.~~

~~(c) Each audit report and supporting work papers shall be subject to review by OFR. Upon completion of OFR’s review, an acknowledgment will be furnished to the credit union noting acceptance of the audit report or indicating specific areas of inadequate compliance with the Comprehensive Annual Audit—Minimum Audit Procedures Report, Form OFR U 63.~~

~~(5) Minimum Audit Requirements.~~

~~(a) To be acceptable, every audit of a credit union must be made in accordance with the Comprehensive Annual Audit—Minimum Audit Procedures Report, Form OFR U 63, and supported by work papers. An opinion audit by an independent certified public accountant together with the management letter comments and the credit union’s response thereto, can be accepted as satisfaction of the minimum audit requirements.~~

~~(b) OFR shall determine whether an audit is acceptable. OFR shall reject any audit which does not materially conform with the minimum prescribed requirements. OFR shall reject any audit if OFR finds that any person who has performed such audit has not followed recognized rules of ethics or conduct, or has not met the minimum standards of this section. Any material misstatement of facts or circumstances or any misrepresentation of any kind knowingly made shall also cause the audit to be rejected. If the audit is rejected, OFR shall have the option of requiring an acceptable audit to be made at the expense of the credit union.~~

~~(c) The scope of the audit, the extent to which accounts must be tested and the audit comments required, will vary according to the adequacy of the internal control procedures. Credit unions having sound established internal control procedures may find these minimum requirements sufficient. However, the minimum procedures should not be construed as restrictive. Circumstances may make it necessary or desirable to expand certain procedures, apply alternative procedures, or extend the audit procedures to additional areas. The audit shall include a general review of the credit union’s operating procedures and system of internal controls and the audit report shall include comments and recommendations resulting from this review. Unless otherwise stated, all test check procedures are to be performed from the previous audit date.~~

~~(d) Verification of accounts.~~

~~1. The verification of accounts required by section 115 of the Federal Credit Union Act (12 U.S.C. §1761d) and section 741.2 of the National Credit Union Administration Rules and Regulations (12 C.F.R. §741.2), which are hereby incorporated by reference, as such provisions existed on 10/95 could be substituted for the verification required in conjunction with the minimum audit requirements if performed using the same as of date as the audit.~~

~~2. Loans.~~

~~a. Commercial or Business Loans—20 percent of the total dollar volume provided that at least 5 percent of the total number of loans outstanding are represented, exclusive of past due loans, by positive verification.~~

~~b. Installment Loans—10 percent of the total number of outstanding loans (unless warranted, such confirmations need not exceed 250 accounts), exclusive of past due loans, by positive or negative verification.~~

~~e. Credit Card Accounts—5% of the total number of loans outstanding, exclusive of past due credit card accounts, by positive or negative verification.~~

~~d. Past Due Loans and Credit Card Accounts—100 percent, by positive or negative verification.~~

~~3. Shares, Share Drafts and Deposits.~~

~~a. Shares—10 percent of the total number of accounts provided that 10 percent of the total dollar volume is represented, by positive or negative verification.~~

~~b. Term Share and Deposits—100 percent of all accounts with a balance of \$100,000 or more and 10 percent of the total number of remaining accounts, by positive or negative verification.~~

~~4. Information required: The number of accounts, dollar amounts, customer response and reconciliation information will be included in the audit report in tabular form showing percentages in each case. Other sampling methods, used in an opinion audit, will be permitted if such methods meet the minimum requirements of minimum auditing standards which are generally recognized industry wide. In such a case, however, a schedule of confirmations showing the percentage of each type of account performed shall be included in the audit report in tabular form.~~

Specific Authority 120.54, 655.012(2) FS. Law Implemented 655.045(3), 657.026 FS. History—New 7-25-66, Renumbered from 3-5.08 to 3D-10.10 on 7-18-75, Amended 10-21-75, Formerly 3D-10.10, Amended 10-13-81, Formerly 3C-30.10, 3C-30.010, Amended 10-8-95, Formerly 3C-110.026, Amended _____.

69U-110.031 Powers.

(1) Definitions. As used in Chapter 69U-110, F.A.C., and the Financial Institutions Codes, Title 38, Florida Statutes, as applicable to credit unions, and unless the context otherwise indicates a different meaning was intended, the term:

(a) “General Powers” means the same powers as an individual to do all things necessary, convenient, or useful to carry out its business and affairs as a financial institution, consistent with the Financial Institutions Codes, in providing financial services and benefits to its members.

(b) “Incidental Powers” means those powers necessary to conduct business activities that may only indirectly or coincidentally benefit or serve the credit union’s members, mission, or business, or are the functional equivalent or logical outgrowth of activities that are part of the mission or business of credit unions and involves risks similar in nature to those already assumed as part of the business of credit unions.

(2) General Powers Activities. Credit unions are authorized to engage in those general powers activities to provide financial services and benefits to their members without prior approval of the OFR, unless such approval is otherwise specifically required by law or is necessary to achieve competitive equality per Section 655.061, F.S. The following general powers activities are so authorized for competitive equality:

(a) Credit unions exempted from significant events reporting per Section 655.948(4)(a), F.S., and meeting the net worth and Capital, Asset, Management, Earnings and Liquidity (CAMEL) rating eligibility criteria for the National Credit Union Administration’s Regulatory Flexibility Program, as specified in 12 C.F.R Part 742 (2006), which is hereby incorporated by reference, may:

1. Establish and maintain Federal public unit and nonmember accounts in accordance with National Credit Union Administration (NCUA) Rule 701.32 (codified at 12 C.F.R. § 701.32 (2006)), which is hereby incorporated by reference, and the exemption of NCUA Rule 742.4(a) (codified at 12 C.F.R. § 742.4(a)(2006)), which is incorporated by reference in paragraph (a), consistent with the limitations of Chapter 280, F.S.;

2. Invest in real estate and equipment for the credit union as provided in Section 657.042(5), F.S., that may exceed five percent of the capital of the credit union, without prior notice or approval of the OFR; and

3. Invest in commercial mortgage related securities as may be permitted by NCUA Rule 703.16 (codified at 12 C.F.R. § 703.16 (2006)), which is hereby incorporated by reference, and the exemption, limitations and restrictions of NCUA Rule 742.4(b) (codified at 12 C.F.R. § 742.4(b) (2006)), which is incorporated by reference in paragraph (a).

(b) Credit unions may serve as a United States Treasury Department tax and loan depository, a depository of Federal taxes, and a financial agent of the United States Government, in accordance with NCUA Rule 701.37 (codified at 12 C.F.R. 701.37 (2006)), which is hereby incorporated by reference.

(3) Incidental Powers Activities. Credit unions are authorized to engage in such incidental powers activities as authorized by law or approved by the OFR. The following category of activities is pre-approved as incidental to carrying on credit union business:

(a) Trustee or custodial services. Trustee or custodial services are services in which the credit union is authorized to act under any written trust instrument or custodial agreement created or organized in the United States and forming part of a tax-advantaged savings plan, as authorized under the Internal Revenue Code. These services may include acting as a trustee or custodian for member retirement, education and health savings accounts.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 655.061, 657.031, 657.042 FS. History—New _____.

69U-110.038 Applications for Credit.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 657.038(12) FS. History—New 7-25-66, Renumbered from 3-5.01 to 3D-10.11 on 7-18-75, Amended 10-21-75, Formerly 3D-10.11, Amended 10-13-81, Formerly 3C-30.11, 3C-30.011, Amended 10-8-95, Formerly 3C-110.038, Repealed _____.

69U-110.0381 Loans Secured by Real Estate Minimum Requirements for Certain Types.

The board of directors shall adopt and maintain written policies that establish appropriate limits and standards for loans that are secured by liens on or interests in real estate. Real estate lending policies must be: consistent with safe and sound industry practices; appropriate for the size of the credit union and scope of its operations; and reviewed and approved by the board of directors in accordance with Rule 69U-110.0212, F.A.C. The lending policies must establish: loan portfolio diversification standards; prudent underwriting standards; loan administration procedures for the credit union's real estate portfolio; and documentation, approval, and reporting requirements to monitor compliance with the credit union's real estate lending policies.

~~(1) Loans secured by real estate. The board of directors must establish a mortgage loan policy which specifies the types of mortgage loans that can be made, the dollar limit on such loans, and the maximum maturity and minimum documentation requirements. An asset/liability management policy must also be established which limits the total percentage amount of all mortgage loans and the type of individual mortgage loans offered. The maximum amount (or credit limit) of a mortgage plus the outstanding balances (or credit limits) of any outstanding prior liens may not exceed appraised or documented property value. The minimum documentation required for all loans primarily secured by real estate includes:~~

~~(a) Appraisal or determination of property value as required by Rule 69U-100.600, F.A.C., Appraisal Standards;~~

~~(b) Mortgagee title insurance or an attorney's opinion of title. However, in the case of a home equity loan, mortgagee title insurance or an attorney's opinion of title is not required.~~

~~(c) Hazard insurance, including fire and extended coverage, in an amount of at least the outstanding mortgage balance or value of any improvements used to determine value, whichever is less, with the credit union named as loss payee.~~

~~(d) Flood insurance, if the property is located in a special flood hazard area, in an amount of at least the value of the improvements or the maximum amount obtainable under standard flood insurance policies.~~

~~(e) Mortgage recorded in the public records of the county or counties wherein the property is located.~~

~~(f) Closing statement reflecting the allocation/disbursement of the mortgage loan proceeds.~~

~~(2) The minimum documentation requirements for loans based on the collateral consisting of motor vehicles, mobile homes, airplanes or boats include:~~

~~(a) Evidence of a properly recorded lien in favor of the credit union, including the original title certificate where available, retained in the files of the credit union.~~

~~(b) Security agreement.~~

~~(e) Evidence of hazard insurance insuring against fire, theft, comprehensive and collision coverage with a loss payee clause in favor of the credit union; provided, however, in lieu of hazard insurance purchased by the borrower, the credit union may purchase vendor's single interest insurance; the credit committee, or credit manager, may waive comprehensive and collision coverage by executing a statement of justification thereof, which statement shall be kept in the loan file.~~

~~(3) The provisions of this rule are not all inclusive and all credit unions shall comply with all state and federal requirements with respect to all loans.~~

Specific Authority 120.54, 655.012(2) FS. Law Implemented 655.60, 657.038(5), (11) ~~(6), (12)~~ FS. History-New 7-25-66, Amended 10-26-67, 3-9-70, Renumbered from 3-5.01 to 3D-10.13 on 7-18-75, Amended 10-21-75, Formerly 3D-10.13, Amended 10-13-81, Formerly 3C-30.13, 3C-30.013, Amended 10-8-95, Formerly 3C-110.0381, Amended _____.

69U-110.0382 Credit Cards.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 655.954(1), 657.031(27), 657.038 FS. History-New 2-1-78, Amended 10-13-81, Formerly 3C-30.28, 3C-30.028, Amended 10-8-95, Formerly 3C-110.0382, Repealed _____.

69U-110.042 Investments.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 657.042(2), (6) FS. History-New 10-13-81, Amended 12-16-85, Formerly 3C-30.34, 3C-30.034, Amended 10-8-95, Formerly 3C-110.042, Repealed _____.

69U-110.043 Reserves Allowance for Loan Losses.

(1) Allowance for Loan Losses. The board of directors must establish procedures to verify that the allowance for loan losses account methodology is valid and conforms to generally accepted accounting principles and supervisory guidance. At a minimum, the board shall require an annual review through the annual audit or otherwise, by an independent party, as to the validity of, conformance to, and effectiveness of the established methodology and allowances. The allowance for loan loss account (allowance account) is a contra asset account to the loan accounts on the financial statement of a credit union. Each state chartered credit union must establish an allowance account within the records of the credit union. A credit union must thereafter maintain a reasonable balance in the account through periodic charges to the operating expense account (provision for loan loss account) of the credit union.

(2) All loan and negative balance share or deposit balances charged-off shall be reported to the board of directors in accordance with a policy adopted by the board wherein parameters are set when to report individual amounts or aggregate amounts by classification, or both. The report shall be approved by the board. The amount of the allowance account must be adequate to cover specifically identified loans, as well as estimated losses inherent in the loan portfolio, such

as loans and pools of loans for which losses are probable but not identifiable on a specific loan-by-loan basis. At a minimum, the following formula shall be used to determine the adequacy of the allowance account:

(a) 100% of classified loans; plus

(b) The outstanding principal balance of all loans, less those which are classified, times the five year average loan loss ratio.

(c) Classified loans include all loans that are delinquent or nonperforming and which have been determined by the board of directors to be worthless or doubtful of collection. To determine the dollar value of classified loans, the credit union management shall regularly review and report to the board of directors all delinquent or nonperforming loans. Nonperforming loans shall include all loans which have been refinanced or extended without adequate payment history.

(d) The five year average loan loss ratio, as determined by the credit union, may be changed by OFR or the National Credit Union Administration if it is determined through an examination or visitation that the required amount is not representative of the losses inherent in the loan portfolio.

(e) Credit unions which maintain sufficient detail to compute a loan loss ratio for each loan category or loans acquired through merger may establish a loan loss ratio for each category of loan.

(f) The board of directors shall review the allowance account and direct any necessary adjustments to the account balance. If, at any time, the actual allowance account balance falls below the required balance, the board of directors shall increase the balance to the required amount before paying dividends.

(3) Each credit union shall establish a monthly accrual based on estimated losses. The monthly accrual shall be credited to the allowance account and debited to the expense account.

(4) The board of directors shall approve all charge-offs of loans prior to such charge-off. To record the charge-off of a loan, the allowance account will be debited for the net amount charged off and the loan account will be credited. Any note or other obligation, either secured or unsecured, which is past due for 12 months or longer, is deemed to be worthless, or upon which no interest has been paid for 12 months or longer shall be charged off against the allowance account, except that:

(a) Any such note or other obligation which is secured by a lien or other collateral may be carried as an asset of the credit union at the current fair market value of the collateral securing the note or obligation.

(b) Any note or other obligation upon which payments are being made in a manner which will retire the debt may be carried as an asset of the credit union to the extent of its reasonable or market value as determined by the board.

(c) Any such note or other obligation may be refinanced if a new note or obligation is executed and:

1. All past due interest is paid;

2. The loan is collateralized fully and such collateral amply secures the obligation; or

3. The member meets the underwriting criteria established in the loan and credit policy. The new note or obligation may then be carried as an asset of the credit union at full face value. Refinancing of a note or obligation, either secured or unsecured, which is past due for 12 months or longer or upon which no interest has been paid for 12 months or longer will be permitted only one time.

(5) To record a recovery the allowance account will be credited and the cash account debited. If interest is collected, the amount will be credited to income.

(6) When setting aside the required transfer to the regular reserve the amount previously credited to the allowance account for loan losses in the form of monthly or special transfers during the period will be deducted from the required transfer first, then the regular reserve account.

(7) For the purpose of determining the regular reserve to risk asset ratio, the total regular reserve will equal the sum of regular reserve plus allowance for loan losses.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 655.044, 657.043 ~~657.043(2)~~ FS. History—New 10-13-81, Formerly 3C-30.32, 3C-30.032, Amended 10-8-95, Formerly 3C-110.043, Amended.

69U-110.0431 Depletion of Regular Reserves.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 657.043(3) FS. History—New 2-4-85, Formerly 3C-30.38, 3C-30.038, Amended 10-8-95, Formerly 3C-110.0431, Repealed.

69U-110.0432 Equity Plan Requirements.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 657.043(8) FS. History—New 10-8-95, Formerly 3C-110.0432, Repealed.

69U-110.044 Accounting Practices.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 655.044(1) FS. History—New 2-4-85, Formerly 3C-30.40, 3C-30.040, Amended 10-8-95, Formerly 3C-110.044, Repealed.

69U-110.045 Reports to OFR.

Each credit union shall prepare and submit an accurate and complete OFR shall require a quarterly report of financial condition to the OFR. The reports shall reflect the credit union's condition to be prepared as of the close of business on March 31, June 30, September 30, and December 31. Each credit union shall file its report electronically with the OFR and National Credit Union Administration (NCUA). The credit union shall provide the report required to maintain insurance of accounts by the National Credit Union Share Insurance Fund, as provided in NCUA Rule 741.6 (codified at 12. C.F.R. § 741.6 (2006)), which is hereby incorporated by reference. Form NCUA 5300 (revised 12/01), which is hereby

~~incorporated by reference.~~ Such reports shall be due no later than April 22, July 22, October 22, and January 22, respectively, of each year. If any due date falls on a weekend or holiday, a quarterly report is timely filed if it is ~~postmarked or~~ electronically transmitted no later than the next business day. ~~An administrative late fee of \$100.00 per day shall be levied against a credit union pursuant to Section 655.045(2)(b), F.S., for reports not timely filed unless the administrative fine is waived by OFR for good cause, such as incidental and isolated clerical errors or omissions.~~

Specific Authority 655.012(2) FS. Law Implemented 655.045(2) FS. History–New 10-31-81, Formerly 3C-30.31, 3C-30.031, Amended 10-8-95, 3-20-02, Formerly 3C-110.045, Amended _____.

69U-110.050 Currency Reporting Compliance Requirements.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 655.50, 657.021(7) FS. History–New 2-24-88, Formerly 3C-30.041, Amended 10-8-95, Formerly 3C-110.050, Repealed _____.

69U-110.062 Capitalization Criteria for Conservatorship or Involuntary Liquidation Actions.

The office may take action to have a credit union placed into a conservatorship or involuntary liquidation upon finding that, among other reasons, the credit union is significantly undercapitalized or undercapitalized, and has no reasonable prospect of becoming adequately capitalized. The criteria for such determination of capitalization shall be as defined in the net worth categories contained in s. 216, the Federal Credit Union Act, codified at 12 U.S.C. 1790d(c), and the regulations promulgated thereunder in 12 C.F.R. Part 702 (2006), which are incorporated by reference.

Specific Authority 655.012, 657.062, 657.063 FS. Law Implemented 657.062, 657.063 FS. History–New _____.

69U-110.063 Credit Unions Liquidation Certificate and Maintenance of Records.

(1) No change.

(2) ~~OFR itself shall be authorized to receive and maintain the books and records of a credit union upon dissolution or it shall be authorized to appoint as custodian the National Credit Union Administration to keep and maintain the books and records of such dissolved credit union.~~

(3) No change.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 655.057, 657.062, 657.063, 657.064, FS. History–New 11-7-84, Formerly 3C-30.39, Amended 1-25-87, Formerly 3C-30.039, Amended 10-8-95, Formerly 3C-110.063, Amended _____.

69U-110.065 Merger.

In conjunction with the requirements of Section 657.065, F.S., if the proposed surviving credit union is state chartered, it shall submit a nonrefundable application fee of \$500 to OFR, along with an Application for Approval of Merger on Form

OFR-U-64, (revised 10/2006 3/2003), which is hereby incorporated by reference. If the proposed surviving credit union is federally chartered, the credit union shall submit a copy of the federal merger application to OFR. The Credit union shall notify OFR, NCUA and other regulatory agencies, as applicable, upon consummation of the merger.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 657.065 FS. History–New 7-25-66, Renumbered from 3-5.12 to 3D-10.23 on 7-18-75, Amended 10-21-75, Formerly 3D-10.23, Amended 10-13-81, Formerly 3C-30.23, 3C-30.023, Amended 10-8-95, Formerly 3C-110.065, Amended _____.

69U-110.066 Conversion.

The following process shall be followed for conversion from a federal credit union to a state credit union and vice versa:

(1) The directors of a converting federal credit union shall complete and file the following with OFR:

(a) Form OFR-~~ZU-67~~, Application For Approval To Convert A Federal Credit Union To A Florida Credit Union, (revised 10/2006 3/2003), which is hereby incorporated by reference, and proposed bylaws on Form OFR-U-61, Model Credit Union Bylaws (revised 10/2006 3/2003), which is hereby incorporated by reference, copies of which shall be submitted to the National Credit Union Administration and copies of which shall be retained by the directors.

(b) A copy of the minutes of the meeting of directors approving the conversion and a copy of the minutes of the meeting of the membership approving the conversion. These minutes shall indicate compliance with Section 657.066, F.S.

(c) OFR shall be authorized to conduct an examination of the applicant federal credit union prior to conversion.

(2) The directors of a converting state credit union shall notify OFR and the National Credit Union Administration of the:

(a) Action of the board of directors proposing the conversion;

(b) Action of the membership on the question of conversion; and

(c) Effective date of the conversion.

Specific Authority 120.54, 655.012(2) 120.53(1)(b), 655.012(3) FS. Law Implemented 657.066 FS. History–New 10-13-81, Formerly 3C-30.37, 3C-30.037, Amended 10-8-95, Formerly 3C-110.066, Amended _____.

69U-110.068 Central Credit Unions.

Specific Authority 120.54, 655.012(2) FS. Law Implemented 657.068(2)(d), (e) FS. History–New 10-13-81, Formerly 3C-30.36, 3C-30.036, Amended 10-8-95, Formerly 3C-110.068, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Sharon Whiddon, Chief, Bureau of Credit Union Regulation,
 Office of Financial Regulation, Fletcher Building, 101 East
 Gaines Street, Tallahassee, Florida 32399. Telephone:
 (850)410-9536
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 PROPOSED RULES: Financial Services Commission
 DATE PROPOSED RULES APPROVED BY AGENCY
 HEAD: December 5, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 8, 2006

for the change, and anticipated financial impacts of the change.
 The Department shall conduct a public hearing(s) in
 accordance with the requirements of Chapter 120, F.S.

(4) No change.

Specific Authority 553.992, 553.998 FS. Law Implemented 553.992,
 553.996 FS. History—New 7-1-94, Amended 12-27-98, 11-28-04,
 _____.

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.: RULE CHAPTER TITLE:

9B-60 Florida Building Energy Rating
 System

RULE NOS.: RULE TITLES:

9B-60.002 Definitions
 9B-60.003 Department Activities
 9B-60.004 Florida Building Energy Rating
 System, Adopted
 9B-60.005 Training and Certification Program
 9B-60.007 Florida Building Energy Rating
 System, Existing Public Buildings
 9B-60.008 RESNET Standards, Adopted

NOTICE OF CHANGE

Notice is hereby given that the following changes have been
 made to the proposed rules in accordance with subparagraph
 120.54(3)(d)1., F.S., published in Vol. 32., No. 41, October 13,
 2006, edition of the Florida Administrative Weekly. The
 changes are made in response to comments received at the
 public hearing. The changes are as follows:

9B-60.003 Department Activities.

(1) through (2) No change.

(3) Any person may submit recommendations for
 proposed revisions or modifications to the rating system to the
 Department for consideration. Such proposed revisions and
 modifications shall be submitted in writing on Department of
 Community Affairs' Proposed Change Request form, No.
300-06 #300, revised _____, effective July 1, 1994,
 incorporated herein by reference. Copies of this form are
 available by writing to the Department of Community Affairs,
 Building Energy Rating System Program, 2555 Shumard Oak
 Boulevard, Tallahassee, Florida 32399-2100. Such proposals
 shall include the date of submittal, an identification of the
 submitter, identification of the section of the rating system to
 be revised, the new proposed language, a justification or reason

9B-60.004 Florida Building Energy Rating System,
 Adopted.

(1) No change.

(2) The home energy rating (HERS rating) for residential
 buildings shall be determined using only EnergyGauge
 Gauge® USA, version 2.5. Confirmed HERS ratings shall be
 specific to one residence; sampling is not an acceptable
 procedure for ratings in Florida. Air distribution system
 testing for Class 1 ratings shall be performed in accordance
 with Annex B and Annex C of BSR/ASHRAE Standard
 152-04, "Method of Test for Determining the Design and
 Seasonal Efficiency of Residential Thermal Distribution
 Systems." A Class 3 rating shall be clearly labeled as a
 "projected rating based on plans."

(3) No change.

(4) The energy rating for public and commercial buildings
 shall be determined using only the Florida Commercial
 Building Energy Rating System software
 (EnergyGauge/ComFREE, Version 1 2) ~~which produces the
 Florida Building Energy Rating Guide forms: Form #12A-01
 for the North climate zone, Form #12B-01 for the Central
 climate zone and Form #12C-01 for the South climate zone.~~
 The Florida Commercial Building Energy Rating System
 software (EnergyGauge/ComFREE, Version 1 2) is hereby
 incorporated by reference. Public buildings owned or leased
 by state agencies and units of local government that are
 governed by Section 255.254, F.S., may utilize this rating
 system as one of the annual energy usage and cost by methods
 approved by those agencies.

(5) No change.

Specific Authority 553.992 FS. Law Implemented 553.994,
 553.995(1) FS. History—New 7-1-94, Amended 10-3-94, 1-11-95,
 12-27-98, 11-28-04, _____.

9B-60.005 Training and Certification Program.

(1) General Provisions.

(a) Beginning with the implementation date of this rule, no
 person may provide a rating for buildings in Florida unless
 such a person has been certified as provided by this part. To
 perform a rating for any building as required by this rule, the
 person performing the rating must be certified by the
 Department of Community Affairs. In accordance with Section
 102.1.3.6 of the 2006 Mortgage Industry National Home
 Energy Rating Systems Standards, a Florida Certified Rater
 who has a financial or other interest resulting from the energy