

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, F.S., any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting Millicent King, Phone (850)413-3619.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

69A-60.004 Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2003 Edition, Adopted.

(1) through (2) No change.

(3) Subdivision 7.2.2.4.4.5, of NFPA 101, Florida 2003 edition, as adopted herein, shall read: New handrails shall be installed to provide a clearance of not less than 1 and 1/2 inches between the handrail and the wall or other surface to which it is fastened.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New 11-15-01, Amended 11-28-04, Formerly 4A-60.004, Amended \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

**RULE TITLE:** Procedures for Imputing Payroll and Penalty Calculations

**RULE NO.:** 69L-6.028

**PURPOSE AND EFFECT:** The purpose and effect of the amendment to the rule is to clarify that the department will not recalculate the employer's imputed payroll when the employer has provided business records sufficient for the department to determine the employer's payroll after forty-five days from the date the employer received a written request to produce business records, and that the imputed weekly payroll for each employee, corporate officer, sole proprietor, or partner shall be based upon the highest rated workers' compensation classification code of the employer, unless the employer's business records demonstrate the assignment of an alternative classification code.

**SUBJECT AREA TO BE ADDRESSED:** Calculation of employer penalties where the employer has failed to provide business records sufficient to enable the department to determine payroll for the period requested.

**SPECIFIC AUTHORITY:** 440.107(9), 440.591 FS.

**LAW IMPLEMENTED:** 440.107(5) (2002), 440.107(7)(e) FS.

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

**TIME AND DATE:** 10:00 a.m., April 11, 2006

**PLACE:** Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers'

Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

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

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

69L-6.028 Procedures for Imputing Payroll and Penalty Calculations.

(1) No change.

(2) No change.

(a) through (c) No change.

(d) The imputed weekly payroll for each employee, corporate officer, sole proprietor, or partner shall be assigned to the highest rated workers' compensation classification code associated with the employer's business activities, unless the employer's business records demonstrate the assignment of an alternative workers' compensation classification code.

(3) If subsequent to imputation of weekly payroll pursuant to section (2) herein, but before and only until the expiration of forty-five calendar days from the receipt by the employer of written request to produce business records, the employer provides business records sufficient for the department to determine the employer's payroll for the period requested for the calculation of the penalty pursuant to Section 440.107(7)(e), Florida Statutes, the department shall recalculate the employer's penalty to reflect the payroll information provided in such business records.

(4) No change.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(5) (2002), 440.107(7)(e) FS. History--New 7-12-05, Amended \_\_\_\_\_.

**Section II  
Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

|  |                          |
|--|--------------------------|
| <b>RULE CHAPTER TITLE:</b>   | <b>RULE CHAPTER NO.:</b> |
| Admission of Animals for Exhibition                                    | 5C-4                     |
| <b>RULE TITLES:</b>  | <b>RULE NOS.:</b>        |
| General Requirements and Limitations                                   | 5C-4.001                 |
| Definitions  | 5C-4.0015                |
| Applications, Cards, Forms, Other Official Documents Required and Fees | 5C-4.0016                |
| General Requirements, Exemptions and Limitations                       | 5C-4.0017                |

|                                    |          |
|------------------------------------|----------|
| Cattle or Bison                    | 5C-4.002 |
| Swine                              | 5C-4.003 |
| Poultry, Domestic Fowl and Ratites | 5C-4.004 |
| Goats or Sheep                     | 5C-4.005 |
| Horses                             | 5C-4.008 |

PURPOSE AND EFFECT: The purpose and effect of the rule changes are to update and specify identification, testing and documentation requirements for exhibition of animals in Florida.

SUMMARY: The proposed modifications in this rule are to delineate new, and streamline old, requirements for exhibition of animals in Florida.

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.

SSPECIFIC AUTHORITY: 585.002(4), 585.08(2)(a), 585.145(1), (2) FS.

LAW IMPLEMENTED: 585.08(2)(a), 585.08(3), 585.145585.145(1), (2) FS.

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

TIME AND DATE: 2:00 p.m., April 7, 2006

PLACE: Room 316, Mayo Building, Tallahassee, FL 32399-0800

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dr. Wm. C. Jeter, Chief, Bureau of Animal Disease Control, Division of Animal Industry, Rm. 332, 407 S. Calhoun St., Tallahassee, FL 32399-0800; (850)410-0927; Fax: (850)410-0957

THE FULL TEXT OF THE PROPOSED RULES IS:

5C-4.001 General Requirements and Limitations.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1), (2) FS. Law Implemented 585.08(2)(a), 585.145(1), (2) FS. History--Amended 7-1-71, 8-7-77, 9-30-80, Formerly 5C-4.01, Amended 4-17-89, 1-19-95, 6-4-95; Repealed \_\_\_\_\_.

(Substantial rewording of Rule 5C-4.0015 follows. See Florida Administrative Code for present text.)

5C-4.0015 Definitions.

For the purposes of this Chapter the following definitions shall apply:

(1) Accredited Veterinarian. A veterinarian licensed in the state of origin and accredited by the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA, APHIS) to perform certain functions of the federal

and cooperative -state-federal programs in accordance with the provisions of Title 9 Code of Federal Regulations (9 CFR) § 161 (2004).

(2) Animal or Domestic Animal. The term shall include: any animals which are raised for private use or commercial purposes, to include but not be limited to, any animal referred to as livestock or grazing animals such as horse, mule, ass, burro, zebra or other Equidae; any cattle such as bull, steer, ox, cow, heifer, calf, or bovine animal; any goat, sheep, swine, cervidae or other hoofed animal; any domestic cat or dog, reptile or amphibian; any avian such as ratites, poultry, or other domesticated bird or fowl; or any beast, or wild or game animals, for the purpose to effectively control or eradicate dangerous transmissible diseases or pests which threaten the agricultural interests of Florida.

(3) Authorized Representative. An employee of the state or federal government, or a licensed veterinarian accredited by the USDA, who is authorized to conduct animal disease control and eradication activities.

(4) Commercial Production Swine. Swine that have been subjected to and found negative on an annual brucellosis and pseudorabies test and have been continuously managed with adequate facilities and practices to prevent exposure to either transitional or feral swine and so recognized by state animal health officials.

(5) Group. One or more animals maintained on the same premises or in direct contact with one another.

(6) Horse. Any horse, mule, ass, zebra or other equidae.

(7) Isolation. Separation of individual animals by a physical barrier in a manner that assures one animal does not have access to the body, excrement, or discharges of another animal; does not share a building with a common ventilation system; and is not within ten feet of another animal.

(8) Market Class. An exhibition class consisting of finished fed animals that all go directly to slaughter immediately following the exhibition.

(9) Official Certificate of Veterinary Inspection (OCVI). A legible record or certificate made on an official form from the state of origin or from the USDA, issued and signed by veterinarians licensed and accredited in the state of origin for the purpose of certifying the official individual identification, test requirements, and health status of specific animals for movement, exhibition, and other designated purposes.

(10) Official Individual Identification. A form of unique individual animal identification including, but not limited to:

(a) Official Eartags. Must be tamper-resistant/tamper evident, approved by APHIS, capable of providing a unique identification number for each animal, and capable of being recorded in a central repository. Such eartags must conform to one of the following number systems:

1. National Uniform Eartagging System;
2. Animal identification number (AIN);
3. Premises-based numbering system; or

4. Any other numbering system approved by APHIS:

(b) Ear, tail-web or flank tattoos, using the National Uniform Tag Code number assigned by APHIS to the state of origin; breed registration tattoos when accompanied by breed registration papers; or an official brand when accompanied by a brand registration certificate;

(c) Official leg or wing bands for poultry;

(d) Color digital images or notarized color photographs of the animal, signed by a state-licensed, USDA-accredited veterinarian; or

(e) Implanted electronic chips that conform to ISO standards with a unique number that is recorded in a single, central database.

(11) Official Test. A test conducted by a method approved by Department rules for the specific disease and animal species.

(12) Poultry or Domestic Fowl. Chickens, turkeys, quail, pheasants, chukars, peafowl, guineas, ratites and waterfowl or any member of the Class Aves that is propagated or maintained under control of a person for commercial, exhibition or breeding purposes, or as pets.

(13) Segregated. To maintain a group of animals separate from another group of animals in such a manner as to prevent physical contact between animals of the two groups.

Specific Authority 585.002(4), 585.08(2), 585.145(1), (2) FS. Law Implemented 585.08(2)(a), 585.145(1), (2) FS. History—New 1-19-95, Amended 6-4-95.

5C-4.0016 Applications, Cards, Forms, Other Official Documents Required and Fees.

(1) USDA. VS Form 10-11. An official USDA, APHIS, VS form required for submitting samples and reporting results of EIA tests.

(2) Division.

(a) Official Certificates of Veterinary Inspection (OCVI). These certificates are provided only to Florida-licensed and USDA-accredited veterinarians and may be obtained as provided in subsection 5C-4.0016(3), F.A.C. Depending on species and purpose (sale or movement), the following are Florida-recognized OCVI:

1. Official Certificate of Veterinary Inspection, DACS-09000; for use with all species, in association with movement or sale. Cost is \$65 per book of 25 certificates.

2. Official Equine Certificate of Veterinary Inspection, DACS-09002; for use with equine, in association with movement or sale. Cost is \$65 per book of 25 certificates.

3. Official Avian Certificate of Veterinary Inspection, DACS-09023; for use with avian/poultry, in association with movement or sale. Cost is \$100 per 100 certificates.

4. Official Certificate of Veterinary Inspection for Interstate Movement of Dogs, Cats, and other Non-Livestock Species, DACS-09086; for use with companion and non-livestock animals in association with interstate movement. Cost is \$65 per package of 25 certificates.

(b) Equine Interstate Passport Card, DACS-09207, is an official card provided by the Department to the horse owner, which certifies the existence of an official negative EIA test within the previous 12 months and a valid Florida Official Equine Certificate of Veterinary Inspection for interstate movement for exhibition purposes in states which accept the card. The document is valid for six (6) months provided the conditions in paragraphs 5C-3.003(5)(a)-(f), F.A.C., are met. The Equine Interstate Passport Card is not acceptable for change of ownership purposes. It may be applied for by submitting an Application for Equine Interstate Passport Card, DACS-09219, to the Division with the associated fee of \$15.00 for the first equine and \$5.00 for each additional equine on the same application. Copies may be obtained as provided in subsection 5C-4.0016(3), F.A.C.

(c) Negative EIA Test Verification Card, DACS-09160, is an official document provided by the Department to the horse owner to show proof of a negative EIA test within the previous 12 months, for purposes other than change of ownership. The document is valid for 12 months from the date the blood was drawn and is renewable annually with an associated fee of \$5.00 per application (Card). The Negative EIA Test Verification Card may be applied for by submitting the Application for Negative EIA Test Verification Card DACS-09206. Copies may be obtained as provided in subsection 5C-18.0011(4), F.A.C.

(d) Equine Event Extension(A Permit), DACS-09051, an official document provided by the Department to the horse owner, which certifies the existence of an official negative EIA test within the previous 12 months and a valid Florida Official Certificate of Veterinary Inspection. The document is valid for six (6) months provided the conditions in paragraphs 5C-3.003(5)(a)-(f), F.A.C., are met. It may be applied for by submitting the Application for Equine Event Extension, DACS-09078, to the Division as referred to in subsection 5C-3.003(5), F.A.C., with the associated fee of \$10.00 for the first equine and \$5.00 for each additional equine on the application; copies of which may be obtained as provided in subsection 5C-3.0011(4), F.A.C.

(3) Forms. VS Form 10-11 (APR 90), and previous versions accepted by USDA, APHIS, VS, is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328. Official Certificate of Veterinary Inspection, DACS-09000 Rev. 07/03; Official Equine Certificate of Veterinary Inspection, DACS-09002 Rev. 10/05; Official Avian Certificate of Veterinary Inspection, DACS-09023 Rev. 12/03;

and Official Certificate of Veterinary Inspection for Interstate Movement of Dogs, Cats, and other Non-Livestock Species, DACS-09086 Rev. 10/05, Equine Event Extension(A Permit), DACS-09051 Rev. 03/06, Application for Equine Event Extension, DACS-09078 Rev. 10/05, Equine Interstate Passport Card, DACS-09207 Rev. 08/04, Application for Equine Interstate Passport Card, DACS-09219 Rev. 10/05, Negative EIA Test Verification Card, DACS-09160 Rev. 06/05, and Application for Negative EIA Test Verification Card DACS-09206 Rev. 10/05, and previous versions, are hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 S. Calhoun St., Tallahassee, FL 32399-0800; (850)410-0900.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1), (2) FS. Law Implemented 585.08(2)(a), 585.145(1), (2) FS. History—New \_\_\_\_\_.

5C-4.0017 General Requirements, Exemptions and Limitations.

(1) Official Certificate of Veterinary Inspection (OCVI) Required. All animals presented for exhibition purposes in Florida, unless specifically exempted, must be accompanied by an OCVI issued by a veterinarian accredited in the state of origin.

(a) The OCVI must be complete including the breed, sex, and registration number, and the official individual identification of each animal.

(b) Results of a specific test requirement or herd accreditation, certification or validation number for each animal must be recorded on the OCVI with the date of the test or herd accreditation, certification or validation.

(2) Expiration of Required OCVI.

(a) For Florida-origin animals an OCVI is valid for 90 days from the date of issue; or until the expiration date of any required tests, whichever is the earliest date.

(b) For animals imported into Florida for exhibition purposes only, the OCVI is valid for 30 days, except that, for equine imported into Florida using a current Equine Interstate Passport Card, DACS-09207, or equivalent of the state of origin signed by the State Veterinarian or chief animal health official, the OCVI will be extended to the date of expiration of the Equine Interstate Passport Card or its equivalent of the state of origin.

(3) Exemption to Required OCVI. An OCVI is not required for animals originating in Florida and entered in market classes provided that animals are segregated from other animals and the pens are occupied only by the animals in a market class. Pens used for market classes must not be reused until after cleaning and disinfecting.

(4) Inspection Required. Prior to immediate acceptance at an exhibition, all animals presented for exhibition must be visually inspected by an authorized representative for:

(a) The required official individual identification of the animal; and

(b) Clinical signs of disease including, but not limited to, caseous lymphadenitis, blisters/ulcers around the mouth, nostrils, coronary band, pinkeye, pox, scabies, lice, ringworm, atrophic rhinitis, or multiple warts that are clearly visible; and

(c) Evidence of compliance with animal tests and OCVI requirements, where required.

(5) Animals Rejected for Exhibition.

(a) Any animal in non-compliance with animal tests and OCVI requirements, or

(b) Any animal not meeting the official individual identification requirements, or

(c) Any animal which is suspected of having or showing clinical signs of dangerous transmissible, contagious or infectious disease on visual inspection, or any animal which is known to be exposed to such diseases must be:

1. Immediately withdrawn from exhibition and returned to the place of origin, or

2. Examined by a Florida-licensed and USDA-accredited veterinarian at the owner's expense within 24 hours, who certifies by a signed, written statement, that the animal is free of dangerous transmissible, contagious or infectious disease and pests.

(6) Forms. Equine Interstate Passport Card, DACS-09207 Rev. 08/04, is hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 S. Calhoun St., Tallahassee, FL 32399-0800.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1), (2) FS. Law Implemented 585.08(2)(a), 585.145(1), (2) FS. History—New \_\_\_\_\_.

(Substantial rewording of Rule 5C-4.002 follows. See Florida Administrative Code for present text.)

5C-4.002 Cattle or Bison.

(1) OCVI Required.

(a) Florida-origin cattle or bison moved for exhibition must be accompanied by an OCVI dated not more than 90 days prior to exhibition.

(b) Animals imported from other states for exhibition must be accompanied by an OCVI dated not more than 30 days prior to exhibition.

(2) Test or Certification Required.

(a) Tuberculosis.

1. Florida-origin cattle or bison may be entered for exhibition without a tuberculin test.

2. Imported dairy cattle may be entered for exhibition provided they have a negative caudal fold tuberculin skin test within 30 days prior to the date of the exhibition; except that, dairy cattle from Accredited Tuberculosis-Free Herds originating in Tuberculosis-Free States, are exempt from this test requirement.

3. Imported beef cattle or bison may be entered for exhibition without a negative caudal fold tuberculin skin test provided they originate from Accredited Tuberculosis-Free States or Herds. Otherwise, they must meet the requirements in subparagraph 5C-4.002(2)(a)2., F.A.C.

(b) Brucellosis.

1. Test Required. Cattle or bison, six (6) months of age or older, must have evidence of a negative brucellosis test within 30 days prior to the date of exhibition.

2. Exemption from Required Brucellosis Test.

a. Steers and spayed heifers; and

b. Cattle or bison originating from a Certified Brucellosis-Free Herd, or a Brucellosis Class Free State or Area which when certified, the OCVI must show the certified herd number and the date of the last herd certification test; and.

c. Cattle or bison from non-quarantined herds originating from Class A State or Area provided that the cattle are under 18 months of age.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1), (2) FS. Law Implemented 585.08(2)(a), 585.145(1), (2) FS. History—Amended 7-25-66, 11-15-67, 1-1-70, 7-1-71, 9-1-72, 8-7-77, 8-8-79, 9-30-80, 6-26-83, Formerly 5C-4.02, Amended 4-17-89, 1-19-95, \_\_\_\_\_.

(Substantial rewording of Rule 5C-4.003 follows. See Florida Administrative Code for present text.)

5C-4.003 Swine.

(1) OCVI Required.

(a) Swine for exhibition must be accompanied by an OCVI dated not more than 90 days prior to presentation for exhibition.

(b) Swine imported for exhibition must be accompanied by an OCVI dated not more than 30 days prior to presentation for exhibition.

(2) Tests or Certification Required for Breeding Swine.

(a) Brucellosis.

1. Swine six (6) months of age or older must be negative to an official test for brucellosis within 30 days prior to exhibition, or

2. Originate from a Validated Brucellosis-Free Swine herd as defined in 9 CFR § 78.1, or

3. Originate from a Commercial Production Swine Herd as defined in subsection 5C-4.0015(4), F.A.C.

(b) Pseudorabies. Swine six (6) months of age or older must be negative to an official test for pseudorabies within 30 days prior to exhibition, or

1. Originate from a Qualified Pseudorabies-Free Herd as defined in 9 CFR § 85, or

2. Originate from an Approved Commercial Production Swine Herd.

(3) Exemptions. Swine for exhibition as “market class” swine are exempt from the OCVI and test requirements provided that all swine in the class go directly to slaughter following the exhibition.

(4) Isolation. Breeding swine returning to the farm from exhibitions must be isolated from other swine at least 30 days before being returned to the herd. Breeding swine for exhibition must be maintained in isolation between exhibitions or move directly between exhibitions.

(4) Materials. 9 CFR § 78 (2004) and § 85 (2004) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1), (2) FS. Law Implemented 585.08(2)(a), 585.145(1), (2) FS. History—Amended 3-21-64, 6-20-68, 1-1-71, 3-1-72, Formerly 5C-4.03, Amended 4-17-89, 1-19-95, \_\_\_\_\_.

(Substantial rewording of Rule 5C-4.004 follows. See Florida Administrative Code for present text.)

5C-4.004 Poultry, Domestic Fowl and Ratites.

(1) OCVI Required. An OCVI is required for domestic fowl and ratites for movement into Florida, but not specifically for exhibition. However, domestic fowl and ratites presented for exhibition without an OCVI, must be inspected as provided in subsection 5C-4.0017(4), F.A.C.

(2) Test or Certification Required. All domestic fowl and ratites entered for exhibition must originate from Pullorum-Typhoid Clean flocks or hatcheries, as provided in 9 CFR § 145 (2004) and § 147 (2004), or have a negative pullorum-typhoid test within 90 days prior to exhibition.

(3) Materials. 9 CFR § 145 (2004) and § 147 (2004) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1), (2) FS. Law Implemented 585.08(2)(a), 585.145(1), (2) FS. History—Amended 4-20-67, 4-18-84, 4-4-85, Formerly 5C-4.04, Amended 6-21-87, 4-17-89, 1-19-95, 6-4-95, \_\_\_\_\_.

(Substantial rewording of Rule 5C-4.005 follows. See Florida Administrative Code for present text.)

5C-4.005 Goats or Sheep.

(1) OCVI Required.

(a) Florida-origin goats or sheep presented for exhibition must be accompanied by an OCVI dated not more than 90 days prior to presentation.

(b) Goats or sheep imported into Florida for exhibition must be accompanied by an OCVI completed within 30 days prior to exhibition.

(2) Identification. All goats or sheep entered for exhibition purposes must have an official individual identification in accordance with the National Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-066, June 1, 2005.

(3) Tests or Certification Required.

(a) Tuberculosis Test. All dairy goats six (6) months of age or older imported for exhibition purposes must originate from an Accredited Tuberculosis-Free Herd, or have had a negative caudal fold tuberculosis test within 90 days prior to exhibition. When originating from accredited tuberculosis-free herds, the OCVI must show the accredited herd number and the date of the last herd accreditation test.

(b) Brucellosis Test. All dairy goats six (6) months of age or older imported for exhibition purposes must originate from a Certified Brucellosis-Free Herd, or have had a negative brucellosis test within 90 days prior to exhibition. When originating from a certified brucellosis-free herd, the OCVI must show the certified herd number and the date of the last herd certification test.

(c) Exemption From Test Requirements. There are no tuberculosis or brucellosis test requirements for meat type goats or Florida-origin dairy goats.

(4) Materials. National Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-066, June 1, 2005, is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1), (2) FS. Law Implemented 585.08(2)(a), 585.145(1), (2) FS. History—New 11-4-76, Formerly 5C-4.05, Amended 4-17-89, 1-19-95, 6-4-95, \_\_\_\_\_.

(Substantial rewording of Rule 5C-4.008 follows. See Florida Administrative Code for present text.)

5C-4.008 Horses.

(1) OCVI Required. An OCVI or an Equine Interstate Passport Card, DACS-09207, or equivalent of the state of origin, signed by the State Veterinarian or chief animal health official, is required for horses for movement into Florida, but not specifically for exhibition.

(2) Test or Certification Required. All horses presented for exhibition must be accompanied by evidence of a negative official test for equine infectious anemia (EIA), conducted within 12 months prior to exhibition. The negative EIA test must be reported on:

- (a) An original owner’s copy of a VS Form 10-11;
- (b) A laboratory certified copy of a VS form 10-11;
- (c) A Legible photocopy of a VS Form 10-11;

(d) An Equine Interstate Passport Card, DACS-09207, or equivalent of the state of origin signed by the State Veterinarian or chief animal health official; which may be applied for by submitting the Application for Equine Interstate Passport Card, DACS-09219 as provided in subsection 5C-4.008(4), F.A.C.:

(e) A Negative EIA Test Verification Card, DACS-09160, or equivalent of the state of origin signed by the State Veterinarian or chief animal health official; which may be

applied for by submitting the Application for Negative EIA Test Verification Card, DACS-09206 as provided in subsection 5C-4.008(4), F.A.C., or

(f) A Department-approved electronic EIA form containing clear, color digital images.

(3) Exemption to Test Requirement. A foal under six (6) months of age accompanied by its dam which has met the EIA test requirement is not required to have an EIA test.

(4) Forms. VS Form 10-11 (APR 90), and previous versions accepted by USDA, APHIS, VS, is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328. Application for Equine Interstate Passport Card, DACS-09219 Rev. 10/05, Equine Interstate Passport Card, DACS-09207 Rev. 08/04, Application for Negative EIA Test Verification Card, DACS-09206 Rev. 10/05, and Negative EIA Test Verification Card, DACS-09160 Rev. 06/05, and previous versions, are hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 S. Calhoun St., Tallahassee, FL 32399-0800.

Specific Authority 585.002(4), 585.08(2)(a), 585.145(1), (2) FS. Law Implemented 585.08(3), 585.145 FS. History—New 1-19-95, Amended 6-4-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Wm. C. Jeter, Chief, Bureau of Animal Disease Control, Division of Animal Industry, Rm. 332, 407 S. Calhoun St., Tallahassee, FL 32399-0800; (850)410-0900; Fax: (850)410-0957

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Thomas J. Holt, State Veterinarian, Director, Florida Department of Agriculture and Consumer Services, Division of Animal Industry, Rm. 330, 407 S. Calhoun St., Tallahassee, FL 32399-0800; (850)410-0900; Fax: (850)410-0915

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 9, 2005

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: RULE NO.:

Approval of Proposals for Issuing

Special Tax School District Bonds 6A-1.037

PURPOSE AND EFFECT: The governing statute at the time this rule was adopted required that the Department implement rules relating to approval of proposals for issuing special tax school district bonds. However, the current governing statutes do not require that the Department implement rules. Sections 1010.41 through 1010.55, Florida Statutes, defines procedures

and eliminates a need for a rule. The effect of repealing this rule will be that an outdated rule is eliminated from the Florida Administrative Code.

SUMMARY: This rule is to be repealed.

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: 229.053(1), 236.37(3) FS.

LAW IMPLEMENTED: 229.053(1), 236.36, 236.37 FS.

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

TIME AND DATE: 8:30 a.m., April 18, 2006

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Champion, Deputy Commissioner for Finance and Operations, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.037 Approval of Proposals for Issuing Special Tax School District Bonds.

Specific Authority 229.053(1), 236.37(3) FS. Law Implemented 229.053(1), 236.36, 236.37 FS. History—Repromulgated 12-5-74, Formerly 6A-1.37, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynn Abbott, Office of the Commissioner

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

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Fidelity Bonds Required for School Officials

RULE NO.: 6A-1.0692

PURPOSE AND EFFECT: The current governing statute requires that each district school board must ensure that its officials and employees are appropriately bonded and insured. The current statute does not require that the State Board adopt rules to implement this statute. The effect of repealing this rule will be that an outdated rule is eliminated from the Florida Administrative Code.

SUMMARY: This rule is to be repealed.

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: 229.053(1), 237.191 FS.

LAW IMPLEMENTED: 237.191 FS.

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

TIME AND DATE: 8:30 a.m., April 18, 2006

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Champion, Deputy Commissioner for Finance and Operations, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0692 Fidelity Bonds Required for School Officials.

Specific Authority 229.053(1), 237.191 FS. Law Implemented 237.191 FS. History—New 9-12-72, Repromulgated 12-5-74, Formerly 6A-1.692, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynn Abbott, Office of the Commissioner

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

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Assignment of Employees for Temporary Duty

RULE NO.: 6A-1.084

PURPOSE AND EFFECT: The current governing statute, Section 1012.06, F.S., no longer requires a rule by the State Board. The rule is recommended to be repealed as a result.

SUMMARY: This rule is to be repealed.

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: 229.053(1) FS.

LAW IMPLEMENTED: 231.39 FS.

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

TIME AND DATE: 8:30 a.m., April 18, 2006

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Champion, Deputy

Commissioner for Finance and Operations, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.084 Assignment of Employees for Temporary Duty.

Specific Authority 229.053(1) FS. Law Implemented 231.39 FS. History—Amended 8-9-68, Repromulgated 12-5-74, Formerly 6A-1.84, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynn Abbott, Office of the Commissioner

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

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Educational Facilities

RULE NO.: 6A-2.0010

PURPOSE AND EFFECT: The purpose of the rule amendment is to update code references that apply to educational facilities construction in Florida and to incorporate by reference the new building codes and the 2006 Addendum to State Requirements for Educational Facilities.

SUMMARY: This rule is amended to reference updated building codes and to adopt the 2006 Addendum to State Requirements for Educational Facilities.

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: Section 1(a) Article IX, State Constitution, 1001.02(1), 1013.02(2), 1013.37 FS.

LAW IMPLEMENTED: Section 1(a) Article IX, State Constitution, 50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071, 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1301.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS.

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

TIME AND DATE: 8:30 a.m., April 18, 2006

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Spessard Boatright, Director, Office of Educational Facilities, 325 West Gaines Street, Tallahassee, Florida, (850)245-9229

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-2.0010 Educational Facilities.

Commissioner of Education requirements adopted pursuant to Chapter 120, Florida Statutes, to implement the State Uniform Building Code for Public Educational Facilities Construction in Chapter 1013, Florida Statutes, are contained in Section 423 of the Florida Building Code and the Department of Education publications titled “State Requirements for Educational Facilities, 1999 Volume I-Process,” ~~Volume II-Building Code,~~ and “2005 Addendum to State Requirements for Educational Facilities,” and “2006 Addendum to State Requirements for Educational Facilities” which are hereby incorporated by reference and made a part of this rule. All educational and ancillary facilities constructed by a school board or community college board shall comply with “State Requirements for Educational Facilities, 1999 Volume I-Process,” “2005 Addendum to State Requirements for Educational Facilities,” and “2006 Addendum to State Requirements for Educational Facilities.” the Florida Building Code (FBC), including Section 423, and the Florida Fire Prevention Code (FFPC) ~~the State Uniform Building Code for Public Educational Facilities Construction (UBC).~~ The ~~FBC UBC~~ shall supersede any other code adopted by a board, or any other building code or ordinance, for the construction of educational and ancillary facilities and plants whether at the local, county, or state level rule. ~~After January 1, 2001, the UBC will be merged into the Florida Building Code.~~

(1) In addition to “State Requirements for Educational Facilities, 1999 Volumes I,” ~~II,~~ and “2005 Addendum to State Requirements for Educational Facilities,” and “2006 Addendum to State Requirements for Educational Facilities” all, or the specific portions cited, of the following building codes are hereby incorporated by reference and made a part of this rule. If there should be conflicting requirements between these codes and “State Requirements for Educational Facilities, 1999 Volumes I,” ~~II,~~ and “2005 Addendum to State Requirements for Educational Facilities,” and “2006 Addendum to State Requirements for Educational Facilities” the more, or most stringent requirement shall apply.

~~(a) ACI 318-95, American Concrete Institute, “Building Code Requirements for Structural Concrete and Commentary” 1995, and ACI 530-92, Building Code Requirements for Masonry Structures.~~

~~(b)~~(e) AHERA. Asbestos Hazard Emergency Response Act, 40 CFR, Part 763, as revised July 1, 1995.

~~(b)~~(e) AISC. American Institute of Steel Construction Allowable Stress Design (Manual of Steel Construction), ~~Ninth Edition,~~ as adopted by the Florida Building Commission in Rule 9B-3.047, F.A.C SBC.

~~(d) AISI. American Iron and Steel Institute, Specifications for the Design of Cold-Formed Steel Structure Members August 1986 Edition with December 1989 Addendum.~~



~~(c)(e)~~ ANSI. American National Standards Institute. References to ANSI standards as adopted by the Florida Building Commission in Chapter 35 of the Florida Building Code shall be the 1995 edition.

~~(f)~~ ASCE. American Society of Civil Engineers. References to ASCE 7-98 standards shall be the edition listed in the “State Requirements for Educational Facilities, 1999.”

~~(d)(g)~~ ASHRAE. American Society of Heating, Refrigeration, and Air Conditioning Engineers.

~~(e)(h)~~ ASTM. American Society for Testing Materials. References to ASTM standards shall be the edition as adopted by the Florida Building Commission in Chapter 35 of the Florida Building Code listed in the 1997 edition of the ASTM standards.

~~(i)~~ DCA. Department of Community Affairs.

~~1. Florida Americans With Disability Implementation Act, 1993 and the Florida Accessibility Code for Building Construction, October 1997 as adopted by the State Board of Building Codes and Standards which has become the Florida Building Commission.~~

~~2. Florida Energy Efficiency Code for Building Construction (FEEC), 1998 Revisions to the 1997 Edition, as adopted by the State Board of Building Codes and Standards under Rule 9B-3.047, F.A.C.~~

~~(f)(j)~~ DOT – AASHTO, American Association of State Highway and Transportation Officials, “Standard Specification for Highway Bridges, 17th Edition (2002)” and “Bridge Design Specifications, 3rd Edition (2004)” Sections 3.3.2., 3.14.1., 11, and 13, and Table 3.4.1-1 “Standard Specifications for Highway Bridges (1990 English Edition; 1994 Metric Edition)” as modified by the Florida Department of Transportation (DOT) in “Structures Design Guidelines” Jan-Jul., January 2006 Revision (Topic Number 625-020-150-c) and DOT “Drainage Manual” Chapter 4, as required by the structure type and Guidelines for Load and Resistance Factor Design” Revised January 1, 1999, and as incorporated by reference in subsection 14-15.002(2), F.A.C. Chapter 14, F.A.C.

~~(g)(k)~~ FEMA. Federal Emergency Management Agency. Rules and Regulations 44 CFR, Parts 59 and 60, revised as of October 1, ~~2002~~ 1995, for flood plain criteria governing insurability of facilities constructed in flood plain.

~~(h)~~ Florida Building Code (FBC), as adopted by the Florida Building Commission in Rule 9B-3.047, F.A.C.

~~(i)(4)~~ NEC. National Electrical Code, as adopted by the Florida Building Commission in Section 2701.1 of the Florida Building Code 1999 (NFPA 70).

~~(j)(m)~~ NFPA. National Fire Protection Association, as adopted by the Florida Fire Prevention Code in State Fire Marshal Rules 69A-60.002 through 69A-60.005, F.A.C., 1997, NFPA 101, and other NFPA codes as applicable. Exceptions

are NFPA 101 Sections 14.2.2.5 “Horizontal Exits” and 14.2.2.7 10-2.27 and 10-7.2.27 “Exit Passageways” and where NFPA codes are exceeded by these State Requirements.

~~(k)(n)~~ OSHA. Occupational Safety and Health Administration, U.S. Department of Labor, 29 CFR as Revised July 1, ~~2005~~ 1995.

~~(l)~~ Chapter 69A, FAC., as adopted by the Division of State Fire Marshal.

~~(o)~~ SBC. Standard Building Code, 1997 as adopted by the Department of Community Affairs, except as may be superseded by these State Requirements.

~~(p)~~ SGC. Standard Gas Code, 1997.

~~(q)~~ SMC. Standard Mechanical Code, 1997.

~~(r)~~ SPC. Standard Plumbing Code, 1994 with 1995/96 Revisions.

~~(m)(s)~~ TMS. The Masonry Society Standards, ~~2005; 1992; TMS 602-92, TMS 402-0292.~~

(2) Copies of the publications “State Requirements for Educational Facilities, 1999 Volumes I,” ~~H,~~ and “2005 Addendum to State Requirements for Educational Facilities”, and “2006 Addendum to State Requirements for Educational Facilities” are available from the Office of Educational Facilities, Florida Department of Education, Room 1054, ~~Turlington Building,~~ 325 West Gaines Street, Tallahassee, Florida 32399-0400, at a cost to be determined by the Commissioner, but which shall not exceed actual cost or from the Department of Education’s website at <http://www.firn.edu/doe/edfacil> in pdf format. Copies of the codes listed in subsection (1) of this rule are available from the publisher whose location and address are available from the Office of Educational Facilities. These listed codes are readily available to the public upon request at the cost established by the publisher.

Specific Authority Section 1(a) Article IX, State Constitution, Sections 1001.02(1), 1013.02(2), 1013.37 FS. Law Implemented Section 1(a) Article IX, State Constitution, Sections 50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071, 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1301.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS. History—New 10-30-94, Amended 4-28-97, Formerly 6A-2.0111, Amended 1-5-00, Formerly 6-2.001, Amended 8-22-05,\_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Spessard Boatright, Director, Office of Educational Facilities

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 2, 2005

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Florida Teacher Certification Examinations  
 RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt changes to the competencies and skills for the Professional Education Test and selected subject area examinations. These changes are incorporated by reference through the adoption of the document, *Competencies and Skills Required for Teacher Certification in Florida*, Eleventh Edition. In addition, the rule specifies the effective dates for implementation of the new competencies and skills. The effects of these changes are that the updated competencies and skills for the Professional Education Test and the subject area examinations will be available to examination candidates and the examinations will be updated to include these new competencies and skills.

SUMMARY: References and effective dates are changed for the new version of the *Competencies and Skills Required for Teacher Certification in Florida*, Eleventh Edition. Changes to competencies and skills for the professional education and subject area content examinations are implemented with specified dates.

UMMARY 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: 1012.56 FS.

LAW IMPLEMENTED: 1012.56 FS.

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

TIME AND DATE: 8:30 a.m., April 18, 2006

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Cornelia S. Orr, Director, Office of Assessment and School Performance, Division of Accountability, Research, and Measurement, 325 W. Gaines St., Suite 414, Tallahassee, FL 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examination.

(1) No change.

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

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

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

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

1. Beginning with the July ~~2006~~ ~~2005~~ test administration, the general knowledge competencies and skills as contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, ~~Eleventh~~ ~~Tenth~~ Edition."

2. Before ~~October 21, 2006~~ ~~July 1, 2005~~, the professional education test competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, ~~Tenth~~ ~~Ninth~~ Edition" which is hereby incorporated by reference and made a part of this rule. Beginning ~~October 21, 2006~~ ~~July 1, 2005~~, the professional education test competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, ~~Eleventh~~ ~~Tenth~~ Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from Florida Teacher Examinations, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 at a price to be established by the Commissioner not to exceed actual cost, and

3. Before July ~~22, 2006~~ ~~4, 2005~~, the subject area competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, ~~Tenth~~ ~~Ninth~~ Edition" which is hereby incorporated by reference and made a part of this rule. Beginning July ~~22, 2006~~ ~~4, 2005~~, the subject area competencies and skills, with the exception of Elementary Education K-6, Prekindergarten/Primary PK-3, and Reading K-12, contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, ~~Eleventh~~ ~~Tenth~~ Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)2. of this rule.

4. Before ~~October 21, 2006~~, the subject area competencies and skills for Elementary Education K-6, Prekindergarten/Primary PK-3, and Reading K-12, contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, ~~Tenth~~ Edition" which is hereby incorporated by reference and made a part of this rule. Beginning ~~October 21, 2006~~, the subject area competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, ~~Eleventh~~ Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)2. of this rule.

(d) Before July 1, 2002, the College Level Academic Skills Test or the Praxis I: Academic Skills Assessment as described in subsection (13) of this rule shall be used to

demonstrate mastery of general knowledge for an individual who holds a bachelor's or higher degree as specified in Rules 6A-4.004, 6A-4.050, and 6A-4.066, F.A.C.

(3) through (15) No change.

Specific Authority 1012.55(1), 1012.56, 1012.59 FS. Law Implemented 1012.56 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, 7-16-02, 3-24-03, 7-21-03, 12-23-03, 7-13-04, 5-24-05, \_\_\_\_\_.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hanna Skandera, Deputy Commissioner for Accountability, Research, and Measurement  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 10, 2006

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Disposing of Instructional Materials

RULE NO.: 6A-7.074

PURPOSE AND EFFECT: The statutory authority governing the disposal of unserviceable instructional materials no longer requires that the Department adopt rules. The authority for this process is now placed with each school district, therefore, this rule must be repealed.

SUMMARY: The rule is to be repealed.

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: 233.37 FS.

LAW IMPLEMENTED: 233.37, 233.38, 233.44 FS.

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

TIME AND DATE: 8:30 a.m., April 18, 2006

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lynn Abbott, Office of the Commissioner, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-9661

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-7.074 Disposing of Instructional Materials.

Specific Authority 233.37 FS. Law Implemented 233.37, 233.38, 233.44 FS. History—Amended 4-8-68, 4-11-70, Revised 10-31-74, Repromulgated 12-5-74, Formerly 6A-7.74, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynn Abbott, Office of the Commissioner

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chancellor Cheri Yecke, K-12 Public Schools

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

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Statewide Minimum Level of Service Standards

RULE CHAPTER NO.: 14-94

RULE TITLES: Purpose 14-94.001  
Definitions 14-94.002

Statewide Minimum Level of Service Standards 14-94.003

PURPOSE AND EFFECT: Rule Chapter 14-94, F.A.C., is being amended to add references to the Strategic Intermodal System and Transportation Regional Incentive Program, add and revise the definitions, and update statutory references. Documents incorporated by reference are being updated. Rule 14-94.003, F.A.C., is substantially reworded, including a revised table. A rule development workshop was conducted on January 9, 2006.

SUMMARY: Rule Chapter 14-94, F.A.C., is being amended to include references to the Strategic Intermodal System and Transportation Regional Incentive Program, add and revise definitions, and update statutory references.

SPECIFIC AUTHORITY: 163.3180(10), 344.044(2) FS.

LAW IMPLEMENTED: 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), 339.155(2), 339.2819, 339.61-.64 FS.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

## 14-94.001 Purpose.

(1) The purpose of this rule chapter is to establish statewide minimum level of service standards to be used in the planning and operation of the State Highway System (SHS), roadway facilities on the Strategic Intermodal System (SIS), the Florida Intrastate Highway System (FIHS), and roadway facilities funded in accordance with Section 339.2819, Florida Statutes, which creates the Transportation Regional Incentive Program (TRIP). This rule chapter is intended to ~~promote~~ protect public safety and general welfare, ensure the mobility of people and goods, and preserve the facilities on the SHS, SIS, and facilities funded by the TRIP State Highway System. The minimum level of service standards for the SIS, FIHS, and facilities funded by the TRIP State Highway System will be used by the Department in the review of local government comprehensive plans, assessing impacts related to developments of regional impact, and assessing other developments affecting the SIS, FIHS, and roadways funded by the TRIP. The minimum level of service standards for the SIS, FIHS, and roadways funded by the TRIP will be used by local governments for complying with applicable provisions of Section 163.3180, Florida Statutes, to determine system deficiencies; assist in determining Department work program priorities; and review local government comprehensive plans and metropolitan planning organization comprehensive transportation plans, traffic circulation impacts related to developments of regional impact, and other developments affecting the State Highway System.

(2) This rule chapter does not supersede or negate the provisions of Chapter 9J-5, F.A.C., pertaining to the preparation and adoption of local comprehensive plans or plan amendments by local governments.

Specific Authority 163.3180(10), 344.044(2) FS. Law Implemented 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), (24), 339.155(2), (5), (6) 339.2819, 339.61-.64 FS. History—New 4-14-92, Amended \_\_\_\_\_.

## 14-94.002 Definitions.

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

~~(1) “Backlogged Roadways” are roads on the State Highway System operating at a level of service below the minimum level of service standards, not programmed for construction in the first three years of FDOT’s adopted work program or the first five years of the schedule of improvements contained in a local government’s capital improvements element, and not constrained.~~

~~(1)(2) “Communities” means~~ are incorporated places outside urban or urbanized areas, or unincorporated developed areas having a 500 population of 500 or more identified by local governments in their local government comprehensive plans and located outside of urban or urbanized areas.

~~(3) “Constrained Roadways” are roads on the State Highway System which FDOT has determined will not be expanded by the addition of two or more through lanes~~

~~because of physical, environmental or policy constraints. Physical constraints primarily occur when intensive land use development is immediately adjacent to roads, thus making expansion costs prohibitive. Environmental and policy constraints primarily occur when decisions are made not to expand a road based on environmental, historical, archaeological, aesthetic or social impact considerations.~~

~~(2)(4) “Controlled Access Facilities Highways” means~~ are non-limited access arterial facilities where access connections, median openings, and traffic signals are highly regulated.

~~(3)(5) “Exclusive Through Lanes” means~~ are roadway lanes exclusively designated for intrastate travel, which are physically separated from general use lanes, and to which access is highly regulated. These lanes may be used for high occupancy vehicles and express buses during peak hours if the level of service standards can be maintained.

~~(4) “Florida Intrastate Highway System (FIHS)” means~~ the highway system established pursuant to Section 338.001, Florida Statutes, which comprises a statewide network of limited and controlled access facilities. The primary function of the system is for high speed and high volume traffic movements within the state.

~~(5)(6) “General Use Lanes” means~~ are roadway lanes on the FIHS not exclusively designated for long distance high speed travel. In urbanized areas general use lanes include high occupancy vehicle lanes not physically separated from other travel lanes.

~~(7) “Intrastate” means the Florida Intrastate Highway System (FIHS) which comprises a statewide network of limited and controlled access highways. The primary function of the system is for high speed and high volume traffic movements within the state. Access to abutting land is subordinate to this function and such access must be prohibited or highly regulated. Highways included as part of this system are designated in the Florida Transportation Plan.~~

~~(6)(8) “Level of Service (LOS)” for highways means~~ is a quantitative stratification of the quality of service to a typical traveler on a facility into six letter grade levels with “A” describing the highest quality and “F” describing the lowest quality qualitative measure describing operational conditions within the traffic during the peak hour. The indicated LOS standards designate “levels of service” designate lowest acceptable quality operating conditions for the 100th highest volume hour of the year in the predominant traffic flow direction from the present through a 20-year planning horizon. The 100th highest volume hour represents approximates the typical peak hour during the peak season. Definitions and measurement criteria used for minimum LOS level of service standards are based on the ~~1985 National~~ Transportation Research Board Highway Capacity Manual 2000 Special Report 209. All LOS level of service evaluations are to be based on the 1985 National Transportation Research Board Highway Capacity Manual 2000, the Department’s 2002

Quality/Level of Service Handbook, Special Report 209 or a methodology determined which has been accepted by the Department to be of FDOT as having comparable reliability. The Transportation Research Board Highway Capacity Manual 2000 and the Department's 2002 Quality/Level of Service Handbook are ~~This manual~~ is hereby incorporated by reference and made a part of these rules. The National Transportation Research Board's Highway Capacity Manual 2000 Special Report 209, is available from the Transportation Research Board, National Research Council, Washington, D.C. The Department's 2002 Quality/Level of Service Handbook may be found at: [http://www.dot.state.fl.us/planning/systems/sm/los/los\\_sw2.htm](http://www.dot.state.fl.us/planning/systems/sm/los/los_sw2.htm).

~~(7)~~<sup>(9)</sup> "Limited Access Facilities Highways (Freeways)" means ~~are~~ multilane divided highways having a minimum of two lanes for exclusive use of traffic in each direction and full control of ingress and egress; this includes freeways and all fully controlled access roadways.

(10) "Maintain" means ~~continuing operating conditions at a level such that significant degradation does not occur.~~

(a) ~~For roadways in rural areas, transitioning urbanized areas, urban areas or communities, "significant degradation" means:~~

- ~~1. An average annual daily traffic increase in two way traffic volume of five percent; or~~
- ~~2. A reduction in operating speed for the peak direction in the 100th highest hour of five percent.~~

(b) ~~For roadways in urbanized areas, for roadways parallel to exclusive transit facilities or for intrastate roadways in transportation concurrency management areas, "significant degradation" means:~~

- ~~1. An average annual daily traffic increase in two way traffic volume of 10 percent or~~
- ~~2. A reduction in operating speed for the peak direction in the 100th highest hour of 10 percent.~~

(c) ~~For other state roads in transportation concurrency management areas, "significant degradation" is defined in the transportation element or traffic circulation element, if applicable.~~

(d) ~~For constrained roadways meeting or exceeding the level of service standards, "maintain" does not apply until the roadway is operating below the applicable minimum level of service standard.~~

(8)<sup>(11)</sup> "Other State Roads" means ~~are~~ roads on the SHS State Highway System which are not part of the FIHS Florida Intrastate Highway System.

(9)<sup>(12)</sup> "Peak Hour" means the 100th highest volume hour of the year in the predominant traffic flow direction from the present through a 20-year planning horizon. ~~The 100th highest hour approximates the typical peak hour during the peak season.~~

(10) "Multimodal Transportation Districts (MMTDs)" means areas in which secondary priority is given to vehicle mobility and primary priority is given to assuring a safe, comfortable and attractive pedestrian environment with convenient interconnection to transit. Local government comprehensive plans may establish multimodal LOS standards within MMTDs pursuant to Section 163.3180(15), Florida Statutes.

(11) "Regionally Significant Roadways" means established pursuant to Section 339.2819, Florida Statutes.

~~(12)~~<sup>(13)</sup> "Roadways Parallel to Exclusive Transit Facilities" means are roads that generally run parallel to and within one-half mile of exclusive transit facilities, which are a physically separated rail or roadway lanes reserved for multipassenger use by rail cars or buses serving large volumes of home/work trips during peak travel hours. Exclusive transit facilities do not include downtown people-movers, or high occupancy vehicle lanes unless physically separated from other travel lanes.

~~(13)~~<sup>(14)</sup> "Rural Areas" means ~~are~~ areas not included in an urbanized area, a transitioning urbanized area, an urban area, or a community.

(14) "Strategic Intermodal System (SIS)" means established pursuant to Sections 339.61-339.64, Florida Statutes.

(15) "SIS Connectors" means designated roadways that connect SIS hubs to SIS highways. These may be either on or off the SHS.

(16) "SIS Hubs" means ports and terminals that move goods or people between Florida regions or between Florida and other markets in the United States and the rest of the world. These include commercial service airports, deepwater seaports, space ports, interregional rail and bus terminals, and freight rail terminals.

~~(17)~~<sup>(15)</sup> "Transitioning Urbanized Areas" means ~~are~~ the areas outside urbanized areas, but within the MPO Metropolitan Planning Area Boundaries, that are expected to be included within the urbanized areas within the next 20 years based primarily on the U.S. Bureau of Census urbanized criteria.

(18) "Transportation Concurrency Exception Area (TCEA)" means an area which is so designated by a local government pursuant to Section 163.3180, Florida Statutes.

~~(19)~~<sup>(16)</sup> Transportation Concurrency Management Areas (TCMA) means a are geographically compact areas with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A TCMA may be designated in local government comprehensive plans designated in local government comprehensive plans where intensive development exists or is planned in a manner that will ensure an adequate level of mobility and further the achievement of identified important state planning goals and policies, including discouraging the proliferation of urban

~~sprawl, encouraging the revitalization of existing downtowns and designated redevelopment areas, protecting natural resources, protecting historic resources, maximizing the efficient use of existing public facilities, and promoting public transit, bicycling, walking, and other alternatives to the single occupant automobile. Transportation concurrency management areas may be established in a comprehensive plan in accordance with Section 163.3180, Florida Statutes, Rule 9J-5.0057, Florida Administrative Code.~~

~~(17) "Transportation Mobility Elements" are integrated, multi-modal plans that meet the requirements of Rule 9J-5.0057.~~

~~(20) "Transportation Regional Incentive Program (TRIP)" means as established pursuant to Section 339.2819, Florida Statutes.~~

~~(21)(18) "Urban Areas" means are places with a population of at least 5,000 which and are not included in urbanized areas based on the most recent U.S. Census. The applicable boundary encompasses the 1990 urban area as well as the surrounding geographical area as determined agreed upon by the Federal Highway Administration (FHWA), the Department FDOT, and local government, and Federal Highway Administration (FHWA). The boundaries are commonly called FHWA Urban Area Boundaries and include areas expected to have medium density development before the next decennial census.~~

~~(22)(19) "Urbanized Areas" means are the 1990 urbanized areas, designated by the U.S. Bureau of Census as well as the surrounding geographical areas, as determined agreed upon by the FHWA, the Department FDOT, and the Metropolitan Planning Organization (MPO), and are Federal Highway Administration (FHWA); commonly called FHWA Urbanized Area Boundaries. The over or under 500,000 classifications distinguish urbanized areas with a populations over or under 500,000 based on the most recent 1990 U.S. Census.~~

~~Specific Authority 163.3180(10), 344.044(2) FS. Law Implemented 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), (21), 339.155(2), (5), (6) 339.2819, 339.61-.64 FS. History--New 4-14-92, Amended \_\_\_\_\_.~~

~~(Substantial rewording of Rule 14-94.003 follows. See Florida Administrative Code for present text.)~~

~~14-94.003 Statewide Minimum Level of Service Standards.~~

~~(1) The Statewide Minimum LOS Standards are as follows:~~

~~[Editorial Note: Insert Table Here. The table totally replaces the table on V. 4, P. 369, F.A.C.]~~

| STATEWIDE MINIMUM LEVEL OF SERVICE STANDARDS FOR THE STATE HIGHWAY SYSTEM, ROADWAYS ON THE STRATEGIC INTERMODAL SYSTEM (SIS), ROADWAYS ON THE FLORIDA INTRASTATE HIGHWAY SYSTEM (FIHS) AND ROADWAY FACILITIES FUNDED IN ACCORDANCE WITH SECTION 339.2819, FLORIDA STATUTES, THE TRANSPORTATION REGIONAL INCENTIVE PROGRAM (TRIP) |   |  |   |                       |
|--|---|--|---|-----------------------|
|  | SIS AND FIHS FACILITIES                       |  | TRIP FUNDED FACILITIES AND OTHER STATE ROADS <sup>3</sup> |                       |
|  | Limited Access Highway <sup>4</sup> (Freeway) | Controlled Access Highway <sup>4</sup> | Other Multilane <sup>4</sup>                              | Two-Lane <sup>4</sup> |
| Rural Areas  | <u>B</u>                                      | <u>B</u> <sup>1</sup>                  | <u>B</u>  | <u>C</u>              |
| Transitioning Urbanized Areas, Urban Areas, or Communities   | <u>C</u>                                      | <u>C</u>                               | <u>C</u>  | <u>C</u>              |
| Urbanized Areas Under 500,000  | <u>C(D)</u>                                   | <u>C</u>                               | <u>D</u>  | <u>D</u>              |
| Urbanized Areas Over 500,000   | <u>D(E)</u>                                   | <u>D</u>                               | <u>D</u>  | <u>D</u>              |
| Roadways Parallel to Exclusive Transit Facilities  | <u>E</u>                                      | <u>E</u>                               | <u>E</u>  | <u>E</u>              |

|  |                   |                 |                 |                 |
|--|-------------------|-----------------|-----------------|-----------------|
| Inside TCMAs                                     | D(E) <sup>2</sup> | E <sup>2</sup>  | -- <sup>2</sup> | -- <sup>2</sup> |
| Inside TCEAs <sup>2</sup> and MMTDs <sup>2</sup> | -- <sup>2</sup>   | -- <sup>2</sup> | -- <sup>2</sup> | -- <sup>2</sup> |

Level of service standards inside of parentheses apply to general use lanes only when exclusive through lanes exist.

1. For rural two-lane facilities, the standard is C.
2. Means the Department must be consulted as provided by Section 163.180(5), (7), or (15), Florida Statutes, regarding level of service standards set on SIS or TRIP facilities impacted by TCMAs, MMTDs, or TCEAs respectively.
3. Means the level of service standards for non TRIP facilities may be set by local governments in accordance with Rule 9J-5.0055, F.A.C.
4. It is recognized that certain roadways (i.e., constrained roadways) will not be expanded by the addition of through lanes for physical, environmental, or policy reasons. In such instances, a variance to the level of service may be sought pursuant to Section 120.542, Florida Statutes.

NOTE: Level of service letter designations are defined in the Department's 2002 *Quality/Level of Service Handbook*.

(2) Specific assumptions and restrictions that apply to these minimum LOS standards are:

(a) The minimum LOS standards represent the lowest acceptable operating conditions in the peak hour.

(b) Definitions and measurement criteria used for the minimum LOS standards can be found in the Transportation Research Board's Highway Capacity Manual 2000.

(c) When calculating or evaluating level of service pursuant to this rule, all calculations and evaluations shall be based on the methodology contained in Transportation Research Board's Highway Capacity Manual 2000, the Department's 2002 Quality/Level of Service Handbook, or a methodology determined by the Department to be of comparable reliability. Any methodology superseded by the Highway Capacity Manual 2000, such as a methodology based on the 1997 Highway Capacity Manual or Circular 212, shall not be used.

(3) Minimum LOS Standards for SIS Connectors and TRIP Funded Facilities are:

(a) Minimum LOS Standards for SIS Highways.

1. Limited access SIS highways shall adhere to the limited access FIHS LOS standards.

2. Controlled access SIS highways shall adhere to the controlled access FIHS LOS standards.

3. These standards shall apply regardless whether the facility is FIHS, SHS, or under other jurisdiction.

(b) Minimum LOS Standards for SIS Connectors. The minimum LOS standard for SIS connectors shall be LOS D.

(c) Minimum LOS Standards for Regionally Significant Roadways Funded by the TRIP.

1. Regionally significant roadways utilizing TRIP funding shall adhere to the Other State Roads Standards in Chapter 14-94, F.A.C.

2. These LOS standards apply to the TRIP funded portions of the roadway facilities extending to their logical termini for LOS analysis.

Specific Authority 163.3180(10), 344.044(2) FS. Law Implemented 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), (24), 339.155(2), (5), (6) 339.2819, 339.61-.64 FS. History--New 4-14-92, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martin Gутtenplan, AICP, Transportation Planner, Systems Planning Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Denver J. Stutler, Jr., P.E., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2006

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

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE TITLE: Requirements for Evidence of Workers' Compensation Coverage  
RULE NO.: 61G7-10.0014

PURPOSE AND EFFECT: The Board proposes to remove a method by which employee leasing companies demonstrate evidence of required workers' compensation coverage.

SUMMARY: A method by which employee leasing companies demonstrate evidence of required workers' compensation coverage will be removed from the rule.

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

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

SPECIFIC AUTHORITY: 468.522, 468.525, 468.529 FS.

LAW IMPLEMENTED: 468.525, 468.529 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: John Knap, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE TEXT OF THE PROPOSED RULE IS:

61G7-10.0014 Requirements for Evidence of Workers' Compensation Coverage.

(1) No change.

(2) Applicants for licensure and licensees seeking renewal of their licenses will meet this reporting requirement if they submit evidence that their leased employees are covered by any one of the following methods or any combination thereof:

(a) Through a contractual relationship with an insurance carrier that is admitted in the State of Florida to provide workers' compensation coverage to leased employees; or

(b) Through a lawful plan of self-insurance which provides workers' compensation coverage; ~~or~~

~~(c) Through the clients of the employee leasing company via an insurance carrier that is admitted in the State of Florida to provide workers' compensation coverage to leased employees or through a lawful plan of self-insurance which provides workers' compensation to leased employees so long as such an arrangement is permitted by the Board approved employee leasing contract and the employee leasing company is named as a certificate holder by the client on its workers' compensation policy and, in addition, so long as the employee leasing company's notice to leased employees, required under Section 468.525(4)(f), F.S., includes notice to the leased employee that workers' compensation coverage has been provided by the client. Nothing contained herein shall be construed as permitting a client of an employee leasing company to provide workers' compensation coverage to any employees other than those leased from the employee leasing company by the client pursuant to a Board approved employee leasing contract between the employee leasing company and the client.~~

(3) No change.

Specific Authority 468.522, 468.525, 468.529 FS. Law Implemented 468.525, 468.529 FS. History--New 11-25-02, Amended 3-26-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Employee Leasing Companies

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 2, 2005

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

|  |             |
|--|-------------|
| RULE TITLES:   | RULE NOS.:  |
| Continuing Education Approval  | 64B8-45.002 |
| Continuing Education Requirements<br>for Reactivation of an Inactive, Retired<br>or Delinquent License | 64B8-45.004 |

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify entities approved for purposes of continuing education and to address continuing education for those reinstating license from retired status.

SUMMARY: The proposed amendment to Rule 64B8-45.002, F.A.C., clarifies appropriate entities for the purpose of receiving continuing education approval. The amendment to Rule 64B8-45.004, F.A.C., includes retired status licensees with regard to continuing education for reactivation of licensure.

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

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

SPECIFIC AUTHORITY: 456.036, 468.507, 468.515(3) FS.

LAW IMPLEMENTED: 456.036, 468.514, 468.515 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: Susan Love, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-45.002 Continuing Education Approval.

(1) Continuing education credit shall be awarded for educational experiences received through the following methods:

(a) By participating in one of the following dietetics or nutrition practice courses:

1. through 2. No change.

3. College courses from an approved graduate or undergraduate program which is accredited by an accrediting agency approved by the United States Department of Education or courses approved by any Board within the Division of Medical Quality Assurance of the Florida Department of Health and which course clearly relates to maintaining skills necessary for the safe and competent practice of dietetics and nutrition services;

4. No change.

(b) through (c) No change.

(2) through (4) No change.

Specific Authority 468.507 FS. Law Implemented 468.514, 468.515 FS. History—New 12-5-90, Amended 1-1-92, 9-24-92, Formerly 21M-51.002, Amended 11-4-93, Formerly 61F6-51.002, Amended 12-28-94, 11-12-95, Formerly 59R-45.002, Amended 9-26-01, \_\_\_\_\_.

64B8-45.004 Continuing Education Requirements for Reactivation of an Inactive, Retired or Delinquent License.

Any person seeking to reactivate an inactive, retired or delinquent license must submit proof of successful completion of fifteen hours per year of continuing education approved pursuant to this rule chapter for each year of inactive status.

Specific Authority 456.036, 468.507, 468.515(3) FS. Law Implemented 456.036, 468.515 FS. History—New 9-28-93, Formerly 61F6-51.004, Amended 11-12-95, Formerly 59R-45.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Practice Council

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: Application by Endorsement

RULE NO.: 64B11-2.002

PURPOSE AND EFFECT: The Board proposes the substantial re-wording of the rule to update the rule, striking out Admission and replacing with Application as well as clarifying when the Board will the waive the examination requirements of Section 468.211, F.S.

SUMMARY: The rule changes the title to reflect the correct description of the endorsement process. The rule clarifies that only Section 468.213(1), F.S. is implemented by this rule, and provides the requirements for applying for licensure by endorsement through national certification.

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

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

SPECIFIC AUTHORITY: 468.204, 468.213 FS.

LAW IMPLEMENTED: 468.213 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 Occupational Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B11-2.002 follows. See Florida Administrative Code for present text.)

64B11-2.002 Application ~~Admission~~ by Endorsement.

The Board shall waive the examination requirements of Section 468.211, Florida Statutes and Section 64B11-2.006, F.A.C. for an occupational therapist by endorsement applicant who demonstrates proof of current certification as an occupational therapist by a national certifying organization, if the requirements for such certification are equivalent to the examination, education, and supervised fieldwork experience requirements contained within Sections 468.206(1)(b),(c), 468.211, Florida Statutes and Sections 64B11-2.006 and 64B11-2.011, F.A.C.

Specific Authority 468.204, 468.213(1) FS. Law Implemented 468.213(1) FS. History—New 4-28-76, Amended 9-9-85, Formerly 21M-13.02, 21M-13.002, 61F6-13.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

DEPARTMENT OF HEALTH
Board of Occupational Therapy Practice

RULE TITLE: Examination; Passing Grade
RULE NO.: 64B11-2.006
PURPOSE AND EFFECT: The Board proposes the amendment to the rule to add "passing" to the rule to clarify the requirements of licensure by examination scores.
SUMMARY: The rule clarifies the requirement that proof of a passing score on the examination is required.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.204, 468.211(4) FS.
LAW IMPLEMENTED: 468.211(3), (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: Susan Love, Executive Director, Board of Occupational Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.006 Examination; Passing Grade.
The examination to be used for licensure by examination shall be that examination developed by the National Board for Certification in Occupational Therapy Practice (NBCOT). Every applicant for licensure by examination shall obtain as least the passing score as determined by NBCOT. Every applicant shall request the scores be sent to the Board by the professional examination service. Licensure shall not be granted without proof of passing score. Applicants approved for licensure contingent upon passage of the examination shall have twelve months from the date of approval by the Board to take the examination and submit proof of scores. Any requests for information concerning examination results (areas of weakness, if failed, etc.) should be sent directly to the professional examination service.

Specific Authority 468.204, 468.211(4), 456.017(1)(c) FS. Law Implemented 468.211(3), (4), 456.017(1)(c) FS. History--New 4-28-76, Amended 9-9-85, Formerly 21M-13.11, Amended 7-23-91, Formerly 21M-13.011, 61F6-13.011, Amended 4-11-95, Formerly 59R-61.011, Amended 10-24-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

DEPARTMENT OF HEALTH
Board of Occupational Therapy Practice

RULE TITLE: Examination; Passing Grade
RULE NO.: 64B11-3.004
PURPOSE AND EFFECT: The Board proposes the amendment to the rule to clarify the documentation required to demonstrate satisfaction of the examination requirement.
SUMMARY: The rule clarifies the need to demonstrate a passing score and sets forth the documentation necessary to demonstrate a passing score.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.017, 468.204, 468.211(4) FS.
LAW IMPLEMENTED: 456.017, 468.211(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: Susan Love, Executive Director, Board of Occupational Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.004 Examination; Passing Grade.
The examination to be used for licensure by examination shall be that examination developed by the National Board for Certification in Occupational Therapy (NBCOT). Every applicant for licensure by examination shall obtain at least the passing score as determined by NBCOT. Every applicant shall request the scores be sent to the Board by the professional examination service. Licensure shall not be granted without certified proof of passing score. Applicants approved for licensure contingent upon passage of the examination shall have twelve months from the date of approval by the Board to

take the examination and submit proof of scores. Any requests for information concerning examination results (areas of weakness, if failed, etc.) should be sent directly to the professional examination service.

Specific Authority 456.017, 468.204, 468.211(4) FS. Law Implemented 456.017, 468.211(4) FS. History—New 4-28-76, Amended 9-9-85, Formerly 21M-14.10, Amended 7-23-91, Formerly 21M-14.010, 61F6-14.010, 59R-62.010, Amended 10-24-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Occupational Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy Practice

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Reactivation of Retired Status License

RULE NO.: 64B12-12.010

PURPOSE AND EFFECT: The Board proposed the new rule to outline requirements to reactivate a retired status license.

SUMMARY: The proposed new rule will provide rule requirements for reactivation of retired status licenses.

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

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

SPECIFIC AUTHORITY: 456.036(10), 484.005 FS.

LAW IMPLEMENTED: 456.036(10) 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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:

64B12-12.010 Reactivation of Retired Status License.

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

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

(a) If the license has been in retired status for 10 years or less, the licensee must meet the continuing education requirements of Rule 64B12-15.001, F.A.C., for each biennium the licensee was in retired status and paid all past renewal fees:

(b) If the license has been in retired status for more than 10 years, the licensee must retake and pass the applicable examination as set forth in Rule 64B12-9.001, F.A.C., and retake an approved laws and rules course as set forth in Rule 64B12-9.0016, F.A.C.

Specific Authority 456.036(10), 484.005 FS. Law Implemented 456.036(10) FS. History—New\_\_\_\_\_.

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: November 11, 2005

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 10, 2006

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE CHAPTER TITLE: Uniform Firesafety Standards

RULE CHAPTER NO.: 69A-47

for Elevators

RULE NOS.: 69A-47.012

Uniform Elevator Keys

69A-47.013

Regional Access

69A-47.014

Compliance Dates

69A-47.015

Requirements for Elevator Keys

69A-47.016

Access to Elevator Keys

69A-47.017

Duplication of Elevator Keys Prohibited

69A-47.018

Obtaining Elevator Keys

69A-47.019

Lockboxes

69A-47.019

PURPOSE AND EFFECT: The purpose of these rules is to provide standards and procedures for obtaining and using uniform elevator keys in fire emergency situations in each of the seven emergency response regions in Florida, as required by Section 399.15, Florida Statutes.

SUMMARY: These rules provide for standards and procedures for uniform elevator keys for firefighters in each of the seven emergency response regions in Florida, as required by Section 399.15, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 399.15 FS.

LAW IMPLEMENTED: 399.15 FS.

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

TIME AND DATE: 9:00 a.m., April 11, 2006

PLACE: Third Floor Conference Room, the Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, phone: (850)922-2553; Fax: (850)414-6119; E-mail: [Jim.Goodloe@fldfs.com](mailto:Jim.Goodloe@fldfs.com).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-47.012 Uniform Elevator Keys.

(1) As used in Rules 69A-47.012 through 69A-47.019, "these rules" refers to Rules 69A-47.012 through 69A-47.019, F.A.C.

(2) Each lock for all elevators in each region of the seven emergency response regions in this state that permits public access must be keyed for one master elevator key as required in these rules.

(3) The purpose of these rules is to implement Section 399.15, F.S., to allow all elevators within each of the seven state emergency response regions to be operated by firefighters in a fire emergency.

Specific Authority 399.15 FS. Law Implemented 399.15 FS. History—New \_\_\_\_\_.

69A-47.013 Regional Access.

Regional emergency elevator access shall be provided for each elevator that allows public access including, but not limited to, public elevators, service elevators, and freight elevators, in each of the following buildings in this state.

(1) Each building which is six or more stories in height, including, but not limited to, hotels and condominiums, on which construction is begun after June 30, 2004.

(2) Any building in this state which is six or more stories in height that has undergone "substantial improvement" as defined in Section 161.54(12), Florida Statutes.

Specific Authority 399.15 FS. Law Implemented 399.15 FS. History—New \_\_\_\_\_.

69A-47.014 Compliance Dates.

Each existing building that is six stories or more in height must comply with these rules no later than July 1, 2007.

Specific Authority 399.15 FS. Law Implemented 399.15 FS. History—New \_\_\_\_\_.

69A-47.015 Requirements for Elevator Keys.

(1) All elevator keys within each of the seven emergency response regions as set forth in these rules shall be uniform and specific for that region.

(2) The following are the designated emergency response regions, with the description of the elevator key assigned to each region:

(a) Emergency Response Region 1: Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Jackson, Washington, Bay, Gulf, Calhoun: Yale Key No. R-80833-2006-1;

(b) Emergency Response Region 2: Gadsden, Liberty, Leon, Franklin, Wakulla, Taylor, Jefferson, Madison, Lafayette, Hamilton, Suwannee, Columbia, Dixie: Yale Key No. R-80833-2006-2;

(c) Emergency Response Region 3: Nassau, Duval, Clay, St. John, Flagler, Putnam, Bradford, Union, Baker, Levy, Alachua, Gilchrist: Yale Key No. R-80833-2006-3;

(d) Emergency Response Region 4: Citrus, Hernando, Pasco, Pinellas, Hillsborough, Polk, Manatee: Yale Key No. R-80833-2006-4;

(e) Emergency Response Region 5: Marion, Sumter, Lake, Orange, Seminole, Osceola, Brevard, Volusia: Yale Key No. R-80833-2006-5;

(f) Emergency Response Region 6: Hardee, Sarasota, Desoto, Charlotte, Glades, Highland, Okeechobee, Hendry, Lee, Collier: Yale Key No. R-80833-2006-6;

(g) Emergency Response Region 7: Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River: Yale Key No. R-80833-2006-7.

Specific Authority 399.15 FS. Law Implemented 399.15 FS. History—New \_\_\_\_\_.

69A-47.016 Access to Elevator Keys.

(1) Uniform elevator keys shall be made available only to:

(a) Elevator owners or their authorized agents,

(b) Elevator contractors licensed by the State of Florida,

(c) Florida state certified inspectors,

(d) State agency representatives authorized by the Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Prevention, or the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, and

(f) A representative of a local fire department authorized to possess a key by the fire department chief or other chief administrative officer of any fire department or department of public safety.

(2) Elevator keys shall not be issued to any other emergency response agency or any other person.

(3) Information pertaining to obtaining elevator keys is available by writing to the Division of State Fire Marshal at 200 East Gaines Street, Tallahassee, Florida 32399-0342, or it may also be obtained by visiting the Division of State Fire Marshal website located at <http://www.fldfs.com/SFM/index.htm>.

Specific Authority 399.15 FS. Law Implemented 399.15 FS. History—New \_\_\_\_\_.

**69A-47.017 Duplication of Elevator Keys Prohibited.**

(1) No person may duplicate a master elevator key and no person shall issue, give, or sell a duplicated key to anyone other than authorized fire department personnel.

(2) Each elevator key subject to these rules must be engraved “DO NOT DUPLICATE.”

Specific Authority 399.15 FS. Law Implemented 399.15 FS. History—New \_\_\_\_\_.

**69A-47.018 Obtaining Elevator Keys.**

(1) Any person authorized under this rule chapter to possess a uniform elevator key shall apply to an authorized vendor selected by the Division of State Fire Marshal on form DFS-K3-1660 for the issuance of such key. Form DFS-K3-1660 is adopted and incorporated herein by reference and may be obtained by writing to the Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342, and or by visiting the Division of State Fire Marshal website located at <http://www.fldfs.com/SFM/index.htm>.

(2) Upon the applicant’s presentation of a fully completed and executed copy of form DFS-K3-1660 to an authorized vendor, the applicant may obtain a key or keys from such vendor.

(3) The issuing vendor must maintain a copy of each form DFS-K3-1660 following the issuance of each key or keys. This form may be maintained in its original form or in an electronic format.

(4) Copies of executed form DFS-K3-1660 shall be provided to the State Fire Marshal or the local fire official upon receipt of a written request. Such request may be in the form of electronic mail.

(5) The name, address, and additional contact information for each authorized vendor shall be available by writing to the Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342, and shall be posted on the Division of State Fire Marshal website located at <http://www.fldfs.com/SFM/index.htm>.

Specific Authority 399.15 FS. Law Implemented 399.15 FS. History—New \_\_\_\_\_.

**69A-47.019 Lockboxes.**

(1) If the local fire official determines that it is technically, financially, or physically impossible to bring a building’s elevators into compliance with this rule, the local fire official

may accept as an alternative the installation of a keyed lockbox that accepts the uniform key for that specific region. The lock box shall be installed in accordance with this section.

(2) The local fire official’s decision regarding the alternative measure may be appealed to the State Fire Marshal whose decision shall constitute final agency action for purposes of Chapter 120, Florida Statutes. An appeal may be instituted by the appellant writing a letter to the Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

**(3) Alternative installation of Lock Boxes.**

(a) The lock box is permitted to be installed flush or recessed mounted.

(b) The lock box’s front cover shall be hinged on the right side and shall be engraved or painted with the words “Fire Department Use Only – Elevator keys.”

(c) The lock box shall be mounted at each elevator bank at the lobby nearest to the lowest level of fire department access.

(d) Only keys used for the operation of the elevator or an elevator component shall be placed inside the lock box.

(4)(a) In buildings subject to these alternative lock box provisions which houses two or more different elevator banks, a single lock box may be used when such banks are separated by not more than 30 feet.

(b) In the buildings specified in paragraph (a) with elevators or elevator banks separated by more than 30 feet, separate lockboxes must be used for each elevator or elevator bank so separated.

Specific Authority 399.15 FS. Law Implemented 399.15 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall Napoli, Director, Division of State Fire Marshal, Department of Financial Services  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 3, 2005

**DEPARTMENT OF FINANCIAL SERVICES  
 Division of Insurance Agents and Agency Services**

RULE TITLE: Fees  
 RULE NO.: 69B-211.005

PURPOSE AND EFFECT: The amendment to this rule is to change in the amount of the scheduled examination fee for those applying for licensure. The fee is calculated to cover the actual costs of the service as required by Section 624.501(13), Florida Statutes.

SUMMARY: The licensure exam fee is reduced from \$56 to \$50.

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

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 624.501 FS.

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

TIME AND DATE: 10:00 a.m., April 18, 2006

PLACE: Room 139, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Hazel Muhammad, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5460

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

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-211.005 Fees.

(1) The Department is authorized to charge certain fees payable by applicants and others, in amounts sufficient to cover the actual cost of the service provided. The Department has determined the costs of the following services:

(a) Fingerprint processing fee for each fingerprint card submitted \$64

(b) Exam fee for each exam scheduled \$50 ~~56~~

(2) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.501 FS. History—New 6-4-92, Amended 4-18-94, Formerly 4-211.005, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hazel Muhammad, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Alice Palmer, Director, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 10, 2006

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF EDUCATION

##### State Board of Education

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

##### NOTICE OF CORRECTION

Notice is hereby given that the following correction is made to the above proposed rule, which was published in Vol. 32, No. 3, January 20, 2006 issue of the Florida Administrative Weekly.

Subsections (6) through (11) No change.

#### DEPARTMENT OF EDUCATION

##### State Board of Education

RULE NO.: 6B-4.010  
RULE TITLE: Instructional Personnel Assessment

##### NOTICE OF CORRECTION

Notice is hereby given that the Notice of Change for the above proposed rule, published in Vol. 32, No. 9, March 3, 2006 issue of the Florida Administrative Weekly was submitted by the Department of Education, State Board of Education, and was changed by the publisher.

#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Division of Health Quality Assurance

RULE NO.: 59A-3.253  
RULE TITLE: Investigations and License, Life Safety and Validation Inspections

##### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 2, January 14, 2005, issue of the Florida Administrative Weekly. The proposed language that provided facilities with exemption from penalty during the time that an Internet site is not functional has been deleted as there was no statutory authority