

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE NO.: IT-1.001                      RULE TITLE: Division of Cultural Affairs

PURPOSE AND EFFECT: The proposed amendment to Rule IT-1.001 provides for a description of the reporting responsibilities of state agencies as regards the Art in State Buildings program (Section 255.043, F.S.).

SUBJECT AREA TO BE ADDRESSED: Art in State Buildings Program.

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (6), 265.2861(2)(b), (f), 265.2865(6), 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-.603, 265.605-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.06561 FS.

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

DATE AND TIME: March 27, 2008, 9:00 a.m.  
PLACE: Room 307, R. A. Gray Building, 500 S Bronough St., Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Morgan Lewis, Division of Cultural Affairs, (850)245-6356. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lee Modica, Division of Cultural Affairs, (850)245-6476

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

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE NO.: IT-1.001                      RULE TITLE: Division of Cultural Affairs

PURPOSE AND EFFECT: The purpose of this amendment is to establish in rule the recommendations of the Department of State's Inspector General and Office of the General Counsel following a review of the program in July 2006.

SUBJECT AREA TO BE ADDRESSED: Cultural Endowment Program grant award agreement, definitions, audit language, reporting requirements, and grant administration.

SPECIFIC AUTHORITY: 265.284(5)(d), 265.285(1)(c), 265.286(1), 265.701(4) FS.

LAW IMPLEMENTED: 215.97, 265.284, 265.285, 265.286, 265.701, 286.011, 286.012, 286.25 FS.

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

DATE AND TIME: Monday, March 17, 2008, 9:30 a.m.  
PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NO.: 5E-9.028                      RULE TITLE: License Fees

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to increase license renewal fees to the maximum allowed by statutes.

SUBJECT AREA TO BE ADDRESSED: License renewal fees.

SPECIFIC AUTHORITY: 487.045, 487.048(1), 570.07(23) FS.

LAW IMPLEMENTED: 487.045, 487.048(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mr. Bruce Nicely, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399, (850)488-8731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-9.028 License Fees.

(1) Private and public pesticide applicator license. The fee for either initial licensure or license renewal is ~~\$100~~ ~~\$60~~, with no additional fee for added categories.

(2) Commercial pesticide applicator license. The fee for either initial licensure or license renewal is ~~\$250~~ ~~\$160~~, with no additional fee for added categories.

(3) Pesticide dealer license. The fee for either initial licensure or license renewal is ~~\$250~~ ~~\$175~~.

(4) Fee submission. All fees shall be submitted to the Pesticide Certification Office, P. O. Box 6710, Tallahassee, Florida 32314-6710. Checks or money orders shall be payable to the Florida Department of Agriculture and Consumer Services.

Specific Authority 487.045, 487.048(1), 570.07(23) FS. Law Implemented 487.045, 487.048(1) FS. History—New 6-9-94, Amended 7-2-95, 9-24-98,\_\_\_\_\_.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.012 Purchasing Policies

PURPOSE AND EFFECT: To amend Rule 6A-1.012, Florida Administrative Code, to update the purchasing policies used by school districts to purchase products or services.

SUBJECT AREA TO BE ADDRESSED: District school board purchasing rules.

SPECIFIC AUTHORITY: 1001.01, 1010.04 FS.

LAW IMPLEMENTED: 1001.42(4)(j), 1010.04 FS.

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

DATE AND TIME: Tuesday, March 25, 2008, 9:30 a.m. – 10:30 a.m.

PLACE: Florida Department of Education, 325 West Gaines Street, Room 503, Turlington Building, Tallahassee, FL 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ed Clayton, Assistant Bureau Chief, Bureau of Contracts, Grants and Procurement Management Services, Florida Department of Education, (850)245-0483 or Ed.Clayton@fldoe.org

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-4.0021 Florida Teacher Certification

Examinations

PURPOSE AND EFFECT: The purpose of this proposed rule development is to adopt the Thirteenth Edition of the FTCE Competencies and Skills for the Florida Teacher Certification Examinations to implement changes to the subject area competencies and skills. The rule also will amend the score verification process to limit the review of items by examinees to those items they answered incorrectly and to allow these score verification sessions to be held in various locations statewide. Effective dates for these changes will be specified in the rule amendment. With these changes, selected examinations will be updated to reflect new competencies and skills and examinees will have greater access to score verification sessions statewide.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examinations.

SPECIFIC AUTHORITY: 1012.56(8) FS.

LAW IMPLEMENTED: 1012.56(8) FS.

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

DATE AND TIME: March 24, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Education, 1703/07 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Mike Jones, Program Director, Postsecondary Assessment, Office of Assessment and School Performance, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL. 32399, (850)245-5013

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-4.00821 Florida Educational Leadership

Examination

PURPOSE AND EFFECT: The purpose of this proposed rule development is to adopt the Fifth Edition of the FELE Competencies and Skills for the Florida Educational Leadership Examination (FELE). Additional rule amendments will include: renaming and updating selected FELE subtests, removing obsolete rater and rating requirements, establishing passing scores, amending the score verification process, and specifying a minimum of 31 days between testing and retesting. Effective dates for these changes will be specified in the rule amendment. With these changes, the FELE program will be updated to include new competencies and skills, new passing scores and scoring processes, as well as greater access

to score verification sessions. In addition, examinees will be required to wait at least 31 days before retaking a failed examination.

SUBJECT AREA TO BE ADDRESSED: Florida Educational Leadership Examination.

SPECIFIC AUTHORITY: 1012.55(1) FS.

LAW IMPLEMENTED: 1012.55(1) FS.

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

DATE AND TIME: March 24, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Education, 1703/07 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Mike Jones, Program Director, Postsecondary Assessment, Office of Assessment and School Performance, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-5013

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

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-17.003	Registration
12A-17.005	Public Use Forms

PURPOSE AND EFFECT: The purpose of the amendments to Rule 12A-17.003, F.A.C. (Registration), is to: (1) provide that, to obtain a certificate of registration as a secondhand dealer or as a secondary metals recycler, the Department requires a completed application package; (2) provide the documents that are required to be included in application package submitted for registration as a secondhand dealer or as a secondary metals recycler; (3) provide how and when to submit a completed application package to the Department for processing; (4) provide that a Federal Bureau of Investigation fingerprint card must be received as part of a registration application, so that the Florida Department of Law Enforcement can complete the background check required for all applicants; (5) provide information for the fees imposed by the Department of Law Enforcement and the Federal Bureau of Investigation to perform a background check; (6) provide the requirements for registration when there is a change in legal entity of a registered business or when there is a change in ownership of a registered business; (7) clarify the process for renewing an annual certificate of registration; and (8) clarify what confidential information the Department has been authorized to release to law enforcement officials or by an order of a judge or by a subpoena.

The purpose of the proposed amendments to Rule 12A-17.005, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, forms to be used by the Department to register secondhand dealers and secondary metals recyclers beginning July 2008; (2) update information on how to obtain forms from the Department; and (3) clarify that renewal applications are issued annually by the Department to current registrants.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the requirements imposed on persons to obtain a certificate of registration as a secondhand dealer or a secondary metals recycler.

SPECIFIC AUTHORITY: 213.06(1), 538.11 FS.

LAW IMPLEMENTED: 213.053(9), (11), 538.09, 538.11, 538.25, 538.26, 539.002 FS.

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

DATE AND TIME: March 24, 2008, 10:00 a.m.

PLACE: Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-17.003 Registration.

(1)(a) Any person, corporation, or other business entity must shall file a completed application package for registration as an Application for Secondhand Dealer or Secondary Metals Recycler Registration (form DR-1S, incorporated by reference in Rule 12A-17.005, F.A.C.) and be issued a secondhand dealer or secondary metals recycler and obtain a certificate of registration before engaging in business as a secondhand dealer or secondary metals recycler. One application package Application for Secondhand Dealer or Secondary Metals Recycler Registration is required for each dealer. If a dealer is engaged in business as a secondhand dealer and a secondary metals recycler, a separate application package Application for Secondhand Dealer or Secondary Metals Recycler Registration must be filed for each type of business. If a secondhand dealer

or secondary metals recycler is the owner of more than one business location, the application package must list each location owned by the same legal entity. The Department will issue a certificate of registration to the business duplicate Certificate of Registration for each location.

(b) To apply for registration as a secondhand dealer or secondary metals recycler, a business entity is required to provide a completed registration package to:

Account Management-Secondhand Dealer Unit  
Florida Department of Revenue  
P. O. Box 6480  
Tallahassee, Florida 32314-6480

(c) A completed registration package contains the following:

1. A completed Application for Secondhand Dealer or Secondary Metals Recycler Registration (Form DR-1S, incorporated by reference in Rule 12A-17.005, F.A.C.) for each business location.

2. A Federal Bureau of Investigation (United States Department of Justice) fingerprint card completed by a local law enforcement official for each corporate officer, owner, general partner, stockholder and/or director with a controlling interest. The completed fingerprint card is necessary for a state and federal criminal history record check (background check) to be performed by the Florida Department of Law Enforcement. Form GT-200403 (incorporated by reference in Rule 12A-17.005, F.A.C.) provides instructions for completing the fingerprint card.

3. A full-face photograph for each corporate officer, owner, general partner, stockholder and/or director with a controlling interest.

4. A check, payable to the Florida Department of Revenue, which includes payment for:

a. The \$6 application fee required for each business location; and

b. The fee imposed by the Florida Department of Law Enforcement for processing each completed fingerprint card for a state and federal criminal history record check (background check). The amount of this fee is provided at <http://www.fdle.state.fl.us/criminalhistory/index.html>.

(d) A registration package containing the forms required by the Federal Bureau of Investigation, the Florida Department of Law Enforcement, and the Florida Department of Revenue may be obtained, without cost, by: 1) ordering the registration package at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms) to be mailed to you; or 2) calling the Florida Department of Revenue at (800)352-3671, Monday through Friday, 8 a.m. to 7 p.m., Eastern Time; or 3) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

~~(2)(a)(b)~~ The certificate of registration issued by the Department is Certificate of Registration shall not be assignable; and is only shall be valid only for the person, firm, co-partnership, or corporation listed on the certificate to which issued.

~~(b)(e)~~ Engaging in business as a secondhand dealer or secondary metals recycler without first obtaining a certificate of registration Certificate of Registration or after a certificate is such Certificate of Registration has been revoked or suspended by the Department is prohibited.

~~(3)(2)~~ The effective date of the certificate of registration issued by the Department is Certificate of Registration shall be the postmark date of the completed application package for registration Application for Secondhand Dealer or Secondary Metals Recycler Registration, if mailed, or the date the completed application package is received by the Department, if it is delivered by means other than mail.

(4)(a) For businesses that hold a valid certificate of registration, a new completed application package must be submitted and a new certificate of registration must be obtained when there is a change in the form of ownership in the business. For example, a sole proprietor that incorporates or a corporation that converts to a limited liability company is required to submit a new completed registration package to the Department and obtain a new certificate of registration.

(b) When there is a change in a general partner of a partnership, in the members of an association, joint venture, limited liability company, or other noncorporate entity, or in the corporate officers/directors who hold a controlling interest in a corporation, the new partner, new member, or new corporate officer/director must submit:

1. A Federal Bureau of Investigation fingerprint card completed by a local law enforcement official;

2. A full-face photograph; and

3. A check, payable to the Florida Department of Revenue, for the fee imposed by the Florida Department of Law Enforcement for processing the state and federal criminal history record check (background check).

~~(5)(3)~~ Each person who holds a certificate of registration is required to Certificate of Registration shall annually file an Application for Renewal of Secondhand Dealer or Secondary Metals Recycler Registration (Form ~~form~~ DR-1SR, incorporated by reference in Rule 12A-17.005, F.A.C.) and pay an annual renewal fee of \$6 per location. Renewal applications are provided annually to each business that holds a certificate of registration as a secondhand dealer or as a secondary metals recycler. Completed Each renewal applications and annual renewal fees are due by fee is payable on October 1 of each year.

(6)(a) The Department will release the following information to a law enforcement official who requests verification of a secondhand dealer's certificate of registration:

1. Whether a specified person holds a valid certificate of registration;

2. Whether a specified certificate number is valid, has been canceled, or is inactive or otherwise invalid and the name of the holder of that certificate number; and

3. The name and address of any secondhand dealer registered to do business within the official's jurisdiction.

(b) The Department will release the following information to a law enforcement official who requests verification of a secondary metals recycler's certificate of registration:

1. Whether a specified person holds a valid certificate of registration as a secondary metals recycler; and

2. Whether a specified certificate number is valid, has been canceled, or is inactive or otherwise invalid and the name of the holder of that certificate number.

(c) Pursuant to Section 213.053(9), F.S., the Department will provide information required by an order of a judge or a subpoena.

Specific Authority ~~212.17(6), 212.18(2), 213.06(1), 538.11 FS. Law Implemented 213.053(9), (11), 212.17(4), 538.09, 538.11, 538.25, 538.26 FS. History--New 3-15-90, Amended 11-14-91, 4-18-93, 10-18-93, 10-17-94, 3-20-96, 8-1-02, \_\_\_\_\_.~~

12A-17.005 Public Use Forms.

(1) The following public-use forms and instructions are employed by the Department in its dealings with the public in administering Chapter 538, F.S., and are incorporated by reference in this rule.

(a) Copies of these forms, except those denoted by an asterisk (\*), are available, without cost, by ~~one (1) or more of the following methods:~~ 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms); or, 2) calling the Department at (800)352-3671, Monday through Friday, 8 a.m. to 7 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Forms Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

(b) Renewal applications specifically denoted by an asterisk (\*) are issued by the Department to holders of current certificates of registration as a secondhand dealer or a secondary metals recycler. A copy of a renewal application may be obtained by written request directed to:

Florida Department of Revenue  
Taxpayer Services  
1379 Blountstown Highway  
Tallahassee, Florida 32304-2716.

Form Number	Title	Effective Date
<del>(2)</del> (4) DR-1S	Application for Secondhand Dealer or Secondary Metals Recycler Registration (R. 07/08 08/04)	____ 09/04
<del>(3)</del> (2) *DR-1SR	Renewal Application for Secondhand Dealer or Secondary Metals Recycler (R. 07/08 07/04)	____ 06/05
(4) GT-200403	Secondhand Dealer/ Secondary Metals Recycler Fingerprint Card Instructions (R. 07/08)	_____

Specific Authority ~~212.17(6), 212.18(2), 213.06(1), 538.11 FS. Law Implemented 212.17(6), 212.18(2), 213.06(1), 538.09, 538.11, 538.25, 539.002 FS. History--New 3-15-90, Amended 11-14-91, 4-18-93, 10-17-94, 8-1-02, 9-28-04, 6-28-05, \_\_\_\_\_.~~

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NOS.:                      RULE TITLES:  
33-602.220                      Administrative Confinement  
33-602.222                      Disciplinary Confinement

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rules 33-602.220 and 33-602.222, F.A.C. in the following ways: to allow inmates in administrative and disciplinary confinement to possess four security pens; amend the method for counting non-food canteen items (allowing stamps, envelopes, security pens, and notebook paper to each count as one item) for administrative confinement; and general re-wording for clarity; Form DC6-295, Special Housing Unit Rotation Review, is amended by replacing the required staff social security number with Staff Look-up Id.

SUBJECT AREA TO BE ADDRESSED: Administrative and disciplinary confinement.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.04 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.220 Administrative Confinement.

(1) through (4) No change.

(5) Conditions and Privileges.

(a) Clothing – inmates in administrative confinement shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229 and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate’s clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229. Under no circumstances shall an inmate be left without a means to cover himself or herself.

(b) through (f) No change.

(g) Canteen Items – inmates in administrative confinement shall be allowed to make canteen purchases once every other week. Items sold to administrative confinement inmates shall be restricted when reasonably necessary for institutional safety and security.

1. No change.

2. Inmates in administrative confinement shall be allowed to purchase a maximum of five non-food canteen items. ~~In making this determination, with the exception of stamps, envelopes, security pens, and notebook paper, each count as one it is the number of non-food items that is counted, not the type of item.~~ For example, three security pens counts as ~~three items, not~~ one item. Twenty-five stamps or fewer shall count as one item and two packages or less of notebook paper shall count as one item.

(h) through (l) No change.

(m) Writing utensils – inmates in administrative confinement ~~may shall~~ possess a maximum of four (4) only a security pens. Other types of pens and pencils shall be confiscated and stored until the inmate is released from

administrative confinement status. Inmates who are in possession of working pens or pencils when placed in administrative confinement will be issued a security pen. Inmates who are not indigent must purchase additional pens when needed from the canteen. If security pens are unavailable, the inmate shall be allowed to sign out a regular pen from the confinement housing officer. All care shall be taken to ensure that an indigent inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances. An inmate who has been provided a “writer/reader” shall be allowed access to such for the purpose of reading or preparing correspondence.

(n) through (q) No change.

(6) through (11) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History–New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, 4-1-04, 3-5-06, 10-31-06, \_\_\_\_\_.

33-602.222 Disciplinary Confinement.

(1) through (3) No change.

(4) Conditions and Privileges.

(a) through (f) No change.

(g) Canteen Items. Inmates in disciplinary confinement shall be allowed to make prohibited from purchasing canteen purchases once ever other week. Items sold to inmates in disciplinary confinement shall be restricted for institutional safety and security items while in disciplinary confinement. ~~However, Non-indigent inmates shall be allowed to purchase deodorant, shower shoes, stamps, envelopes, security pens and paper for preparation of legal documents, including inmate grievances, and for mail to notify visitors of his or her confinement status.~~

(h) through (m) No change.

(n) Writing utensils. Inmates in disciplinary confinement ~~may shall~~ possess a maximum of four (4) only one security pens. Inmates who are in possession of working pens or pencils when placed in disciplinary confinement shall be issued a security pen. Inmates who are not indigent must purchase additional security pens when needed from the canteen. If no security pens are available, the inmate shall be allowed to sign out a regular pen from the confinement housing officer. All care shall be taken to ensure that an indigent inmate who requests a pen has access to a pen for a time period sufficient to prepare legal documents or legal mail, to file a grievance, or to notify family of confinement status. An inmate who has been provided a “writer/reader” shall be allowed access to such for the purpose of reading or preparing correspondence.

(o) through (r) No change.

(5) through (13) No change.

(14) Forms. Form DC6-295, Special Housing Unit Rotation Review, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC6-295 is \_\_\_\_\_ January 16, 2006.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, 3-23-99, Formerly 33-3.0084, Amended 2-12-01, 2-15-02, 4-1-04, 1-16-06, 10-31-06, \_\_\_\_\_.

## DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.701  
 RULE TITLE: Use of Blue Lights and Sirens

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement amendments to Sections 316.003, 316.072, and 316.2397, F.S. which designate Department of Corrections vehicles as law enforcement vehicles and allow the Department of Corrections to operate blue lights and sirens.

SUBJECT AREA TO BE ADDRESSED: Operation of department vehicles.

SPECIFIC AUTHORITY: 316.2397 FS.

LAW IMPLEMENTED: 316.003, 316.072, 316.2397 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

### 33-602.701 Use of Blue Lights and Sirens.

(1) Authorized Emergency Vehicles: The following vehicles shall be authorized to have and operate blue lights and a siren under the circumstances set out in subsections (1), (2), and (3) of this rule:

(a) Designated emergency response vehicles assigned to the Office of the Inspector General;

(b) Primary and secondary canine unit vehicles, not to exceed three vehicles per facility; or

(c) Vehicles specifically designated for use to "trail" external EMS transports, not to exceed two per facility.

### (2) Use of Blue Lights Only:

(a) Incidents of this nature do not require and staff will not use audible emergency warnings. These incidents include:

1. Responding to the report of non-life threatening injuries or minor disturbances at external work areas, etc.;

2. Participating in escape simulation drills, or other similar drills where a visual warning may be necessary to alert the general public; or

3. Working in accord with local law enforcement agencies. (b) Under no circumstances will a vehicle displaying only blue lights, not operating a siren, exceed posted speed limits or disregard traffic laws.

### (3) Use of Blue Lights and Siren:

(a) Blue lights and a siren shall be utilized in unison when responding to the following types of emergency situations.

1. Escapes from secure custody;

2. When providing armed escort to emergency vehicles such as ambulances transporting inmates when those emergency vehicles are operating lights and sirens; or

3. When working with other law enforcement agencies in emergency situations, when such assistance has been requested by the law enforcement agency.

(b) The driver of any authorized emergency vehicle displaying blue lights and using the siren may exercise privileges granted under Section 316.072, F.S., but only under the following conditions and except when otherwise directed by a law enforcement officer. The driver may:

1. Park or stand, irrespective of the provisions of Chapter 316, F.S.;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits, so long as the driver does not endanger life or property; and

4. Disregard regulations governing direction or movement or turning in specified directions, so long as the driver does not endanger life or property.

(c) The foregoing provisions will not relieve the driver from the duty to drive with due regard for the safety of all persons, nor will such provisions protect the driver from the consequences of his or her reckless disregard for the safety of others. Additionally, all staff engaged in any emergency response situation shall comply with the following procedures:

1. Stop for all stop signs and red traffic lights and proceed only after all other vehicles have yielded the right-of-way.

2. Speed will not exceed 15 MPH over the posted speed limit unless circumstances exist that would provide for the safe operation of the vehicle at higher speeds and the gravity of the situation so warrants. Speed entering and exiting a tollbooth shall never be greater than the posted speed limit or if not posted 15 MPH.

3. In the event of an equipment failure that could result in the unsafe operation of the vehicle during an emergency response mode, such emergency response mode shall be terminated and the appropriate institutions control room will be notified.

(d) Under no circumstances will the siren or any other audible device be operated alone, independent of displaying blue lights.

(4) Use of Vehicles in Recapture Efforts: The department has a “no motor vehicle pursuit” policy.

(a) Motor vehicle pursuits will be handled by the law enforcement agencies involved in the recapture efforts.

(b) If an escapee is detected and flees in a motor vehicle, the detecting correctional officer will immediately communicate this information to the assisting agencies and allow them to take over any pursuit of a motor vehicle.

(c) The correctional officer will obtain as much descriptive information as possible of the suspect vehicle (location, direction of travel, color, make of vehicle, model of vehicle, tag, and occupant description).

(5) Responsibilities:

(a) It will be the responsibility of the warden or inspector general to:

1. Ensure that all officers assigned as drivers for emergency vehicles utilizing blue lights and sirens are properly trained in the safe operation of emergency vehicles and have completed an emergency vehicle operations course or the reasonable equivalent as approved by the department;

2. Ensure that all emergency vehicles are maintained in good condition;

3. Ensure those officers utilized as drivers for emergency vehicles have not, within the past three years, been convicted of reckless driving or driving under the influence of alcohol or controlled substances, and have not had their driver’s license suspended under the point system provided for in Chapter 322, F.S.;

4. Ensure those officers utilized as drivers for emergency vehicles possess a valid State of Florida driver’s license;

5. Ensure officers utilized as drivers for emergency vehicles possess both a valid American Red Cross or National Safety Council standard first aid course card or its equivalent and a valid American Red Cross or American Heart Association cardiopulmonary resuscitation card; and

6. Cause a periodic inspection of drivers to ensure continued compliance with the foregoing.

(b) It will be the responsibility of the driver of a designated department emergency vehicle to:

1. Advise his or her supervisor of any change to his or her driving status; i.e., suspended license, etc.;

2. Advise his or her supervisor of any physical or mental defect, disease or condition that would adversely affect or impair his or her ability to drive an emergency vehicle; (This includes the taking of an prescription or over the counter medication which may impair a person’s reaction time, cause drowsiness, or any other mental or physical impairment.)

3. Comply with all provisions of this rule and state Uniform Traffic Control laws of Chapter 316, F.S.

(6) Training:

(a) The Bureau of Staff Development will design and implement emergency vehicle operation course of no less than sixteen hours. This training will mirror that which is currently afforded law enforcement students in certified law enforcement academies. This course may be condensed in order to better suit the department’s needs, but will provide students with advanced driving techniques and a clear understanding of current law and legal expectations.

(b) Correctional officers who have attended and successfully completed a certified law enforcement crossover course and have their certificates of certification as law enforcement officers on file with the department will be considered as meeting this training requirement. In the event there is no cross over emergency vehicle operation course, the additional department training will be required.

(c) The Bureau of Staff Development will ensure this course is updated annually or as needed based on current state Uniform Traffic Control laws, Chapter 316, F.S.

(d) The course of study will be mandatory for all persons prior to operating any vehicle equipped with blue lights and siren, and will be documented in each person’s personnel file and training record.

Specific Authority 316.2397 FS. Law Implemented 316.003, 316.072, 316.2397 FS. History—New \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

<b>RULE NOS:</b>	<b>RULE TITLES:</b>
59A-35.020	Applicability
59A-35.030	Definitions
59A-35.040	License Required; Display
59A-35.050	Fees Required; Adjustments
59A-35.060	Licensure Application Process
59A-35.070	Change of Ownership
59A-35.080	License Categories
59A-35.090	Background Screening; Prohibited Offenses
59A-35.100	Minimum License Requirements
59A-35.110	Reporting Requirements; Electronic Submission
59A-35.120	Right of Inspection; Copies; Inspection Reports
59A-35.130	Unlicensed Activity
59A-35.140	Administrative Fines
59A-35.150	Moratorium; Emergency Suspension
59A-35.160	License or Application Denial; Revocation
59A-35.170	Injunctions
59A-35.180	Administrative Proceedings

59A-35.190	Health Care Trust Fund
59A-35.200	Rules
59A-35.210	Exemptions
59A-35.230	Denial, Suspension or Revocation of a License, Registration, Certificate or Application
59A-35.235	Emergency Preparedness and Response
59A-35.240	Conflicts

PURPOSE AND EFFECT: Chapter 59A-35, Florida Administrative Code, is being developed to establish uniform procedures for licensure of health care facilities as authorized in Chapter 408, Part II, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Licensure requirements, application procedures and administrative proceedings for all health care providers regulated by the Agency for Health Care Administration.

SPECIFIC AUTHORITY: 408.819 FS.

LAW IMPLEMENTED: Chapter 408, Part II FS.

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

DATE AND TIME: April 3, 2008, 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building # 3, Conference Room A, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Erin Smith, Bureau of Long Term Care Services, (850)414-9707, 2727 Mahan Drive, Tallahassee, Florida. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Erin Smith, Bureau of Long Term Care Services, 2727 Mahan Drive, Tallahassee, Florida, (850)414-9707

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:	RULE TITLE:
59G-4.055	County Health Department Clinic Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update April 2008 to the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook. The handbook

was updated to add the range of codes for billing administration of vaccines to Medicaid recipients from birth to 18 years of age and to add immunization codes for rabies vaccine; tetanus and diphtheria vaccine, preservative free; and an "unlisted vaccine." The update also corrects the code for tetanus, diphtheria, acellular pertussis vaccine. The effect will be to incorporate by reference in the rule update April 2008 to the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: County Health Department Clinic Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 FS.

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

DATE AND TIME: Monday, March 24, 2008, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Catherine McGrath, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5403, (850)922-7326

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.055 County Health Department Clinic Services.

(1) No change.

(2) All county health department clinic services providers enrolled in the Medicaid program must comply with the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook, January 2007, updated April 2008, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History--New 6-27-93, Formerly 10P-4.350, Amended 4-16-95, 6-4-96, 6-24-98, 7-18-01, 11-17-03, 2-19-07, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:	RULE TITLE:
59G-4.100	Federally Qualified Health Center Services

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to incorporate by reference update April 2008 to the Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook. The handbook was updated to add the range of codes for billing administration of vaccines to Medicaid recipients from birth to 18 years of age and to add an immunization code for an “unlisted vaccine.” The update corrects the codes for tetanus and diphtheria vaccine, preservative free, and tetanus, diphtheria, acellular pertussis vaccine. The update also replaces “Norplant Kit” with “Implanon.” The effect will be to incorporate by reference in the rule update April 2008 to the Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook.

**SUBJECT AREA TO BE ADDRESSED:** Federally Qualified Health Center Services.

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.905, 409.906, 409.908, 409.9081 FS.

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

**DATE AND TIME:** Monday, March 24, 2008, 2:00 p.m.

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Catherine McGrath, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5403, (850)922-7326

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

59G-4.100 Federally Qualified Health Center Services.

(1) No change.

(2) All federally qualified health center services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook, January 2007, updated April 2008, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent’s website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry, (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908, 409.9081 FS. History—New 6-27-93, Formerly 10P-4.100, Amended 4-16-95, 5-28-96, 6-24-98, 12-31-01, 11-17-03, 2-19-07, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

**RULE NO.:** 61G4-15.032  
**RULE TITLE:** Certification of Swimming Pool Specialty Contractors

**PURPOSE AND EFFECT:** The Board proposes the rule amendment to delete unnecessary language and to add language to clarify certification procedures and qualifications for swimming pool specialty contractors.

**SUBJECT AREA TO BE ADDRESSED:** Certification of swimming pool specialty contractors.

**SPECIFIC AUTHORITY:** 455.217, 489.108, 489.113(6), 489.115(4) FS.

**LAW IMPLEMENTED:** 455.217, 489.108, 489.113(6), 489.115(4) FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

**RULE NOS.:** 61G15-19.001, 61G15-19.004  
**RULE TITLES:** Grounds for Disciplinary Proceedings; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

**PURPOSE AND EFFECT:** Purpose and effect is to update the existing language in this rule.

**SUBJECT AREA TO BE ADDRESSED:** Grounds for Disciplinary Proceedings; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

**SPECIFIC AUTHORITY:** 455.227, 471.008, 471.031, 471.033 FS.

**LAW IMPLEMENTED:** 455.227, 471.025(1), 471.031, 471.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-5.002  
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed rule amendment updates and clarifies the recommended range of penalties relating to disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 455.227, 455.2273, 468.606 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 468.607 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-7.001  
 RULE TITLE: Board Approved Training Programs as Alternative Eligibility Requirement for Examination

PURPOSE AND EFFECT: The proposed rule amendment clarifies that cross training programs are an alternative eligibility requirement for examination.

SUBJECT AREA TO BE ADDRESSED: Alternative Eligibility Requirement for Examination.

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 468.609(2)(c)4. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-7.0015  
 RULE TITLE: Board Approved Comprehensive Initial Training Programs as Alternative Eligibility Requirements for Examination for Building Inspector or Plans Examiner Certification

PURPOSE AND EFFECT: The proposed rule amendment establishes the number of hours required to satisfactory complete a comprehensive initial training program which will be an alternative eligibility requirement for examination for building inspector or plans examiner certification.

SUBJECT AREA TO BE ADDRESSED: Board Approved Comprehensive Initial Training Programs as Alternative Eligibility Requirements for Examination for Building Inspector or Plans Examiner Certification.

SPECIFIC AUTHORITY: 468.606, 468.609 FS.

LAW IMPLEMENTED: 468.609, 468.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: RULE TITLE:  
61G19-7.002 Training Program Providers  
PURPOSE AND EFFECT: The proposed rule amendment provides the approval process for establishing an initial training program and a cross training program.  
SUBJECT AREA TO BE ADDRESSED: Training Programs Providers.  
SPECIFIC AUTHORITY: 468.606, 468.609 FS.  
LAW IMPLEMENTED: 455.2179, 468.609, 468.609 FS.  
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: RULE TITLE:  
61G19-7.004 Approval of Training Programs  
PURPOSE AND EFFECT: The proposed rule amendment provides the approval process for establishing a cross training program.  
SUBJECT AREA TO BE ADDRESSED: Approval of Training Programs.  
SPECIFIC AUTHORITY: 468.606, 468.609 FS.  
LAW IMPLEMENTED: 468.609, 468.627(7) FS.  
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: RULE TITLE:  
61G19-7.005 Approval of Comprehensive Initial Training Programs  
PURPOSE AND EFFECT: The proposed rule amendment provides the approval process for establishing a comprehensive initial training program.  
SUBJECT AREA TO BE ADDRESSED: Approval of Comprehensive Initial Training Programs.  
SPECIFIC AUTHORITY: 468.606, 468.609 FS.  
LAW IMPLEMENTED: 468.609, 468.627(7) FS.  
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Mobile Home Relocation Corporation**

RULE NOS.: RULE TITLES:  
61M-1.001 Procedures for Operation  
61M-1.002 Claims Procedures  
61M-1.003 Approved Forms  
61M-1.004 Late Fees  
61M-1.005 Determination of Mobile Home Park Status  
61M-1.006 Rental Agreement Status  
61M-1.007 Timeframe to Apply for Assistance  
61M-1.008 Grievance Procedure  
PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments will be to make language changes to clarify and organize existing rules and forms and to address operational concerns arising out of the current versions of existing rules and forms. Changes to existing rules will also be considered to address possible concerns arising out of the incorporation of forms into a separate rule. The board will also discuss, and will consider, possible new rules relating to late fees to implement changes to Section 723.06116(1)(a)-(d), F.S., and possible new rules relating to the determination of mobile home park status, rental agreement status, timeframes to apply for assistance to implement changes to Section 723.0612(12), F.S., and a grievance procedure.

**SUBJECT AREA TO BE ADDRESSED:** The subject areas to be addressed in these rule amendments are: the operation of the Florida Mobile Home Relocation Corporation and the use of applicable forms by the public, requests for assistance for relocation and abandonment expenses by members of the public who reside in a mobile home park where there has been a change in land use and determinations made with regard to such applications, procedures for the collection of funds from mobile home park owners whose residents have sought relocation or abandonment expenses and procedures for aggrieved individuals to challenge decisions of the Florida Mobile Home Relocation Corporation.

**SPECIFIC AUTHORITY:** 723.0611(3) FS.

**LAW IMPLEMENTED:** 723.003, 723.061, 723.0611, 723.06115, 723.06116, 723.0612 FS.

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

**DATE AND TIME:** March 25, 2008, 9:30 a.m. – 12:00 Noon

**PLACE:** Sniffen Law Firm, P.A., General Counsel to Florida Mobile Home Relocation Corporation, 211 East Call Street, Tallahassee, FL 32301

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janet Garrett, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, (888)862-7010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Janet Garrett, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, (888)862-7010

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Water Resource Management**

**RULE CHAPTER NO.:** 62B-34  
**RULE CHAPTER TITLE:** General Permits for Activities Seaward of the Coastal Construction Control Line

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
Part I	General Provisions
62B-34.010	Definitions
62B-34.020	Purpose
62B-34.030	Application Procedures
62B-34.040	Application Fees and Information Requirements
62B-34.050	General Conditions
Part II	General Permits
62B-34.060	Non-Habitable Major Structures and Associated Minor Structures or Activities
62B-34.070	Single Family Dwelling and Associated Minor Structures or Activities
62B-34.900	Forms

**PURPOSE AND EFFECT:** To amend Chapter 62B-34, F.A.C., that provides a streamlined permitting process in additional coastal counties for activities seaward of the Coastal Construction Control Line that do not cause measureable interference with the beach and dune system or with marine turtles and their nesting habitats, in accordance with current statutes.

**SUBJECT AREAS TO BE ADDRESSED:** Revisions to general definitions, prohibitions and limitations, turtle protections requirements, and native vegetations protection requirements.

**SPECIFIC AUTHORITY:** 161.053 FS.

**LAW IMPLEMENTED:** 161.053(19), 161.0535, 161.054 FS.  
**IF REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Tuesday, March 25, 2008, 9:00 a.m. – 1:00 p.m.

**PLACE:** Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 5 days before the workshop by contacting the Bureau of Personnel Services at (850)245-2511. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800)955-8771 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Stephanie Gudeman, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)488-7816, or [Stephanie.Gudeman@dep.state.fl.us](mailto:Stephanie.Gudeman@dep.state.fl.us).

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.**

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-30.005  
 RULE TITLE: Physician Assistant Licensure  
 Renewal and Reactivation

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address requirements and credit for continuing medical education (CME) with regard to physician assistants.

SUBJECT AREA TO BE ADDRESSED: Requirements for continuing medical education.

SPECIFIC AUTHORITY: 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.031(1), 456.033, 456.036, 458.347 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.005 Physician Assistant Licensure Renewal and Reactivation.

- (1) No change.
- (2) Requirements for Renewal.
- (a) through (b) No change.
- (c) Submission of a written statement attesting to completion of 100 hours of Continuing Medical Education in the previous two (2) years or documentation that the licensee is certified at the time of renewal by the National Commission on Certification of Physician Assistants. A minimum of 50 hours must be Category I Continuing Medical Education approved by the American Academy of Physician Assistants, the Accreditation Council for Continuing Medical Education, the American Medical Association, the American Osteopathic Association Council on Continuing Medical Education, or the American Academy of Family Physicians. The remaining 50 hours may be Category II Continuing Medical Education. If not NCCPA certified, requested by the Council, the Physician Assistant must submit a copy of a current certificate issued by the National Commission on Certification of Physician Assistants or must be able to produce evidence of the 100 hours of reported CME for the relevant biennium.
- (d) through (f) No change.

(3)(a) For purposes of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of correcting, reducing or eliminating identifiable risks.

(b) Five hours of continuing medical education in the subject area of risk management may be obtained by attending one full day or eight (8) hours, whichever is more, of disciplinary hearings at a regular meeting of the Board of Medicine in compliance with the following:

- 1. The licensee must sign in with the Executive Director of the Board before the meeting day begins.
- 2. The licensee must remain in continuous attendance.
- 3. The licensee must sign out with the Executive Director of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive CME credit in risk management for attending the disciplinary portion of a Board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the Board meeting for another purpose. A member of the Board of Medicine may obtain 10 hours of continuing medical education per biennium in the subject area of risk management for attendance at the disciplinary portion of Board meetings.

(4) Up to 5 hours, per biennium, of continuing education credit may be fulfilled by performing pro bono medical services, for an entity serving the indigent, underserved populations or in areas of critical need within the state where the licensee practices. The standard for determining indigency shall be low-income (no greater than 150% of the federal poverty level) or uninsured persons. Credit shall be given on an hour per hour basis.

(a) The Board approves for credit under this rule, the following entities:

- 1. The Department of Health;
- 2. Community and Migrant Health Centers funded under section 330 of the United States Public Health Service Act; and
- 3. Volunteer Health Care provider programs contracted to provide uncompensated care under the provisions of Section 766.1115, F.S., with the Department of Health.

(b) For services provided to an entity not specified under this rule, a licensee must apply for prior approval in order to receive credit. In the application for approval, licensees shall disclose the type, nature and extent of services to be rendered, the facility where the services will be rendered, the number of patients expected to be served, and a statement indicating that the patients to be served are indigent. If the licensee intends to provide services in underserved or critical need areas, the application shall provide a brief explanation as to those facts.

(c) Unless otherwise provided through Board order, no licensee who is subject to a disciplinary action that requires additional continuing education as a penalty, shall be permitted to use pro-bono medical services as a method of meeting the additional continuing education requirements.

(5) Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth above.

(3) through (10) renumbered (6) through (13) No change.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS. Law Implemented 456.013, 456.031(1), 456.033, 456.036, 458.347 FS. History—New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98, 3-3-02, 10-12-03, 7-27-04, 10-19-04, 2-25-07, 11-11-07, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-6.0035  
 RULE TITLE: Physician Assistant Licensure  
 Renewal and Reactivation

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address requirements and credit for continuing medical education (CME) with regard to physician assistants.

SUBJECT AREA TO BE ADDRESSED: Requirements for continuing medical education.

SPECIFIC AUTHORITY: 456.013, 456.033(1), 459.005, 459.022 FS.

LAW IMPLEMENTED: 456.013, 456.031, 459.022(7)(b), (c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.0035 Physician Assistant Licensure Renewal and Reactivation.

- (1) No change.
- (2) Requirements for Renewal.
  - (a) through (b) No change.

(c) Submission of a written statement attesting to completion of 100 hours of Continuing Medical Education in the previous two (2) years or documentation that the licensee is certified at the time of renewal by the National Commission on Certification of Physician Assistants. A minimum of 50 hours must be Category I Continuing Medical Education approved by the American Academy of Physician Assistants, the Accreditation Council for Continuing Medical Education, the American Medical Association, the American Osteopathic

Association Council on Continuing Medical Education, or the American Academy of Family Physicians. The remaining 50 hours may be Category II Continuing Medical Education. If not NCCPA certified, if requested by the Council, the Physician Assistant must submit a copy of a current certificate issued by the National Commission on Certification of Physician Assistants or must be able to produce evidence of the 100 hours of reported CME for the relevant biennium.

(d) through (f) No change.

(3)(a) For purposes of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of correcting, reducing or eliminating identifiable risks.

(b) Five hours of continuing medical education in the subject area of risk management may be obtained by attending one full day or eight (8) hours, whichever is more, of disciplinary hearings at a regular meeting of the Board of Osteopathic Medicine in compliance with the following:

1. The licensee must sign in with the Executive Director of the Board before the meeting day begins.
2. The licensee must remain in continuous attendance.
3. The licensee must sign out with the Executive Director of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive CME credit in risk management for attending the disciplinary portion of a Board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the Board meeting for another purpose. A member of the Board of Osteopathic Medicine may obtain 10 hours of continuing medical education per biennium in the subject area of risk management for attendance at the disciplinary portion of Board meetings.

(4) Up to 5 hours, per biennium, of continuing education credit may be fulfilled by performing pro bono medical services, for an entity serving the indigent, underserved populations or in areas of critical need within the state where the licensee practices. The standard for determining indigency shall be low-income (no greater than 150% of the federal poverty level) or uninsured persons. Credit shall be given on an hour per hour basis.

(a) The Board approves for credit under this rule, the following entities:

1. The Department of Health;
2. Community and Migrant Health Centers funded under section 330 of the United States Public Health Service Act; and
3. Volunteer Health Care provider programs contracted to provide uncompensated care under the provisions of Section 766.1115, F.S., with the Department of Health.

(b) For services provided to an entity not specified under this rule, a licensee must apply for prior approval in order to receive credit. In the application for approval, licensees shall disclose the type, nature and extent of services to be rendered.

the facility where the services will be rendered, the number of patients expected to be served, and a statement indicating that the patients to be served are indigent. If the licensee intends to provide services in underserved or critical need areas, the application shall provide a brief explanation as to those facts.

(c) Unless otherwise provided through Board order, no licensee who is subject to a disciplinary action that requires additional continuing education as a penalty, shall be permitted to use pro-bono medical services as a method of meeting the additional continuing education requirements.

(5) Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth above.

(3) through (10) renumbered (6) through (13) No change.

Specific Authority 456.013, 456.033(1), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 459.022(7)(b), (c) FS. History—New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98, 10-16-01, 3-10-02, 7-13-04, 7-27-04, 2-25-07, 11-11-07, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.: 64B19-12.0075  
RULE TITLE: Biennial Limited License Renewal Fee

PURPOSE AND EFFECT: The Board proposes to promulgate the rule in order to establish the limited license renewal fee.

SUBJECT AREA TO BE ADDRESSED: Biennial Limited License Renewal Fee.

SPECIFIC AUTHORITY: 456.036(3) FS.

LAW IMPLEMENTED: 456.036(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Acting Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.: 64B19-12.0085  
RULE TITLE: Delinquency Fee

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

SUBJECT AREA TO BE ADDRESSED: Delinquency Fee.

SPECIFIC AUTHORITY: 456.036(7) FS.

LAW IMPLEMENTED: 456.036(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Acting Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.: 64B19-13.003  
RULE TITLE: Continuing Psychological Education Credit

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to include an additional way to earn continuing psychological education credit.

SUBJECT AREA TO BE ADDRESSED: Continuing Psychological Education Credit.

SPECIFIC AUTHORITY: 456.013(7), 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 456.013(7), 490.007(2), 490.0085(1), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Allen Hall, Acting Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-13.003 Continuing Psychological Education Credit.

(1) Continuing psychological education credit will be granted for:

(a) through (b) No change.

(c) Completion of a colloquium, a presentation, a workshop or a symposium offered for continuing education credit by a doctoral psychology program or an internship or residency which is part of a psychology program that is accredited by the American Psychological Association;

- (d) through (j) No change.
- (2) through (5) No change.

Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS. Law Implemented 456.013(7), 490.007(2), 490.0085(1), (3) FS. History—New 1-28-93, Amended 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended 1-10-01, 8-5-01, 5-21-02, 6-3-04, 1-2-06, 12-31-06, 2-24-08,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE NO.: 64B20-2.003  
 RULE TITLE: Provisional License; Requirements  
 PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the time limit for the validity of a provisional license.

SUBJECT AREA TO BE ADDRESSED: Provisional License; Requirements.

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1145(2), 468.1155(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela E. King, Executive Director, Board of Speech Language Pathology, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B20-2.003 Provisional License; Requirements.
- (1) through (4) No change.

(5) A provisional license shall be valid for a period of ~~21~~ 18 months from the date of issuance or until a license to practice Speech-Language Pathology or Audiology pursuant to Section 468.1185, F.S. is issued.

Specific Authority 468.1135(4) FS. Law Implemented 468.1145(2), 468.1155(4) FS. History—New 3-14-91, Amended 12-4-91, Formerly 21LL-2.003, Amended 11-30-93, Formerly 61F14-2.003, Amended 9-26-95, Formerly 59BB-2.003, Amended 11-20-07,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NO.: 64F-2.005  
 RULE TITLE: Operation of Coalitions  
 PURPOSE AND EFFECT: The Department proposes to amend the existing rule language to include a rule regarding Healthy Start standard.

SUBJECT AREA TO BE ADDRESSED: The rule amendment will address Healthy Start standards.

SPECIFIC AUTHORITY: 383.216(10) FS.

LAW IMPLEMENTED: 383.216 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Marie Melton, Infant Maternal and Reproductive Health, 4052 Bald Cypress Way, Bin A-13, Tallahassee, Florida 32399

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

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-57.001	Purpose and Intent
67-57.005	Definitions
67-57.010	Fees
67-57.020	Notice of Funding Availability (NOFA)
67-57.030	Membership Application Procedures
67-57.040	Property Standards
67-57.050	HOP Program Restrictions
67-57.060	Eligible Homebuyer Requirements
67-57.070	Homebuyer Loan Process
67-57.080	HOME Regulations

PURPOSE AND EFFECT: The purpose of this rule chapter is to establish procedures for the Homeownership Pool (“HOP”) Program by which the Corporation shall administer the application process, determine loan amounts, service loans, and provide purchase assistance to eligible homebuyers under the HOME Investment Partnerships Program (HOME) and/or the Homeownership Assistance Program (HAP) as authorized by Sections 420.5088 and 420.5089, F.S. and HUD regulations, 24 CFR § 92.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons.

SPECIFIC AUTHORITY: 420.507(12), (14) FS.

LAW IMPLEMENTED: 420.507(23), 420.5088, 420.5089(2) FS.

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

DATE AND TIME: Friday, March 14, 2008, immediately following the FHFC Board Meeting

PLACE: Tallahassee City Hall Commission Chambers, 300 Adams Street, Tallahassee, FL 32301

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Cristal Bael (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cristal Baer, Homeownership Programs Senior Analyst, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

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

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 690-149.003  
 RULE TITLE: Rate Filing Procedures

PURPOSE AND EFFECT: This rule change is being made to accommodate the rate filing collection system which is currently being developed for Medicare Supplement products. The rule revision is needed to require issuers to submit their rate information using the rate collection system rather than the format of their choice. This is in response to the Legislature in 2007 allocating funds to establish a system to collect Medicare Supplement rates and publish a premium search and comparison tool on the consumer website.

SUBJECT AREA TO BE ADDRESSED: Medicare Supplement Rate Collection.

SPECIFIC AUTHORITY: 624.308(1), 624.424(1)(c), 627.410(6)(b), (e) FS.

LAW IMPLEMENTED: 119.07(1)(b), 624.307(1), 626.9541(1), 627.410 FS.

DATE AND TIME: March 26, 2008, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gerry Smith, Office of Insurance Regulation, E-mail Gerry.smith@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gerry Smith, Office of Insurance Regulation, E-mail Gerry.smith@fldfs.com

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

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 690-149.041  
 RULE TITLE: Marketing Communication Material and Marketing Guidelines

PURPOSE AND EFFECT: These amendments change the current practice of small group carriers using two different underwriting application approaches, based on group size. This rule requires one type of application for all small employer groups, indifferent of group size.

SUBJECT AREA TO BE ADDRESSED: The underwriting application approaches used by small group carriers.

SPECIFIC AUTHORITY: 627.6699(13)(i), (17) FS.

LAW IMPLEMENTED: 627.6699(3)(g), (v), (5)(a), (7), (12), (12)(c), (13), (13)(b) FS.

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

DATE AND TIME: March 18, 2008, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com

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

**Section II  
 Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NO.: 5E-1.016  
 RULE TITLE: Commercial Values for Penalty Assessments

PURPOSE AND EFFECT: The purpose of this rule is to provide the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizer.

SUMMARY: Rule 5E-1.016, F.A.C., updates the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs was Prepared.

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

SPECIFIC AUTHORITY: 576.181 (2), 570.07 (23) FS.

LAW IMPLEMENTED: 576.051(2)(3)(7), 576.061, 576.071, 576.181 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A PUBLIC HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. William Cox, Environmental Manager, 3125 Conner Boulevard, Lab #8, Tallahassee, Florida 32399-1650, (850)487-2085

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.016 Commercial Values for Penalty Assessments.

The commercial values used in assessing penalties for plant nutrient deficiencies are determined by the annualized average market prices published by the Green Markets Publication (effective 09/17/07), which is hereby incorporated by reference. Commercial Values not provided in Industry Publications will be established thru survey approved by the Fertilizer Technical Council. Copies may be obtained from the Green Markets, 1010 Wayne Avenue, Suite 1400, Silver Spring, MD 20910 USA. This rule shall be reviewed annually.

(1) PRIMARY PLANT NUTRIENTS.

	Guaranteed as	Commercial Values (Per unit*)	
Total Nitrogen	N	<u>\$11.26</u>	<del>\$8.14</del>
Nitrate Nitrogen	N	<u>9.73</u>	<del>7.80</del>
Ammoniacal Nitrogen	N	<u>9.60</u>	<del>6.32</del>
Water Soluble or Urea Nitrogen	N	<u>8.10</u>	<del>5.17</del>
Slow Release Nitrogen (from other SRN sources)	N	<u>20.66</u>	<del>13.48</del>
Water Insoluble Nitrogen	N	<u>20.32</u>	<del>13.29</del>
Available Phosphorus	P <sub>2</sub> O <sub>5</sub>	<u>9.87</u>	<del>4.90</del>
Slow Release Phosphate	P <sub>2</sub> O <sub>5</sub>	19.10	19.10
Potassium (from Muriate)	K <sub>2</sub> O	<u>4.96</u>	<del>3.00</del>
Slow Release Potassium	K <sub>2</sub> O	<u>16.28</u>	<del>14.78</del>
Potassium (from any source other than Muriate or a combination of sources)	K <sub>2</sub> O	<u>9.17</u>	<del>6.74</del>

(2) SECONDARY PLANT NUTRIENTS.

	Guaranteed as	Commercial Values (Per unit*)	
Total and water Soluble Magnesium (from any source)	Mg	<u>\$11.54</u>	<del>6.53</del>
Manganese (from sulfate)	Mn	<u>18.29</u>	<del>19.78</del>
Manganese (from Sucrate)	Mn	<u>16.94</u>	<del>16.44</del>
Manganese (from chloride)	Mn	6.10	6.10
Manganese (from oxide)	Mn	<u>11.47</u>	<del>9.35</del>
Manganese (from chelate in group 1**)	Mn	<u>359.85</u>	<del>215.50</del>
Manganese (from chelate in group 2**)	Mn	<u>220.00</u>	<del>70.90</del>
Copper (from sulfate)	Cu	<u>79.34</u>	<del>62.03</del>
Copper (from chloride)	Cu	22.15	22.15
Copper (from oxide)	Cu	<u>45.00</u>	<del>19.25</del>
Copper (from chelate in group 1**)	Cu	<u>387.63</u>	<del>156.00</del>
Copper (from chelate in group 2**)	Cu	<u>289.95</u>	<del>113.20</del>
Zinc (from sulfate)	Zn	<u>33.59</u>	<del>21.68</del>
Zinc (from sucrate)	Zn	<u>16.17</u>	<del>14.20</del>
Zinc (from chloride)	Zn	18.45	18.45
Zinc (from oxide)	Zn	<u>30.45</u>	<del>12.98</del>
Zinc (from chelate in group 1**)	Zn	<u>325.00</u>	<del>188.00</del>
Zinc (from chelate in group 2**)	Zn	<u>180.00</u>	<del>65.00</del>
Iron (from sulfate)	Fe	<u>15.83</u>	<del>14.51</del>
Iron (from sucrate)	Fe	<u>8.83</u>	<del>8.67</del>
Iron (from humate)	Fe	<u>5.41</u>	<del>16.11</del>
Iron (from oxide)	Fe	<u>4.80</u>	<del>4.94</del>
Iron (from chelate in group 1**)	Fe	<u>324.41</u>	<del>248.67</del>
Iron (from chelate in group 2**)	Fe	<u>87.55</u>	<del>82.00</del>
Aluminum	Al	14.42	14.42
Sulfur (free)	S	<u>3.39</u>	<del>3.50</del>
Sulfur (combined)	S	<u>3.73</u>	<del>2.27</del>
Boron	B	<u>42.00</u>	<del>38.95</del>
Molybdenum	Mo	<u>818.53</u>	<del>222.22</del>
Cobalt	Co	89.90	89.90
Calcium (from any source)	Ca	.79	.79

(3) DOLOMITE and LIMESTONE (when sold as material).

Magnesium	MgCO <sub>3</sub>	<u>.72</u>	<del>.18</del>
Calcium	CaCO <sub>3</sub>	<u>.50</u>	<del>.09</del>

(4) CALCIUM SULFATE (land plaster, gypsum) (when sold as material).

Calcium	CaSO <sub>4</sub>	<u>.52</u>	<del>.30</del>
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\*A "Unit" of plant nutrient is one percent (by weight) of a ton or 20 pounds.

\*\*Chelates in "group 1" have aminopolycarboxylic acids, such as EDTA, HEDTA, DTPA and NTA, or related compounds as chelating agents. Chelates in "group 2" have chelating agents other than those in group 1.

Specific Authority 576.181(2), 570.07(23) FS. Law Implemented 576.051(2), (3), (7), 576.061, 576.071, 576.181 FS. History—New 1-23-67, Amended 10-22-68, 11-20-69, 10-22-70, 3-9-74, 6-28-74, 10-25-74, 7-6-76, 7-26-77, 7-22-79, 4-23-80, 10-27-80, 10-18-81, 2-16-84, 12-2-85, Formerly 5E-1.16, Amended 11-16-86, 10-8-87, 9-26-88, 11-19-89, 3-28-91, 2-25-92, 8-3-93, 7-12-94, 10-25-98,

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Bruce Nicely, Chief, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building #8, Tallahassee, Florida 32399-1650, telephone (850)488-8731

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Anderson H. “Andy” Rackley, Director, Division of Agricultural Environmental Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NOS.:	RULE TITLES:
11B-14.002	General Program Provisions
11B-14.005	Annual Salary Incentive Compensation Report

PURPOSE AND EFFECT: Rule 11B-14.002, F.A.C.: Revised form CJSTC-63 to comply with the revision of Section 119.071, F.S., regarding procedures for requesting a full social security number. Revised CJSTC-63 and CJSTC-67 to comply with Section 943.13(4), F.S., that changes the fingerprinting process for individuals required to meet the minimum qualifications for employment or appointment as a criminal justice officer. Rule 11B-14.005, F.A.C.: Revised to update the inactive advanced training program courses list.

SUMMARY: Revises commission forms concerning request of social security numbers and fingerprint process, and updates advanced training program courses.

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

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

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

LAW IMPLEMENTED: 943.22 FS.

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

DATE AND TIME: April 2, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bureau Chief Vickie Marsey at (850)410-8660

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-14.002 General Program Provisions.

(1) No change.

(2) Career Development Training Program Courses, as defined in subsection 11B-14.001(1), F.A.C., and Advanced Training Program Courses, as defined in subsection 11B-14.001(3), F.A.C., that have been successfully completed, as defined in subsection 11B-14.001(9), F.A.C., by eligible officers, shall be verified by the training center director or designee, as defined in paragraph 11B-21.005(8)(a), F.A.C. To verify successful completion of a Commission-approved Advanced or Career Development Training Program Course and to authorize salary incentive payments, a Training Report, form CJSTC-67, revised November 8, 2007 ~~May 5, 2005~~, hereby incorporated by reference, shall be electronically transmitted to Commission staff through the Commission’s ATMS.

(3) through (4) No change.

(a) through (v) No change.

(5) No change.

(a) No change.

1. through 3 No change.

(b) through (d) No change.

(6) Educational Salary Incentive Payments.

(a) No change.

(b) The employing agency is responsible for ensuring that the documents submitted for educational salary incentive payments are authentic and accurately reflect the credit given for academic courses successfully completed by the officer, and shall submit or electronically transmit to Commission staff through the Commission’s ATMS a completed Higher Education for Salary Incentive Report, form CJSTC-63, revised November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference.

(c) through (d) No change.

(7) through (15) No change.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History—New 10-16-78, Amended 9-11-79, 1-13-81, 5-16-83, 1-7-85, Formerly 11B-14.02, Amended 7-13-87, 9-3-87, 5-23-88, 5-14-92, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07.

(3)(a) The active Commission-approved Advanced Training Program Courses approved for salary incentive payments are listed in subsection 11B-35.006(1)(b)(2), F.A.C.

(b)(4) The following inactive Advanced Training Program Courses were eligible for salary incentive payments for the dates as indicated:

11B-14.005 Annual Salary Incentive Compensation Report.

(1) through (2) No change.

Course Title	Course Code	Course Hours	Inactive
1. Refresher	003	40	11/1/79
2. Intermediate	004	80	11/1/79
3. Advanced	005	40	11/1/79
4. <u>Middle Management</u>	007	40	10/1/06
5. Executive Development: Base	008	40	10/1/85
6. The Nature of Management Responsibilities	009	40	7/1/88
7. Developing a Philosophy of Management	010	40	7/1/88
8. Instructor Techniques, effective 10/1/79	015	40	10/1/85
9. Crime Scene Procedure	017	40	7/1/88
10. General Criminal Investigation Techniques	018	40	7/1/88
11. Officer Skills Improvement and Stress Reduction	028	40	7/1/88
12. Police Officer Procedures and Techniques	029	40	7/1/88
13. Introduction to Police Operations and Leadership	030	40	7/1/88
14. Crime Scene Photography, effective 7/1/85	031	40	7/1/88
15. Crimes Against Property	034	40	7/1/88
16. Confidential Informants and Other Source of Information	035	40	7/1/88
17. Crime Prevention	037	40	7/1/88
18. Traffic Accident Investigation	038	40	7/1/88
19. Traffic Homicide Investigation	039	40	7/1/88
20. Surveillance Techniques	040	40	7/1/88
21. Environmental Law Enforcement and Investigation	041	40	10/1/85
22. Marine Enforcement and Investigation	042	40	7/1/88
23. Economic Crimes – An Overview	043	40	7/1/88
24. Economic Crimes – Crime Scheme Identification	044	40	10/1/85
25. Economic Crimes – Frauds and Schemes	045	40	7/1/88
26. Economic Crimes – Tangible Property Frauds and Schemes	046	40	10/24/86
27. Crimes Against Persons	048	40	7/1/88
28. Tactical Police Driving	049	40	7/1/88
29. Field Training Officer	051	40	7/1/02
30. Crime and the Elderly	052	40	7/1/88
31. <u>Radar Speed Measurement Training Course for Law Enforcement Officers</u>	055	40	12/31/06
32. Correctional Operations	059	40	7/1/88
33. Counseling and Communication Skills Program	060	40	7/1/88
34. Supervisory Training – See Course 006	061	40	10/1/85
35. Management Training – See Course 007	062	40	10/1/85
36. Crisis Management Training – See Course 053	063	40	10/1/85
37. Stress Awareness and Resolution – See Course 050	064	40	10/1/85
38. Self Defense and Use of Force	065	40	7/1/88
39. First Responder to Medical Emergencies	066	40	7/1/91
40. Firearms Qualification	067	40	9/30/83
41. Residential Security	069	40	7/1/88
42. Commercial Security	070	40	7/1/88
43. Developing and Managing Crime Prevention Programs	071	40	7/1/88
44. Community Relations	075	40	10/24/86
45. Health Training	076	40	10/1/85
46. Proficiency Skills Enhancement, effective 4/25/85	078	40	7/1/88
47. Prevention of Delinquency and Juvenile Victimization, effective 4/25/85	079	40	7/1/88
48. Instructor Techniques, effective 7/1/85	081	80	7/1/88
49. Foreign Language Skills, effective 7/25/85	082	80	7/1/88
50. Advanced Neighborhood Watch, effective 7/25/85	083	40	7/1/88
51. Models for Management	084	40	7/1/87
52. Background Investigations	086	40	7/1/88

53.	Investment in Excellence, effective 3/17/86	089	40	<u>7/1/88</u>
54.	Fingerprints Science, effective 10/24/86	092	120	<u>7/1/88</u>
<u>55.</u>	<u>Laser Speed Measurement Operators Course for Law Enforcement Officers</u>	<u>095</u>	<u>40</u>	<u>12/31/06</u>
56.	Learning To Supervise, effective 4/25/85	200	40	7/1/88
57.	Learning To Manage, effective 4/25/85	201	40	7/1/88

Specific Authority 943.03(4), 943.12(1), 943.22(2)(i) FS. Law Implemented 943.22 FS. History–New 11-5-02, Amended 11-30-04,\_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NOS.:	RULE TITLES:
11B-20.001	Definitions and Minimum Requirements for General Certification of Instructors
11B-20.0012	Denial and Discipline of Instructor Certification
11B-20.0013	Commission Instructor Certification Categories
11B-20.0014	Minimum Requirements for High-Liability and Specialized Topics Instructor Certification
11B-20.0016	Inspection of Instructor Certification Applications
11B-20.0017	Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT: To comply with Section 120.74, F.S., which requires agencies to revise its rules as often as necessary to ensure compliance with Florida Statutes and to clarify and restructure existing rule language to comply with the Governor’s plain language policy. Rule 11B-20.001, F.A.C.: Allows a professional or technical certification plus three years experience for instruction in a specific subject matter for exemption from General Instructor Certification. Prohibits an instructor from instructing in Commission-approved courses when a certification has been revoked, relinquished, or suspended. Creates the following new rule paragraphs: Exemption from General Instructor Certification, “instructor separation from affiliation,” equivalent instructor training, and updates the required instructor competencies and internship requirements by creating a new rule paragraph for instructor exemption from the Instructor Techniques Courses. Rule 11B-20.0012, F.A.C.: Creates a new paragraph for disciplinary guidelines and

penalties for instructors’ who violate Florida Statutes or Commission rules. Rule 11B-20.0013, F.A.C.: Retires the Radar Instructor Certification and Laser and Radar Instructor Certifications and creates the Speed Measurement Instructor Certification for both certifications. Rule 11B-20.0014, F.A.C.: Revises form CJSTC-10 to reflect the new requirements for obtaining a Speed Measurement Instructor Certification. Creates new rule paragraphs for high-liability and specialized instructor certifications. Rule 11B-20.0017, F.A.C.: Creates a new rule paragraph for “lapse of instructor certifications” and clarifies the timeline for maintaining instructor certifications.

To comply with Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following revisions were made to implement the new Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training Programs: Rule 11B-20.001, F.A.C.: Repeals the High-Liability Instructor Internship form CJSTC-81A and transfers the internship requirements to form CJSTC-81. Rules 11B-20.001 and 11B-20.0014, F.A.C.: Revises the General Instructor Certification requirements and retires the Traditional General Instructor Certification and Traditional Instructor Techniques Course. Rule 11B-20.0013, F.A.C.: Retires the Traditional High-Liability Instructor Certifications and removes the “CMS” designation from the existing high-liability certifications. Rule 11B-20.0014, F.A.C.: Requires three years experience, versus three years work experience, to obtain an instructor certification; requires student evaluation of an instructor; and to updates the law topics in the Commission’s Basic Recruit Training Programs. Rule 11B-20.0016, F.A.C.: Updates instructor certification topics.

Rule 11B-20.0017, F.A.C.: Revises the general and high-liability instructor certifications titles.

Revision of Commission forms: Revises the following forms to comply with Section 119.071, F.S., regarding procedures for requesting a full social security number on Commission forms: Rule 11B-20.001, F.A.C.: CJSTC-71, CJSTC-61, CJSTC-81; Rule 11B-20.0016: CJSTC-271; Rule 11B-20.0017, F.A.C.: CJSTC-84; Rule 11B-20.0014, F.A.C.: CJSTC-10. Revises form CJSTC-67 To comply with Section 943.13(4), F.S., that changes the fingerprinting process for individuals required to meet the minimum qualifications for employment or appointment as a criminal justice officer.

SUMMARY: Revises commission forms; revises the minimum requirements for general certification of instructors; revises denial and discipline of instructor certifications; revises instructor certification categories; revises the minimum

requirements for high-liability and specialized topics instructor certifications; revises inspection of instructor certification applications; and revises maintenance and duration of instructor certifications.

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

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

SPECIFIC AUTHORITY: 120.60(1), 943.03(4), 943.12(1), (2), 943.14, 943.14(3) FS.

LAW IMPLEMENTED: 120.60(1), 943.12(3), (9), 943.13(6), 943.14(3) FS.

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

DATE AND TIME: April 2, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) Definitions:

(a) "Successful completion" of a course is documented as a "Pass" on the completed Training Report, form CJSTC-67, revised November 8, 2007 ~~May 5, 2005~~, hereby incorporated by reference.

(b) "Training school" means those training academies and training schools that are certified by the Criminal Justice Standards and Training Commission.

(c) "Instructor" means an individual certified by the Criminal Justice Standards and Training Commission, hereafter referred to as "Commission" or "CJSTC," and is affiliated with a to instruct at Commission-certified criminal justice training school schools or criminal justice employing

agency and is authorized to instruct Basic Recruit Training Programs, Advanced Training Programs, or Specialized Training Programs agencies pursuant to subsection 11B-20.001(2), F.A.C., and Rule 11B-20.0014, F.A.C.

(d) "Affiliated" means an instructor who is currently employed by a Commission-certified criminal justice training school or criminal justice agency, whether or not the instructor receives compensation. "CMS Training Program" means the CMS Application-Based Law Enforcement Basic Recruit Training Program.

(e) "Active certification" means a certification held by an instructor who is affiliated with a Commission-certified criminal justice training school or criminal justice agency.

(f) "Inactive certification" means a certification held by an instructor who is not affiliated with a Commission-certified training school or criminal justice agency.

(g)(e) "ATMS" means the Commission's Automated Training Management System.

(h)(f) "Basic Recruit Training Programs," "Advanced Training Programs," and "Specialized Training Programs" means training administered by training schools pursuant to Rule Chapter 11B-35, F.A.C.

(i)(e) "Agency" means criminal justice employing agency.

(2) Instructor applicants applying for instructor certification shall:

(a) Complete the Instructor Certification Application, form CJSTC-71, revised November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference;

(b) Be affiliated with a training school or agency;

(c) Possess good moral character pursuant to subsection 11B-27.0011(4), F.A.C., as applied to instructor applicants and certified instructors;

1. Not have been convicted of a felony or of a misdemeanor involving perjury or false statement, or received a dishonorable discharge from any of the Armed Forces of the United States; and

2. After July 1, 1981, any person who has pled guilty or nolo contendere to any felony or of a misdemeanor involving perjury or a false statement is not eligible for instructor certification, notwithstanding suspension of sentence or withholding of adjudication; and

3. Notwithstanding subsections (3) and (4) of this rule section, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for instructor certification.

(3) General Instructor Certification.

(a) ~~Traditional General Instructor Certification~~. Instructor applicants shall comply with the following requirements to obtain a ~~Traditional~~ General Instructor Certification:

1. Instructor applicants shall successfully complete the Traditional Instructor Techniques Course (Retired 6/30/2004) or CMS Instructor Techniques Course delivered through a training school or complete equivalent instructor training. The training center director is authorized to have instructor applicants complete only those portions of the CMS Traditional Instructor Techniques Course for which the instructor applicant is deficient.

2. Instructor applicants who apply for a ~~Traditional~~ General Instructor Certification shall have completed the required instructor training within four years of the date the instructor applicant applies for certification. Instructor applicants who apply more than four years from the date training was completed shall be required to complete the General Instructor Refresher Course.

3. ~~After successful completion of the mandatory instructor training, instructor applicants shall complete an internship. Instructor applicants who request an exemption from the Traditional Instructor Techniques Course shall be evaluated by the training center director for the completion of equivalent instructor training by documenting the instructor applicant's qualifications. Documentation shall include the instructor applicant's training in all of the following competencies:~~

- ~~a. Training liability.~~
  - ~~b. Ethics.~~
  - ~~c. Human diversity training required by Section 943.1758, F.S.~~
  - ~~d. Adult learning theory.~~
  - ~~e. Communication skills.~~
  - ~~f. Learning aids.~~
  - ~~g. Principles of instruction.~~
  - ~~h. Lesson plan preparation.~~
  - ~~i. Evaluation and measurement.~~
  - ~~j. Demonstration of instructional ability.~~
4. ~~Instructor applicant internship:~~

~~a. The instructor applicant's internship shall not be included in the Traditional Instructor Techniques Course.~~

~~a.b. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a training center director or agency administrator, who is currently an instructor, or a designee who is currently an instructor. The training center director, agency administrator, or designee, and shall complete the Instructor Competency Checklist, form CJSTC-81, revised November 8, 2007 May 6, 2004, hereby incorporated by reference.~~

~~b.e. The instructor applicant shall demonstrate the applicable competencies listed on form CJSTC-81, which shall be maintained in the instructor's file at the training school or agency.~~

~~c.d. The instructor applicant shall be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency~~

administrator, or an instructor designated by the training center director or agency administrator, and documented on form CJSTC-81.

4. Instructor applicants shall complete the Instructor Certification Application form CJSTC-71 and attach all required documentation prior to submitting the application for approval. The training center director, agency administrator, or designee is required to submit form CJSTC-71 to Commission staff or electronically transmitted through the Commission's ATMS. Form CJSTC-71 and supporting documentation on all affiliated instructors shall be maintained in the instructor's file.

5. Instructor Separation from Affiliation.

a. When an instructor requests a change of affiliation, or the training center director or agency administrator separates an instructor for administrative purposes, the training center director, agency administrator, or designee shall complete an Affidavit of Separation, form CJSTC-61, revised November 8, 2007, hereby incorporated by reference, and submitted to Commission staff, or immediately transmit through the Commission's ATMS. A copy shall be maintained in the instructor's file.

b. When a training center director or agency administrator separates an instructor, the training center director, agency administrator, or designee shall notify the instructor of the separation and submit form CJSTC-61 to Commission staff. If the separation involves a violation of Section 943.13(4), F.S., or moral character violation, the training center director, agency administrator, or designee shall also complete the Affidavit of Separation Supplement, form CJSTC-61A, revised November 8, 2007, hereby incorporated by reference and form CJSTC-61 to Commission staff.

(b) Equivalent Instructor Training. CMS General Instructor Certification. Instructor applicants shall comply with the following requirements to obtain a CMS General Instructor Certification:

~~1. Instructor applicants who apply for a CMS General Instructor Certification shall have completed the required instructor training within four years of the date the instructor applicant applies for certification. Instructor applicants who apply for CMS General Instructor Certification more than four years from the date training was completed, shall be required to complete the General Instructor Refresher Course.~~

~~2. Instructor applicants who possess a Traditional General Instructor Certification or are exempt, pursuant to subsection (4) of this rule section, shall successfully complete the CMS General Instructor Transition Course at a training school.~~

~~3. New instructor applicants shall successfully complete the CMS Instructor Techniques Course at a training school or equivalent instructor training and complete an instructor internship.~~

1.4. Instructor applicants who request an exemption from the required instructor training New Instructor applicants shall be evaluated by the training center director for completion of

equivalent instructor training by documenting the instructor applicant's qualifications. Documentation shall include the instructor applicant's training in all of the following competencies, or the training center director may authorize the instructor applicant to complete only those portions of the CMS Instructor Techniques Course for which the instructor applicant is deficient:

- a. through l. No change.
- m. Applied Learning Concepts CMS Concepts.

2.5. Instructor applicants shall complete an internship. Applicant Internship:

~~a. The instructor applicant's internship shall not be included in the CMS Instructor Techniques Course.~~

~~a.b. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a training center director or agency administrator, who is currently an instructor, or a designee who is currently an instructor. The training center director, agency administrator, or designee, and, shall complete the Instructor Competency Checklist form CJSTC-81.~~

~~b.e. The instructor applicant shall demonstrate the applicable competencies listed on form CJSTC-81, which shall be maintained in the instructor's file at the training school or agency.~~

~~c.d. The instructor applicant shall be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and documented on form CJSTC-81.~~

3. Instructor applicants shall complete the Instructor Certification Application form CJSTC-71 and attach all required documentation prior to submitting the application for approval. The training center director, agency administrator, or designee shall electronically transmit through the Commission's ATMS, or submit form CJSTC-71 to Commission staff. The supporting documentation for affiliated instructors shall be maintained in the instructor's file.

(c) Exemption from Instructor Techniques Courses.

~~(4) An instructor applicant shall be exempt from Traditional General Instructor Certification when the instructor applicant has complied with the following conditions, documented on the Instructor Exemption, form CJSTC-82, revised August 3, 2006, hereby incorporated by reference:~~

1.(a) Instructor applicants are exempt from the Traditional General Instructor Techniques Course (Retired 6/30/2004) or CMS General Instructor Techniques Course when the instructor applicant is a full-time instructor at a vocational technical institution or an accredited community college, college, or university. The instructor applicant shall provide documentation of his or her training center director shall document the applicant's full-time status and identify the name and location of the vocational technical institution, college,

community college, or university, on form CJSTC-82, which shall be maintained in the instructor's file at the training school; or

2. Instructor applicants shall complete an internship pursuant to subparagraph (3)(b)2. of this rule section.

3.(b) Instructor applicants shall complete the Instructor Certification Application form CJSTC-71 and attach all required documentation. The instructor applicant is a full-time vocational technical instructor. The training center director shall document the instructor applicant's full-time status and identify the name and location of the vocational technical institution on form CJSTC-82, which shall be maintained in the instructor's file at the training school; or

~~(e) The instructor applicant holds a current and valid instructor certification from another state or federal government, has completed three years of work experience in the specified subject matter to be instructed and completes an internship pursuant to subparagraphs 11B-20.001(3)(a)4., F.A.C. The training center director shall include a copy of the instructor applicant's out of state or federal government certification, document his or her qualifications based on training, education, experience, or professional credentials suitable to the topic of instruction to be taught, documentation describing the internship, and completion of the Instructor Competency Checklist form CJSTC-81 and the Instructor Exemption form CJSTC-82, which shall be maintained in the instructor's file at the training school; or~~

(4)(d) Exemption from General Instructor Certification. The training center director is authorized to exempt an individual from General Instructor Certification, who has a professional or technical certification or instructor applicant shall have completed three years of work experience in the specified subject matter to be instructed. The training center director shall document the individual's instructor applicant's qualifications by completing the Instructor Exemption, form CJSTC-82, revised November 8, 2007, hereby incorporated by reference, which shall be maintained in the course instructor's file at the training school.

(5)(e) An individual, whose certification has been revoked, relinquished, or is currently suspended, shall not instruct Commission-approved Basic Recruit Training, Advanced Training or Specialized Training Program Courses. Notwithstanding the above exemptions, an individual who has had any Commission certification revoked, or who has voluntarily relinquished any Commission certification, or who has had any Commission certification suspended, or who is in violation of Section 943.13(4), F.S., or who has been determined guilty of any of the offenses set forth in paragraphs 11B-20.0012(2)(a) (f), F.A.C., shall not instruct Commission-approved Basic Recruit Training Program Courses, Advanced Training Program Courses, or Specialized Training Program Courses.

(6) An individual found in violation of Section 943.13(4), F.S., or is guilty of the offenses set forth in paragraphs 11B-20.0012(2)(a)-(f), F.A.C., shall not instruct Commission-approved Basic Recruit Training, Advanced Training, or Specialized Training Program Courses.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, \_\_\_\_\_.

11B-20.0012 Denial and Discipline ~~Revocation~~ of Instructor Certification.

(1) The Criminal Justice Standards and Training Commission shall deny an instructor applicant’s request for certification, in the certification categories outlined in Rule 11B-20.0013, F.A.C., if the instructor applicant does not meet the minimum qualification requirements for General, High-Liability, or Specialized Topics Instruction Certification, pursuant to Rules 11B-20.001 and 11B-20.0014, F.A.C. The Commission shall notify the instructor applicant by sending a “Notice of Intent to Deny Instructor Certification,” which shall specify the reason(s) for the denial of instructor certification. The affected party shall have a right to a hearing pursuant to Section 120.57, F.S., upon denial of certification.

(2) The Criminal Justice Standards and Training Commission is authorized ~~has the authority~~ to impose disciplinary action against ~~revoke~~ an instructor’s certification if:

(a) The instructor willfully compromises the security and confidentiality of examinations, grading keys, or test specifications used in training courses, or engages in any other conduct that subverts or attempts to subvert the State Officer Certification Examination (SOCE) process; or

(b) The instructor willfully compromises or circumvents the student attendance requirements set forth in subsection 11B-35.001(11), F.A.C.; or

(c) The instructor willfully compromises or circumvents the trainee performance requirements pursuant to subsection 11B-35.001(7) and Rule 11B-35.0024, F.A.C.; or

(d) The instructor intentionally and materially falsifies criminal justice documentation; or

(e) The instructor commits an act or acts establishing gross incompetence as determined by the Commission. Gross incompetence is the lack of ability or fitness to perform as an instructor as a result of emotional instability, or physical incapacitation, or inadequate technical knowledge of subject matter, or reckless disregard for the safety of trainees or the public.

(f) The instructor commits an act or acts establishing a “lack of good moral character,” defined in subsection 11B-27.0011(4), F.A.C.

(3) through (4) No change.

(5) Should a Commission Probable Cause Determination Hearing find probable cause that an instructor has violated subsection (2) of this rule section, disciplinary revocation proceedings shall be conducted pursuant to Chapter 120, F.S.

(6) through (7) No change.

(8) The Criminal Justice Standards and Training Commission sets forth in subsections (1) and (2) of this rule section, a range of disciplinary guidelines from which disciplinary penalties shall be imposed upon certified instructors who have been found by the Commission to have violated subsection 11B-20.0012(2), F.A.C.

(a) For the perpetration by the instructor of an act that would constitute any violation of paragraphs 11B-20.0012(2)(a)-(e), F.A.C., the Commission shall impose one or more of the following penalties:

1. Revocation of certification.

2. Suspension of certification for a period not to exceed two years.

3. Placement on a probationary status for a period not to exceed two years. Upon the violation of such terms and conditions, the Commission is authorized to revoke certification or impose additional penalties as enumerated in this subsection.

4. Successful completion by the instructor of any basic recruit, advanced, or career development training or such retraining required by the Commission.

5. Issuance of a reprimand.

(b) For the perpetration by the instructor of an act or acts that would constitute a violation of paragraph 11B-20.0012(2)(f), F.A.C., the Commission shall impose a penalty consistent with subsections 11B-27.005(4)-(7), F.A.C., for an act or acts establishing a “lack of good moral character” defined in subsection 11B-27.0011(4), F.A.C.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.14(3) FS. History—New 10-26-88, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-21-07, \_\_\_\_\_.

11B-20.0013 Commission Instructor Certification Categories.

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

~~(1) Traditional~~ General Instructor Certification.

~~(2) CMS~~ General Instructor Certification.

~~(2)(3)~~ High-Liability Instructor Certifications.

~~(a) Traditional~~ Vehicle Operations Instructor Certification.

~~(b) CMS~~ Vehicle Operations Instructor Certification.

- ~~(b)(c) Traditional Firearms Instructor Certification.~~
- ~~(d) CMS Firearms Instructor Certification.~~
- ~~(c)(e) Traditional Defensive Tactics Instructor Certification.~~
- ~~(f) CMS Defensive Tactics Instructor Certification.~~
- ~~(g) Traditional First Responder Instructor Certification.~~
- ~~(d)(h) First CMS First Aid Instructor Certification.~~
- ~~(3)(4) Specialized Topics Instructor Certifications.~~
  - (a) Law Topics Instructor Certification.
  - (b) Speed Measurement Instructor Certification
- 1. Radar Instructor Certification.
- 2. Laser and Radar Instructor Certification.
- (c) Canine Team Instructor Certification.
- (d) Breath Test Instructor Certification.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-21-07, \_\_\_\_\_.

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

(1) High-Liability and ~~Specialized~~ Topics Instructor Certification. Instructor applicants shall comply with the following requirements for certification:

(a) Possess a ~~Traditional~~ General Instructor Certification or be eligible for General Instructor Certification and apply for General Instructor Certification at the same time the applicant is requesting certification in the high-liability topic. Multiple topics may be applied for at the same time. CMS General Instructor Certification, or have successfully completed the Traditional Instructor Techniques Course, or CMS Instructor Techniques Course, or have on file at the training school a completed Instructor Exemption form CJSTC 82. General, High-Liability, and Specialized Topics Instructor Certifications may be applied for at the same time.

(b) Complete three years work experience as a certified criminal justice officer or three years experience in the topic of instruction for which certification is sought ~~and meet any specific requirements set forth in subsection 11B-20.0014(3), F.A.C. The instructor applicant shall document his or her instructor qualifications based on training, education, experience, or professional credentials, and proficiency skill standards suitable to the topic of instruction for which certification is sought. The training center director or agency administrator accepting the instructor's application for certification, shall review and maintain all documentation in the instructor's file.~~

(c) Complete The instructor applicant shall successfully complete the instructor training requirements set forth in subsection (2) ~~or (3)~~ of this rule section, for High-Liability Instructor Topics and Specialized Topics Instructor

~~Certifications~~, for which the instructor applicant is requesting certification. The High-Liability Training Courses and requirements are outlined in Rule 11B-35.0024, F.A.C.

(d) Be evaluated by his or her students. Student evaluation shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator and documented on the Instructor Competency Checklist form CJSTC-81.

(e) Complete the Instructor Certification Application form CJSTC-71 and attach all documents prior to submitting the application for approval.

~~(f)(2) High-Liability Instructor Certifications.~~ Instructor applicants; who apply for a High-Liability Instructor Certification; shall have completed the applicable High-Liability Instructor Course within four years of the date the instructor applicant applies for certification. Instructor applicants; who apply for a High-Liability Instructor Certification more than four years from the date training was completed; shall complete an internship and demonstrate the proficiency skills applicable to the high-liability topic. Instructor applicants shall meet the following requirements for High-Liability Instructor Certification for each topic requested.

(2) High-Liability Instructor Topics.

(a) ~~Traditional~~ Vehicle Operations Instructor Certification. Instructor applicants who request to obtain certification to instruct vehicle operations topics shall:

1. Comply with the requirements for ~~Traditional~~ General Instructor Certification pursuant to subsection paragraph 11B-20.001(3)(a), F.A.C., unless the applicant is exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C.; and

2. Have successfully completed ~~the Vehicle Operations Instructor Course (retired 6/30/04)~~ through a training school the Vehicle Operations Instructor Course (retired 6/30/04) or CMS Vehicle Operations Instructor Course; and

3. Have successfully completed a high-liability internship documented on the Instructor Competency Checklist form CJSTC-81 that is supervised by a certified vehicle operations instructor. the training center director, agency administrator, or designee, which has been documented on the High Liability Internship, form CJSTC-81A, revised May 6, 2004, hereby incorporated by reference.

~~(b) CMS Vehicle Operations Instructor Certification.~~ Instructor applicants who request to obtain certification to instruct vehicle operations topics in Commission approved Basic Recruit Training Programs, the CMS Vehicle Operations Instructor Course, and CMS Vehicle Operations Instructor Transition Course, shall comply with the requirements for ~~CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and successfully complete one of the following training courses through a training school:~~

~~1. Instructor applicants who are Traditional Vehicle Operations Instructors shall complete the CMS Vehicle Operations Instructor Transition Course.~~

~~2. Instructor applicants who are not Traditional Vehicle Operations Instructors shall complete the CMS Vehicle Operations Instructor Course and complete a high liability internship supervised by the training center director, agency administrator, or designee, which has been documented on form CJSTC-81A.~~

~~(b)(e) Traditional Firearms Instructor Certification. Instructor applicants who request to obtain certification to instruct firearms topics shall:~~

~~1. Comply with the requirements for Traditional General Instructor Certification pursuant to subsection paragraph 11B-20.001(3)(a), F.A.C., unless the applicant is exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C.; and~~

~~2. Have successfully completed the Firearms Instructor Course (retired 6/30/04) through a training school the Firearms Instructor Course (retired 6/30/04) or CMS Firearms Instructor Course; and~~

~~3. Have successfully completed a high-liability internship documented on the Instructor Competency Checklist form CJSTC-81 that is supervised by a certified firearms instructor the training center director, agency administrator, or designee, which has been documented on the High-Liability Internship form CJSTC-81A.~~

~~(d) CMS Firearms Instructor Certification. Instructor applicants who request to obtain certification to instruct firearms topics in Commission-approved Basic Recruit Training Programs, the CMS Firearms Instructor Course, and CMS Firearms Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and successfully complete one of the following training courses through a training school:~~

~~1. Instructor applicants who are Traditional Firearms Instructors shall complete the CMS Firearms Instructor Transition Course.~~

~~2. Instructor applicants who are not Traditional Firearms Instructors shall complete the CMS Firearms Instructor Course and complete a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on form CJSTC-81A.~~

~~(c)(e) Traditional Defensive Tactics Instructor Certification. Instructor applicants who request to obtain certification to instruct defensive tactics topics shall:~~

~~1. Comply with the requirements for Traditional General Instructor Certification pursuant to subsection paragraph 11B-20.001(3)(a), F.A.C., unless the applicant is exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C.; and~~

2. Have successfully completed through a training school the Defensive Tactics Instructor Course (retired 6/30/04) or CMS Defensive Tactics Instructor Course through a training school; and

3. Have successfully completed a high-liability internship documented on the Instructor Competency Checklist form CJSTC-81 that is supervised by a certified defensive tactics instructor the training center director, agency administrator, or designee, which has been documented on the High-Liability Internship form CJSTC-81A.

~~(f) CMS Defensive Tactics Instructor Certification. Instructor applicants who request to obtain certification to instruct defensive tactics topics in Commission-approved Basic Recruit Training Programs, the CMS Defensive Tactics Instructor Course, and CMS Defensive Tactics Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and successfully complete one of the following training courses through a training school:~~

~~1. Instructor applicants who are Traditional Defensive Tactics Instructors shall complete the CMS Defensive Tactics Instructor Transition Course.~~

~~2. Instructor applicants who are not Traditional Defensive Tactics Instructors shall complete the CMS Defensive Tactics Instructor Course and complete a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on form CJSTC-81A.~~

~~(d)(g) First Aid Instructor Certification. Instructor applicants who request to obtain certification to instruct in first aid shall: Traditional First Responder Instructor Certification. Instructor applicants who request to obtain certification to instruct in first responder topics shall comply with the requirements for Traditional General Instructor Certification pursuant to paragraph 11B-20.001(3)(a), F.A.C., or be exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C. Individuals who request to obtain certification as a Traditional First Responder Instructor shall comply with the requirements in subparagraph (g)1. or (g)2. of this rule section.~~

1. Have three years experience as a criminal justice officer; and Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification, which is at minimum, at the "Basic Life Support (BLS) Instructor" or "Heartsaver Instructor" level with the American Heart Association, "CPR/AED for the Professional Reseuer Instructor" or "First Aid/CPR/AED Instructor" or "Emergency Response Instructor" or "Lifeguarding Instructor" level with the American Red Cross, "First Aid/CPR/AED Instructor" or "BLS Instructor" level with the American Safety and Health Institute, or "BLS Instructor" level with the National Safety Council. The following individuals, based on their education

and training experience in the United States or its territories, are eligible to request Traditional First Responder Instructor Certification without completing additional training:

- a. Certified emergency medical technicians.
- b. Certified paramedics.
- c. Licensed physicians, who are actively involved in emergency care and have three years experience in emergency medical care.
- d. Licensed physician's assistants, who are actively involved in emergency care and have three years experience in emergency medical care.
- e. Registered nurses, or licensed practical nurses who are actively involved in emergency care and have three years experience in emergency medical care.
- f. Members of the Armed Forces of the United States on active duty entitled to practice as an Emergency Medical Technician (EMT) or a Florida paramedic set forth in Chapter 401, F.S., Part III.

2. Comply with the requirements for General Instructor Certification pursuant to subsection 11B-20.001(3), F.A.C., and Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification, which is at minimum at the "BLS Instructor" or "Heartsaver Instructor" level with the American Heart Association, "CPR/AED for the Professional Rescuer Instructor" or "First Aid/CPR/AED Instructor" or "Emergency Response Instructor" or "Lifeguarding Instructor" level with the American Red Cross, "First Aid/CPR/AED Instructor" or "BLS Instructor" level with the American Safety and Health Institute, or "BLS Instructor" level with the National Safety Council, and are certified pursuant to Section 943.13, F.S. These individuals shall:

- a. Have three years experience as a criminal justice officer;
- b. Have successfully completed the First Responder Instructor Course (retired 6/30/04) or have successfully completed a U.S. Department of Transportation recognized first responder course;
- c. Have successfully demonstrated 100% proficiency in first aid skills, with the results recorded on the CMS First Aid Performance Evaluation, form CJSTC-5 CMS, revised August 3, 2006, hereby incorporated by reference; and
- d. Have successfully completed a high-liability internship documented on form CJSTC-81A, under the supervision of the training center director, agency administrator, or designee.

3. Have successfully completed through a training school the First Responder Instructor Course (retired 6/30/04) or CMS First Aid Instructor Course or complete a U.S. Department of Transportation recognized first responder instructor course; and

4. Have successfully completed a high-liability internship documented on the Instructor Competency Checklist form CJSTC-81 that is supervised by a certified first aid instructor; and

5. Possess and maintain a valid CPR Instructor Certification from an entity referenced in Rule 64E-2.038, F.A.C. The instructor shall not let the CPR Instructor Certification lapse and shall provide documentation of renewal to the certifying agency or training school. If the CPR Instructor Certification expires during the instructor certification period, the instructor shall not instruct in first responder or first aid until the CPR Instructor Certification is renewed; or

6. The following individuals, based on their education and training experience in the United States or its territories, are eligible to request First Aid Instructor Certification without completing additional Commission-approved training and shall comply with subparagraphs (2)(d)4.-5. of this rule section:

- a. Certified emergency medical technicians.
- b. Certified paramedics.
- c. Licensed physicians, who are actively involved in emergency care and have three years experience in emergency medical care.
- d. Licensed physician's assistants, who are actively involved in emergency care and have three years experience in emergency medical care.
- e. Registered nurses, or licensed practical nurses who are actively involved in emergency care and have three years experience in emergency medical care.
- f. Members of the Armed Forces of the United States on active duty entitled to practice as an Emergency Medical Technician (EMT) or a Florida paramedic set forth in Chapter 401, F.S., Part III.
- g. Full-time instructors at a vocational technical institution or an accredited college or university, who instruct medical topics in EMT, paramedic, nursing, physician, or physician assistance programs.
- h. To obtain a First Aid Instructor Certification, the instructor applicant shall provide a copy of the current qualifying professional's certification or license and shall not allow the qualifying professional's certification or license to lapse. The instructor applicant shall provide documentation of renewal to the certifying agency or training school. If the qualifying professional's certification or license expires during the certification period, the instructor shall not instruct in first aid until the professional's certification or license is renewed.

(h) CMS First Aid Instructor Certification. Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification, which is at a minimum at the "Basic Life Support (BLS) Instructor" or "Heartsaver Instructor" level with the American Heart Association, "CPR/AED for the Professional Rescuer Instructor" or "First Aid/CPR/AED Instructor" or "Emergency Response Instructor" or

~~“Lifeguarding Instructor” level with the American Red Cross, “First Aid/CPR/AED Instructor” or “BLS Instructor” level with the American Safety and Health Institute, or “BLS Instructor” level with the National Safety Council. Instructor applicants who request to obtain certification to instruct the CMS First Aid for Criminal Justice Officers Course in Commission approved Basic Recruit Training Programs, the CMS First Aid Instructor Course, and CMS First Aid Instructor Transition Course shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and successfully complete the following training courses through a training school:~~

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

~~2. Instructor applicants who are Traditional First Responder Instructors shall complete the CMS First Aid Instructor Transition Course.~~

~~3. Instructor applicants who are not Traditional First Responder Instructors shall complete the CMS First Aid Instructor Course and complete a high liability internship supervised by the training center director, agency administrator, or designee, which has been documented on form CJSTC-81A.~~

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

~~(a) Law Topics Instructor Certification. Individuals who request certification to instruct legal topics as outlined in subparagraphs (3)(a)6.-8. of this rule section shall comply with the following requirements to obtain Law Topics Instructor Certification: Individuals shall comply with the following requirements to obtain a Law Topics Instructor Certification: Possess six months of criminal justice experience, possess a minimum of fifteen semester hours of college credit law courses to include constitutional law and criminal law with a grade of “C” or above, or a juris doctorate.~~

~~1. Possess a General Instructor Certification or be eligible for General Instructor Certification and apply for General Instructor Certification at the same time the instructor requests a Law Topics Instructor Certification; and~~

~~2. Possess three years of criminal justice experience and a minimum of fifteen semester hours of college law courses, to include both a constitutional law course and a criminal law course with a grade of “C” or above from an accredited college or university; or~~

~~3. Possess a juris doctorate from an accredited college or university defined in Section 943.22, F.S.~~

4. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a certified instructor and shall complete the Instructor Competency Checklist form CJSTC-81. The instructor applicant shall demonstrate the applicable competencies listed on form CJSTC-81, which shall be maintained in the instructor’s file at the training school or agency.

5. The instructor applicant shall be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and documented on CJSTC-81.

6.1- Correctional Officer Basic Recruit Training Programs. An instructor is required to possess a Law Topics Instructor certification to teach in the topics A Law Topics Instructor is required to instruct in the law topics of Arrest Laws, Attempt, Conspiracy and Solicitation, Burden of Proof, Civil and Criminal Liability, Classification of Offenses, Constitutional Law, Constitutional Law Overview, Court Rules and Trial Procedures, Court Structure, Elements of a Crime, Evidence Concepts, Evidence Rules, Intent, Legal Defense, Legal Show-up, Legal Line-up, Parties to a Crime, Probable Cause, Search and Seizure Concepts, Stop and Frisk Laws, and Use of Force, in the following basic recruit training programs:

a. Traditional Correctional Basic Recruit Training Program number 502.

b. Traditional Correctional Probation Cross-Over to Traditional Correctional Basic Recruit Training Program number 556 (Retired 3/31/08). Traditional Correctional Probation Basic Recruit Training Program.

c. CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional Basic Recruit Training Program number 1155 (Retired 3/31/08). CMS Law Enforcement to Correctional Basic Recruit Cross-Over Training Program.

d. Law Enforcement Officer Cross-Over Training to Traditional Correctional Basic Recruit Training Program number 1181 (Effective 4/1/08). CMS Law Enforcement to Correctional Probation Basic Recruit Cross-Over Training Program.

e. Correctional Probation Officer Cross-Over Training to Traditional Correctional Basic Recruit Training Program number 1182 (Effective 4/1/08). Traditional Correctional to Correction Probation Basic Recruit Cross Over Training Program. Correctional Basic Recruit Cross-Over Training Program.

f. Correctional Auxiliary Officer Basic Recruit Training Program number 501 (Effective 1/1/97). Traditional Correctional Probation to Correctional Basic Recruit Cross-Over Training Program.

g. Law Enforcement Auxiliary Officer Basic Recruit Training Program.

~~h. Correctional Auxiliary Officer Basic Recruit Training Program.~~

~~i. Correctional Probation Auxiliary Officer Basic Recruit Training Program.~~

7. Correctional Probation Officer Basic Recruit Training Programs. An instructor is required to possess a Law Topics Instructor Certification to teach the topics of Constitutional Law, Probable Cause, Parties to a Crime, Civil and Criminal Liability, Classification of Offenses, Court Rules and Trial Procedures, Courtroom Demeanor and Testimony, and Use-of-Force in the following basic recruit training programs.

a. Florida Correctional Probation Basic Recruit Training Program number 1176 (Effective 4/1/08).

b. Traditional Correctional Cross-Over to Traditional Correctional Probation Basic Recruit Training Program number 667 (Retired 3/31/08).

c. CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional Probation Basic Recruit Training Program number 1156 (Retired 3/31/08).

d. Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1183 (Effective 4/1/08).

e. Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1184 (Effective 4/1/08).

8.7. Law Enforcement Officer Basic Recruit Training Programs. Individuals who possess a Law Topics Instructor Certification are authorized eligible to instruct in the law topics of Introduction to Law, Legal Concepts, and Substantive Criminal Law Criminal Justice Systems of Florida, Constitutional Law, and Introduction of Florida Statutes in the following basic recruit training programs:

a. Florida CMS Law Enforcement Basic Recruit Training Program number 1177 (Effective 4/1/08). ~~CMS Application-Based Law Enforcement Basic Recruit Training Program.~~

b. Traditional Correctional Cross-Over to CMS Application-Based Law Enforcement number 1143 (Retired 3/31/08). ~~Traditional Correctional Probation to CMS Law Enforcement Basic Recruit Cross-Over Training Program.~~

c. Traditional Correctional Probation Cross-Over to CMS Application-Based Law Enforcement number 1157 (Retired 3/31/08). ~~Traditional Correctional to CMS Law Enforcement Basic Recruit Cross-Over Training Program.~~

d. Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1178 (Effective 4/1/08).

e. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179 (Effective 4/1/08).

f. Law Enforcement Auxiliary Officer Basic Recruit Training Program number 211 (Retired 3/31/08).

g. CMS Law Enforcement Auxiliary Officer Basic Recruit Training Program number 1180 (Effective 4/1/08).

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

1. Possess a General Instructor Certification or be eligible for General Instructor Certification and apply for General Instructor Certification at the same time the applicant is requesting Speed Measurement Instructor Certification; and Radar Instructor Certification. ~~An instructor applicant shall successfully complete the Radar Speed Measurement Instructor Course for Law Enforcement Officers at a training school, with the results recorded on a Laser and Radar Speed Measurement Device Instructor Field Evaluation, form CJSTC-10, revised May 5, 2005, hereby incorporated by reference.~~

2. Possess three years experience as a speed measurement device operator; and

~~3.2. Successfully Laser and Radar Instructor Certification.~~ ~~An instructor applicant shall successfully complete at a training school, the Laser and Radar Speed Measurement Instructor Course for Law Enforcement Officers, course 1159 or the Radar Speed Measurement Instructor Course for Law Enforcement Officers, course 1108, retired December 31, 2006, and the Laser Speed Measurement Device (LSMD) Instructor Transition Course for Radar Instructors, course 1109, to be retired December 31, 2008; and; with the results recorded on a Laser and Radar Speed Measurement Device Instructor Field Evaluation, form CJSTC-10.~~

4. Complete the Speed Measurement Device Instructor Field Evaluation, form CJSTC-10, revised November 8, 2007, hereby incorporated by reference.

5. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a certified speed measurement instructor and shall complete the Instructor Competency Checklist form CJSTC-81. The instructor applicant shall demonstrate the applicable competencies listed on form CJSTC-81, which shall be maintained in the instructor's file at the training school or agency.

6. The instructor applicant shall be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and documented on CJSTC-81.

(c) Canine Team Instructor Certification. ~~An instructor applicant shall successfully complete the Canine Team Instructor Course through a training school and complete an internship documented on a Competency Checklist form CJSTC-81. As part of the required internship, an instructor applicant shall instruct any "course unit" of the Canine Team Training Course or Canine Team~~

~~Instructor Course. An instructor applicant who applies for a Canine Team Instructor Certification shall be required to possess the following minimum training and experience:~~

~~1. Possess a General Instructor Certification or be eligible for General Instructor Certification and apply for a General Instructor Certification at the same time the applicant is requesting Canine Team Instructor Certification.~~

~~2. Possess a~~ A minimum of three years criminal justice canine team experience documented in the instructor applicant's file at the training school or agency.

~~3. Successful completion of the Commission-approved Canine Team Training Course or an equivalent course pursuant to subsection 11B-27.013(4), F.A.C.~~

4. Successfully complete the Canine Team Instructor Course through a training school.

5. Complete an internship documented on a Competency Checklist form CJSTC-81. As part of the required internship, an instructor applicant shall instruct any topic of the Canine Team Training Course or Canine Team Instructor course and shall be evaluated by a certified canine team instructor.

6. Be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and documented on CJSTC-81.

~~7. Provide verification~~ Verification that there is not a sustained "excessive use of force" complaint against the instructor applicant, involving the use of the canine at the time a canine was under his or her their command, at the agency(s) where the instructor applicant obtained experience as a canine criminal justice officer. The verification shall be documented on agency letterhead and signed by the agency administrator or designee.

(d) Breath Test Instructor Certification. A Breath Test Instructor shall be certified by the Commission to instruct the Breath Test Operator Course, Breath Test Operator Renewal Course, Agency and Agency Inspector Course, and the Agency Inspector Renewal Course, pursuant to subsection 11B-35.007, F.A.C. Only certified breath test instructors shall instruct such courses.

1. Breath test instructor applicants shall:

~~a. Possess a General Instructor Certification or be eligible for General Instructor Certification and apply for a General Instructor Certification at the same time the applicant requests a Breath Test Instructor Certification. Each Breath Test Instructor Certification applicant, in addition to the requirements set forth in subsection 11B-20.0014(1), F.A.C., shall:~~

~~b. Successfully complete the Breath Test Instructor Course through a training school;~~ and

c. Have a minimum of three years experience as a certified breath test operator and agency inspector.

~~d. Possess a valid Breath Test Operator Permit and a valid Agency Inspector Permit at the time the an application for breath test instructor certification is submitted. The work experience set forth in paragraph 11B-20.0014(1)(b), F.A.C., shall include three years as a breath test operator and three years as an agency inspector.~~

e. Be supervised by and have his or her instructional abilities evaluated by a Commission-certified Breath Test Instructor and complete the Instructor Competency Checklist form CJSTC-81. The instructor applicant shall successfully demonstrate the competencies listed on form CJSTC-81, which shall be maintained in the instructor's file at the training school.

f. Be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administer, or an instructor designated by the training center director or agency administrator, and shall be documented on form CJSTC-81, which shall be maintained in the instructor's file at the training school or agency.

2. Alcohol Testing Program staff shall possess a General Instructor Certification pursuant to subparagraph (3)(d)1.a. of this rule section, and shall be exempt from the requirements of sub-subparagraph (3)(d)1.b.-f. of this rule section. Individuals who hold a valid Florida Department of Law Enforcement Alcohol Testing Program Breath Test Instructor Permit and successfully completes the 2002 Breath Test Instructor Update Course, are exempt from the requirements set forth in subparagraph (3)(d)1. of this rule section. Alcohol Testing Program staff are also exempt from subparagraph (3)(d)1. of this rule section.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.13 (6), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, 3-21-07, \_\_\_\_\_.

11B-20.0016 Inspection of Instructor Certification Applications.

(1) For instructor applicants who have not been certified by the Commission and who have met the certification requirements set forth in Rules 11B-20.001 and 11B-20.0014, F.A.C., the employing training center director, agency administrator, or designee shall:

(a) Collect the Instructor Certification Application form CJSTC-71 and verify the instructor meets the requirements of paragraph 11B-20.001(2)(c), F.A.C. Verify document the instructor's professional expertise, pursuant with Rules 11B-20.001 and 11B-20.0014, F.A.C., for the specific certification being requested. Form CJSTC-71 and required other documentation shall be maintained in the instructor's training file at the training school or agency.

(b) Sign the instructor application after the instructor applicant has completed a satisfactory internship.

(c) Electronically transmit the information to Commission staff on an ~~Instructor Certification Application~~ form CJSTC-71, through the Commission's ATMS.

(2) If the instructor applicant's file at the training school or agency contains missing or deficient documentation, the instructor applicant and the training school or agency shall be notified of such documentation on the Instructor Certification Deficiency Notification, form CJSTC-271, revised November 8, 2007 ~~May 6, 2004~~, hereby incorporated by reference.

(3) through (4) No change.

Specific Authority 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 120.60(1), 943.12(3), (9), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, \_\_\_\_\_.

11B-20.0017 Maintenance and Duration of Instructor Certifications.

Documentation for instructors shall be maintained in the instructor's file at the respective training school or agency. Additionally, the training school or agency shall submit or transmit to Commission staff, through the Commission's ATMS, an Instructor Compliance Application, form CJSTC-84, revised November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference, to verify compliance with the mandatory retraining requirements. ~~Instructors whose Traditional General Instructor Certification or CMS General Instructor Certification has lapsed shall complete the General Instructor Refresher Course. Instructors whose High-Liability Instructor Certification has lapsed shall demonstrate proficiency skills in the applicable high-liability topic. Instructors whose Specialized Topics Instructor Certification has lapsed shall complete an internship in the applicable high-liability topic.~~

(1) Instructors shall successfully complete the instructional, ~~proficiency~~, and continuing education requirements outlined below every four years. The expiration of an instructor's certification shall be March 31st of the fourth year following the instructor's initial certification.

Example:

Original Instructor Certification Date	November 21, 2005
Instructor Four-year Anniversary Date	November 21, 2009
Instructor Renewal Deadline	March 31, 2010

(2) Instructors shall maintain Good Moral Character Standards pursuant to paragraph 11B-20.001(2)(c) ~~11B-20.0012(2)(e)~~, F.A.C.

~~(3) Traditional General Instructor Certification. Instructors who possess a Traditional General Instructor Certification shall instruct in a Traditional Basic Recruit Training Program Course, Advanced Training Program Course, or non-CMS Specialized Training Program Course delivered at a training school, or in-service training course delivered at an agency, once every four years.~~

~~(3)(4) CMS General Instructor Certification. Instructors who possess a CMS General Instructor Certification shall instruct in a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Specialized Training Program Course delivered at a training school, or in-service training course delivered at an agency, once during their four-year cycle every four years.~~

~~(4)(5) High-Liability Instructor Certification. Commission-certified Instructors who possess a High-Liability Instructor Certification shall comply with the following requirements, once during their four-year cycle every four years, to maintain an active certificate for each high-liability topic certification:~~

~~(a) Instruct in a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Specialized Training Program Course delivered at a training school, or in-service training course delivered at an agency for each high-liability certification.~~

~~(b) Successfully complete continuing education or training approved by the training center director or agency administrator.~~

~~(c) Successfully qualify in the high-liability proficiency skills for the instructor certification issued pursuant to Rule 11B-35.0024, F.A.C.~~

~~(5)(6) Specialized Topics Instructor Certification. Instructors who possess a Specialized Topics Certification shall comply with the following requirements, once during their four-year cycle every four years, to maintain certification:~~

~~(a) Instruct in a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Specialized Training Program Course delivered at a training school, or in-service training course delivered at an agency for each specialized topic certification.~~

~~(b) Successfully complete continuing education or training approved by the training center director or agency administrator. Breath Test Instructors shall successfully complete the Breath Test Instructor Renewal Course.~~

~~(6)(7) Commission staff and Alcohol Testing Program staff responsible for the oversight of training schools are exempt from the instructor maintenance requirements for Commission certification.~~

(7) Lapse of Instructor Certifications.

(a) Instructors who do not comply with subsections (3), (4), or (5) of this rule section shall complete the Instructor Certification Application form CJSTC-71, and attach all required documentation pursuant to paragraphs (7)(b)-(d) of this rule section, to request approval for reactivation of instructor certification.

(b) General Instructor Certification. Instructors whose General Instructor Certification has lapsed shall complete the General Instructor Refresher Course.

(c) High-Liability Instructor Certification. Instructors whose High-Liability Instructor Certification has lapsed shall demonstrate proficiency skills in the applicable high-liability topic pursuant to Rule 11B-35.0024, F.A.C.

(d) Specialized Topics Instructor Certification. Instructors whose Specialized Topics Instructor Certification has lapsed shall complete an internship in the applicable specialized topic documented on form CJSTC-81.

(8) Breath Test Instructors who have not met the continuing education requirement required pursuant to paragraph (5)(b) in this rule section, shall successfully complete the Breath Test Instructor Renewal Course prior to submitting a request for reactivation of their Breath Test Instructor Certification.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, 3-21-07,\_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NOS:	RULE TITLES:
11B-21.002	Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification
11B-21.005	Criminal Justice Training School Requirements for Certification and Re-certification
11B-21.018	Criminal Justice Training School Disciplinary Guidelines and Revocation of Certification
11B-21.019	Criminal Justice Training School Inspections

PURPOSE AND EFFECT: To comply with Section 943.085, F.S., which requires establishment, implementation, and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following revisions were made to implement the new Florida CMS Law Enforcement Basic Recruit Training Program: Rule 11B-21.005, F.A.C.: Updates the instructor to student ratio requirements and/or equipment to ratio requirements and

updates items in the first aid kit on the equipment and facility requirement forms CJSTC-202; CJSTC-203; CJSTC-201; and CJSTC-208.

To comply with Section 120.74, F.S., which requires agencies to revise its rules as often as necessary to ensure compliance with Florida Statutes. Rule 11B-21.005, F.A.C.: Revises the instructor staffing requirements for training schools with a Type "B" or "C" certification to allow training schools to have a least one full-time instructor or instructor coordinator that will report solely to the training center director. Increases the years from two to four for maintaining a valid Basic Abilities Test. To update rule references.

Revises form CJSTC-200 to comply with the revision of Section 119.071, F.S., regarding procedures for requesting a full social security number on Commission forms.

SUMMARY: Revises commission forms and revises the requirements for certification and recertification of criminal justice training schools.

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

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

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

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

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

DATE AND TIME: April 2, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

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

- (1) through (2) No change.
- (a) through (c) No change.
- (3) No change.
- (a) through (d) No change.

(4) Request for Expansion for Certification. A training school that requests expansion of its certification shall follow the procedures in subsection 11B-21.002(3)(2), F.A.C. The expansion portion of the certification shall be treated as an initial certification. The certification expiration date of the expansion shall remain the same as the current expiration date.

- (5) No change.
- (a) through (d) No change.
- (6) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 943.14 FS. History—New 7-21-82, Amended 1-28-86, Formerly 11B-21.02, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-21-07.

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

Training Schools certified by the Commission shall comply with the following requirements:

- (1) through (2) No change.

(3) Classroom Facility and Equipment Requirements. Comply with the classroom facility and equipment requirements set forth in the Training School Classroom Facility Requirements, form CJSTC-205, revised May 6, 2004, hereby incorporated by reference.

(4) Driving Range Facility, Equipment, and Instructor to Student Ratio Requirements.

(a) When conducting Commission-approved vehicle operations training cComply with the driving range, facility, equipment, and instructor to student ratio requirements set forth in, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Driving Range Facility and Equipment Requirements, form CJSTC-202, revised November 8, 2007 May 5, 2005, hereby incorporated by reference, when conducting Commission-approved vehicle operations training.

(b) Deviation from the Standard Driving Range. Should any driving range proposed for construction after July 1, 1988, deviate from the standards set forth in form CJSTC-202, plans for such construction shall be submitted to Commission staff for initial review, and then to the Commission for final approval or disapproval. Justification for such construction shall include a statement of explanation and supporting documentation justifying the need to deviate from the established standard. A recommendation for deviation from the Commission's driving facility requirement shall ensure that vehicle operation training exercises can be safely and effectively performed.

(5) Defensive Tactics Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved defensive tactics training cComply with the defensive tactics equipment, facility, and instructor to student ratio requirements set forth in, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Defensive Tactics Facility and Equipment Requirements, form CJSTC-203, revised November 8, 2007 May 6, 2004, hereby incorporated by reference, when conducting Commission-approved defensive tactics training.

(6) Firing Range Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved firearms training cComply with the firing range equipment, facility, and instructor to student ratio requirements set forth in, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Firing Range Facility and Equipment Requirements, form CJSTC-201, revised November 8, 2007 May 6, 2004, hereby incorporated by reference, when conducting Commission-approved firearms training. Firearms training shall be supervised directly by a Commission-certified firearms instructor and the instructor shall have access to at least one firearms range designed for criminal justice firearms instruction.

(7) First Aid Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved first aid training cComply with the first aid equipment, facility, and instructor to student ratio requirements set forth in, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the CMS First Aid Instructional Requirements, form CJSTC-208, revised November 8, 2007 May 6, 2004, hereby incorporated by reference, when conducting Commission-approved first aid training.

(8) Staffing Requirements. Comply with the personnel requirements set forth in the Staffing Requirements, form CJSTC-204, revised May 6, 2004, hereby incorporated by reference. The following specifications shall be met:

- (a) through (b) No change.

(c) At least two full-time criminal justice training instructor or instructional coordinator positions assigned to report solely to the training center director for training schools with a Type "A" certification. One coordinator position can be composed of two or more instructional coordinators, provided the aggregate personnel time dedicated to these duties is equivalent to one full-time position. A training school with a Type "B" or "C" certification shall have at least one full-time criminal justice training instructor or instructor coordinator position assigned to report solely to the training center director. In the absence of the director, at least one full-time instructor, instructional coordinator, or other individual specifically designated by the director shall be accessible while criminal justice training is being administered and shall be responsible for quality control.

- (9) No change.

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

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

(b) Require, for admission into a Commission-approved Basic Recruit Training Program, a passing score from a Commission-approved basic abilities test, which shall be accepted by any training school. A passing score is valid four ~~two~~ years from the date of the test.

(c) Not exempt a student from taking a Commission-approved basic abilities test.

- (11) No change.
(a) through (b) No change.
1. through 2. No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 943.14, 943.17(1)(g) FS. History–New 7-21-82, Formerly 11B-21.05, Amended 1-28-86, 8-30-89, 12-24-89, 6-3-91, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07,\_\_\_\_\_.

11B-21.018 Criminal Justice Training School Disciplinary Guidelines and Revocation of Certification.

- (1) No change.
(a) through (c) No change.
(d) Failure to comply with trainee attendance and performance standards pursuant to subsections 11B-35.001(9)(7) and (12)(H), F.A.C.
(e) No change.
(2) No change.
(a) through (b) No change.
(3) No change.
(a) through (d) No change.
(4) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), 943.14 FS. History–New 10-17-90, Amended 12-13-92, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04,\_\_\_\_\_.

11B-21.019 Criminal Justice Training School Inspections. Section 943.12(7), F.S., authorizes the Criminal Justice Standards and Training Commission to issue certificates to criminal justice training schools. These training schools shall abide by the requirements for administration and instruction of Commission-approved training pursuant to Rule Chapters 11B-21 and 11B-35, F.A.C.

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

(2) Random inspections shall be conducted by Commission staff of classroom facilities, courses in session, staffing requirements, statute and rule compliance, and shall be documented on the following applicable form(s):

- (a) Training School Contact Report, form CJSTC-200, revised November 8, 2007 ~~May 6, 2004~~, hereby incorporated by reference.
(b) through (c) No change.
(3) through (6) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 943.14 FS. History–New 11-5-02, Amended 11-30-04,\_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 11B-27.0011 (Moral Character), 11B-27.002 (Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers), 11B-27.0021 (High School Graduation or Equivalent), 11B-27.00211 (Fingerprint Processing and Criminal Record Results), 11B-27.00212 (Maintenance of Officer Certification), 11B-27.00213 (Temporary Employment Authorization), 11B-27.0022 (Background Investigations), 11B-27.003 (Duty to Report, Investigations, Procedures), 11B-27.004 (Probable Cause Determination), 11B-27.005 (Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances), and 11B-27.013 (Canine Team Certification).

PURPOSE AND EFFECT: To comply with the revision of Section 119.071, F.S., regarding procedures for requesting a full social security number on Commission forms. Rules 11B-27.002, 11B-27.00212, 11B-27.003, F.A.C.: Forms CJSTC-63; CJSTC-67; CJSTC-75; CJSTC-75A; CJSTC-68; CJSTC-60; CJSTC-59; CJSTC-78, CJSTC-79; CJSTC-207;

CJSTC-259; CJSTC-77; CJSTC-65; CJSTC-76; CJSTC-76A; CJSTC-61; CJSTC-61A; CJSTC-74; CJSTC-86; CJSTC-86A; Rule 11B-27.013, F.A.C.; CJSTC-70; CJSTC-83; and CJSTC-270.

Clarify and restructure existing rule language to comply with the Governor's plain language policy: High School Diploma. Rule 11B-27.0021, F.A.C.: Clarifies the requirements for obtaining proof of compliance and authenticity of a high school diploma and college transcript, and lists the allowable degree granting institutions. Rule 11B-27.00211, F.A.C.: Creates a separate rule paragraph for private correctional institutions regarding the fingerprint process. Rule 11B-27.00213, F.A.C.: Makes formatting changes.

To comply with Section 120.74, F.S., which requires agencies to revise its rules as often as necessary to ensure compliance with Florida Statutes. Rules 11B-27.002 and 11B-27.0022, F.A.C.: Military Status. Allows other official documentation from the United States Military denoting an individual's discharge status. Revises the Authority for Release of Information form CJSTC-58 to allow other official documentation from the United States Military for verifying an individual's military discharge status and requires verification that the applicant has complied with military regulations. Background Investigations: Rule 11B-27.002, F.A.C.: Requires that all documents collected during a background investigation shall be made available for review by Commission staff and clarifies the "type" of investigative findings collected on form CJSTC-77. Rule 11B-27.002, F.A.C.: Revises form CJSTC-61 and CJSTC-61A to require training schools and agencies report an instructor's separation from employment. Rule 11B-27.0022, F.A.C.: Requires verification of the applicant's records and warrants through FCIC and NCIC for prior history of unlawful conduct and requires verification of the applicant's response regarding unlawful drug use. Rule 11B-27.003, F.A.C.: Revises the Internal Investigation Report form CJSTC-78 to include Section 112.532(6), F.S., "limitation for disciplinary action during an internal investigation."

To comply with Section 943.085, F.S., which requires establishment, implementation, and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following revisions were made to implement the new Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training Programs: Rule 11B-27.0011, F.A.C.: Revises existing rule references and removes obsolete rule language. Rule 11B-27.00213, F.A.C.: Revises the performance requirements on form CJSTC-4 CMS.

Pursuant to Section 943.1395(8)(b)2., F.S., on or before July 1 of each odd-numbered year, the commission shall conduct a workshop to receive public comment and evaluate disciplinary guidelines and penalties: Updates the Commission's rules regarding moral character violations, probable cause

determinations, revocation or disciplinary actions, disciplinary guidelines, and range of penalties in Rules 11B-27.0011, 11B-27.004, and 11B-27.005, F.A.C..

Revises Rule 11B-27.002, F.A.C. to comply with the statutory revisions of Section 943.13(6), F.S., which requires an officer to give prior knowledge of tuberculosis, hypertension, and heart disease.

To comply with statutory revisions to Section 943.13(5), F.S. Rule 11B-27.002, F.A.C.: To provide that the Applicant Fingerprint Card FD-258 is no longer required for processing an officer's employment or appointment.

Rule 11B-27.00211, F.A.C.: Removes the requirement that Commission staff notify agencies via the Fingerprint Notification form CJSTC-62 when an applicant's file does not contain documentation of processed fingerprints and changes the required receipt date of processed fingerprints from 3 months to 30 days.

SUMMARY: Revises commission forms; updates moral character violations, requirements for certification, employment or appointment, reactivation, terminating employment or appoint of officers; updates requirements for high school diploma and college transcript; updates the officer fingerprint process; updates maintenance of officer certification; updates high-liability performance evaluations; updates background investigation requirements; updates officer revocation or disciplinary actions, updates disciplinary guidelines and range of penalties; and updates canine team certification.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.133(3), 943.1395 FS.

LAW IMPLEMENTED: 943.12, 943.12(3), 943.12(17), 943.13, 943.13(11), 943.13(3), 943.13(7), 943.13(11), 943.131, 943.133, 943.135, 943.139, 943.1395, 943.1395(3), 943.1395(5), 943.1395(7), 943.1395(8), 943.17(1)(a), 943.1701, 943.1715, 943.1716, 943.253 FS.

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

DATE AND TIME: April 2, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Donna Hunt at (850)410-8615. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-27.0011 Moral Character.

(1) through (3) No change.

(4) For the purposes of the Criminal Justice Standards and Training Commission’s implementation of any of the penalties specified in Section 943.1395(6) or (7), F.S., a certified officer’s failure to maintain good moral character required by Section 943.13(7), F.S., is defined as:

(a) The perpetration by an officer of an act that would constitute any felony offense, whether criminally prosecuted or not.

(b) Except as otherwise provided in Section 943.13(4), F.S., a plea of guilty or a verdict of guilty after a criminal trial for any of the following misdemeanor or criminal offenses, notwithstanding any suspension of sentence or withholding of adjudication, or (The perpetration by an officer of an act that would constitute any of the following misdemeanor or criminal offenses whether criminally prosecuted or not:

1. Sections 316.193, ~~316.1935~~, 327.35, 414.39, 741.31, 784.011, 784.03, 784.047, 784.048, 784.05, 790.01, 790.10, 790.15, 790.27, 794.027, 796.07, 800.02, 800.03, 806.101, 806.13, 810.08, 810.14, 812.014, 812.015, 812.14, 817.235, 817.49, 817.563, 817.565, 817.567, 817.61, 817.64, 827.04, 828.12, 831.30, 831.31(1)(b), 832.05, 837.012, 837.05, 837.055, 837.06, 839.13, 839.20, 843.02, 843.03, 843.06, 843.085, 847.011, 856.021, 870.01, 893.13, 893.147, 914.22, 934.03, 944.35, 944.37, and 944.39, F.S.

2. through 3. No change.

(c) The perpetration by an officer of acts or conduct that constitute the following offenses:

1. Excessive use of force, defined as a use of force on a person by any officer that is not justified under Section 776.05 or 776.07, F.S., or a use of force on an inmate or prisoner by any correctional officer that would not be authorized under Section 944.35(1)(a), F.S. ~~The situation in which an officer uses a “level of force” inappropriate with the circumstances presented at the time of the incident. In the administrative review of “use of force” for officer disciplinary cases, the Commission applies the Commission’s Recommended Response to Resistance and Levels of Resistance, form~~

CJSTC-85, revised February 7, 2002, hereby incorporated by reference, is a reference tool to evaluate “use of force” circumstances presented in a disciplinary case.

2. through 3. No change.

a. through b. No change.

4. No change.

a. through c. No change.

5. through 7. No change.

8. Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to subsections 11B-35.0011(1)(~~5~~), F.A.C.

9. No change.

a. through l. No change.

10. No change.

11. Willful failure of the agency ~~administrator head~~ to comply with Chapter 943, F.S., as it pertains to the Criminal Justice Standards and Training Commission or Commission rules.

12. Intentional abuse of a Temporary Employment Authorization, pursuant to Section 943.131(1), F.S. ~~pursuant to Rule 11B-27.00225, F.A.C., or is consistent with and indicative of ingestion of a controlled substance pursuant to Chapter 893, F.S., and not having a specific nanogram level listed in Rule 11B-27.00225, F.A.C., shall be an affirmative defense to this provision to establish that any such ingestion was lawful. Any test of this kind relied upon by the Commission for disciplinary action, shall comply with the requirements for reliability and integrity of the testing process pursuant to Rule 11B-27.00225, F.A.C.~~

(d) No change.

(5) Recantation, pursuant to Section 837.07, F.S., shall be a defense to any violation, involving perjury or false statement, pursuant to subsection (4) of this rule section. If the perjury or false statement is alleged to have occurred in the performance of work duties or the course of an administrative investigation, recantation shall be a defense to any violation involving perjury or false statement of this rule section if the officer making the statement conceded such statement to be false prior to the employing agency’s final disciplinary determination as provided for in Section 112.532(4)(b), F.S.

(6) through (7) No change.

(a) through (c) No change.

(8) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History—New 1-7-85, Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, \_\_\_\_\_.

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

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

(a) No change.

1. through 5. No change.

(b) through (c) No change.

(d) A Physician's Assessment, form CJSTC-75, revised November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference, or an equivalent form signed by a physician, certified advanced registered nurse practitioner, or physician assistant licensed in the United States or its territories, verifying the applicant's fitness to perform the duties of an officer pursuant to Section 943.13(6), F.S. A copy of the officer's position description shall be reviewed by the physician to ensure that the applicant can meet the physical standards required of the position. A Patient Information, form CJSTC-75A, revised November 8, 2007 ~~May 6, 2004~~, hereby incorporated by reference, may also be provided to the examining physician, certified advanced registered nurse practitioner, or physician assistant for reference. The ~~completed and signed~~ CJSTC-75 form or equivalent, shall be completed with each new employment or appointment of an officer, and shall not be completed more than one year prior to an officer's employment or appointment. A CJSTC-75 form prepared for a specific employing agency shall not be used by any other employing agency.

(e) No change.

(f) An Affidavit of Applicant, form CJSTC-68, revised November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference, executed by the applicant attesting that the applicant complies with the employment or appointment qualifications pursuant to Sections 943.13(1)-(10), F.S.

(g) through (h) No change.

(2) The employing agency administrator head is required, within 30 days of hire, to submit to Commission staff or electronically transmit through the Commission's Automated Training Management System (ATMS), and maintain in file a Registration of Employment Affidavit of Compliance, form CJSTC-60, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference, attesting to compliance by the employing agency with the following requirements:

(a) For law enforcement, correctional, and correctional probation officer applicants who have not been previously certified and who have complied with the certification requirements pursuant to Section 943.13(1)-(10), F.S., the employing agency shall certify to the Commission that the applicant is eligible for certification by submitting to Commission staff or electronically transmitting through the Commission's Automated Training Management System (ATMS), a completed Officer Certification Application, form CJSTC-59, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference, within 30 days of the applicant's compliance with the certification requirements. Upon receipt of an Officer Certification Application Deficiency Notification, form CJSTC-259, revised November 8, 2007 ~~May 5, 2005~~, the employing agency shall maintain on file, a copy of form CJSTC-59 and any other employment documentation. The employing agency shall submit a copy of form CJSTC-259 and the missing or deficient documentation to Commission staff within 90 days of the date the form was signed and issued to the agency. Failure by the employing agency to submit missing or deficient documentation within the required 90 days may result in denial of an applicant's request for certification. An officer applicant shall not work as a sworn officer prior to meeting the requirements of Sections 943.13 and 943.131, F.S.

(b) Name changes shall be verified by the employing agency through verification of information on legal documents such as a marriage license or official name change documents. To document an officer's name change, a completed Name Change Application, form CJSTC-79, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference, and a copy of supporting documentation shall be submitted to Commission staff.

(3) Employment requirements pursuant to Sections 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference.

(a) The files of newly hired officers are subject to an on-site inspection by Commission staff to ensure compliance with the requirements of Chapter 943, F.S., and Rule Chapter 11B-27, F.A.C. All documents collected in conjunction with the background investigation shall be available for review. The following documents shall be reviewed for completeness:

1. No change.

2. An Employment Background Investigative Report, form CJSTC-77, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference.

3. No change.

4. A Temporary Employment Authorization Statement, form CJSTC-65, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference.

5. through 8. No change.

9. A copy of the most recently issued DD 214, or other official documents from the United States Military denoting the discharge status or copy of the officer's current military identification. Wording on the documentation shall indicate the discharge was any discharge other than dishonorable. A current military identification or the most recently issued Military Status DD 214 form.

10. An FBI Civil Applicant Response provided from a Live Scan device by form or response from the Florida Department of Law Enforcement (FDLE) Certified Mail Application (Live Scan), with the National Crime Information Center (NCIC) any FBI-supplied criminal history record attached, and an FDLE a Customer Summary Report and Transaction Listing with the Florida Criminal Information Center (FCIC) form, with any FDLE-supplied criminal history record attached, or the applicant's fingerprint card attached to a FDLE-supplied single-state or multi-state offender criminal history record. If a Civil Applicant Response is not received by the agency, the FCIC Criminal History indicating no single state or multi-state offender criminal history record exists shall be proof the applicant's fingerprints have been processed.

11. An Equivalency-of-Training, form CJSTC-76, revised November 8, 2007 May 6, 2004, and an Equivalency-of-Training Proficiency Demonstration, form CJSTC-76A, revised November 8, 2007 May 5, 2005, hereby incorporated by reference, for previous Florida and out-of-state, federal, or military officers, if the officer used this training option.

12. through 14. No change.

15. An Affidavit of Separation, form CJSTC-61, revised November 8, 2007 February 7, 2002, hereby incorporated by reference, and Affidavit of Separation Supplement, form CJSTC-61A, revised November 8, 2007 February 7, 2002, hereby incorporated by reference, if the officer has separated employment with the agency.

(b) No change.

1. No change.

2. If the deficiency(s) has not been resolved on or before the re-inspection date, the agency administrator head shall provide Commission staff with a timeline for resolution of the noted deficiency(s) in the officer's file.

3. If the deficiency(s) noted in the officer's file remains unresolved, the Criminal Justice Standards and Training Commission Chairman shall notify the agency administrator head, in writing, that the Registration of Employment Affidavit of Compliance form CJSTC-60, that has been signed by the agency administrator head or its designee, confirming agency compliance with Section 943.133(2), F.S., is in fact not in compliance, and as such, is in violation of subparagraph 11B-27.0011(4)(c)11., F.A.C., and Section 837.06, F.S.

4. No change.

(4) No change.

(a) through (b) No change.

(5) through (6) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History—New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.02, Amended 9-3-87, 3-29-89, 5-14-92, 12-13-92, 9-5-93, 1-19-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, \_\_\_\_\_.

11B-27.0021 High School Graduation or Equivalent.

(1) A high school graduate shall be an individual who has completed a secondary education program through a public school, private school, an equivalency diploma program, or home education program through an educational provider recognized by a public educational system within the United States or its territories, or received a foreign high school diploma.

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

(a) A high school diploma or high school equivalency diploma issued by a public school education program; or-

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

(c) Transcripts showing a secondary education program completion or graduation date.

(c)(d) A letter on the letterhead from a School Board District Office or high school principal verifying completion of a high school program and issuance of a high school standard diploma.

(d)(e) For individuals who have completed a home school program, documentation that the education program has met the requirements of Section 1002.41, F.S., or of the Department of Education from the state where the home school program was completed.

(e)(f) For individuals who have completed an education program in a foreign jurisdiction high school diploma, documentation that the diploma or official school transcript, indicating the date of graduation or completion, is equivalent to the requirements for a U.S. High School Diploma or equivalency diploma. Documents shall be transcribed by a certified translator and notarized as true and correct complies with this rule section.

(3) No change.

(a) No change.

1. through 3. No change.

(b) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(3) FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.021, Amended 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-21-07, \_\_\_\_\_.

11B-27.00211 Fingerprint Processing and Criminal Record Results.

An employing agency shall maintain on file, at minimum, a Federal Bureau of Investigation Civil Applicant Response provided from a Live Scan device by the Florida Department of Law Enforcement (FDLE) form or the response from the FDLE Certified Mail Application, with any the National Crime Information Center (NCIC) Federal Bureau of Investigation (FBI) supplied criminal history record attached, and an FDLE Customer Summary Report and Transaction Listing form, with the Florida Criminal Information Center (FCIC) any FDLE supplied criminal history record attached, or the applicant's fingerprint card attached to a FDLE supplied single state or multi state offender criminal history record, indicating the applicant's fingerprint card has been processed. If a Civil Applicant Response is not received by the agency, the FCIC Criminal History indicating no single state or multi-state offender criminal history record exists shall be proof the applicant's fingerprints have been processed.

(1) The employing agency shall submit for processing an applicant's fingerprints Applicant Fingerprint Card FD-258 to the FDLE Florida Department of Law Enforcement that bears the applicant's currently taken fingerprints. The submission shall include one of the following references: "Law Enforcement Officer Applicant, Section 943.13, F.S.," or "Correctional Officer Applicant, Section 943.13, F.S.," or "Correctional Probation Officer Applicant, Section 943.13, F.S.," as the reason fingerprinted in the "Reason Fingerprinted" block of the FBI Applicant Fingerprint Card. An applicant's fingerprints Applicant Fingerprint Card shall be processed in conjunction with an officer's employment or appointment regardless if the officer has proof of the existence of processed fingerprints a processed Applicant Fingerprint Card from a previous employment or appointment. The employing agency is required to use an electronic fingerprinting submission device authorized to use a Live Scan device, if authorized by FDLE, for the submission of applicant fingerprints versus submitting an Applicant Fingerprint Card.

(2) Private Correctional Institutions and Jails. Private correctional institutions under contract with the Florida Department of Corrections shall obtain blank Applicant Fingerprint Cards from the Department of Corrections. Other private correctional institutions and jails shall obtain blank Applicant Fingerprint Cards from the Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Officer Records Section. A private correctional institution shall submit a completed Applicant Fingerprint Card for processing to the Florida Department of Law Enforcement, User Services Bureau, Post Office Box 1489, Tallahassee, Florida 32302-1489. A private correctional institution or jail is authorized to use a Live Scan device, if authorized by FDLE, for the submission of applicant fingerprints versus submitting an Applicant Fingerprint Card.

(a) Private correctional institutions under contract with the Florida Department of Management Services (DMS) shall submit for processing an applicant's fingerprints to the FDLE. The private correctional institution is required to use an electronic fingerprinting submission device and is responsible for any cost associated with the fingerprint submission. The response to the fingerprint submission shall be electronically transmitted to the DMS for review for compliance with Section 943.13(4), F.S. The DMS will complete the Fingerprint Notification form CJSTC-62, revised November 8, 2007, hereby incorporated by reference, and provide it to the private correctional institution.

(b) All other private correctional institutions and jails shall submit for processing an applicant's fingerprints to the FDLE. The private correctional institution is required to use an electronic fingerprinting submission device and is responsible for any cost associated with the fingerprint submission. The response to the fingerprint submission shall be electronically transmitted to the FDLE, Officer Records Section, for review for compliance with Section 943.13(4), F.S. The Officer Records Section will complete form CJSTC-62 and provide it to the private correctional institution or jail.

(3) The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date indicated on the electronic response documenting the processed fingerprints a Fingerprint Notification form CJSTC-62, revised February 7, 2002, hereby incorporated by reference. The response from an applicant's processed fingerprints shall be maintained on file at the agency within one year of the officer's initial employment or appointment. An employing agency is not required to re-fingerprint an individual who has been continuously employed or appointed with the same agency and is seeking certification as a sworn officer with that agency.

(4) Training schools that offer a Commission-approved Basic Recruit Training Program for law enforcement, correctional, or correctional probation officers, or a selection center that provides applicant screening for a training school, shall conduct a criminal history background check of an applicant prior to entrance into such Basic Recruit Training Program. The employing agency shall provide the training school with documentation that an applicant's fingerprints have been processed, that the response is on file with the employing or appointing agency, and has been verified by the employing or appointing agency to contain no statutory disqualifiers. If the FBI has not returned the Civil Applicant Response to the employing or appointing agency, the agency shall notify the training school that the criminal history background check is incomplete. The employing or appointing agency shall notify the training school upon receipt of the results of the applicant's fingerprints Applicant Fingerprint Card, which shall be maintained in the student's file at the training school.

(5) An applicant's fingerprints that have been processed prior to employment or appointment, in conjunction with the agency's background investigation, and pursuant to Rule 11B-27.0022, F.A.C., shall be considered current when the officer's fingerprints are processed in conjunction with the new employment or appointment.

(6) An officer's certification shall not be issued by the Commission until he or she is in compliance with the certification requirements pursuant to Sections 943.13(1)-(10), F.S., and documentation of legible processed applicant fingerprints are on file at the employing agency.

(7) If an officer has been separated for lack of processed applicant fingerprints within one year of employment or appointment, the agency shall re-register the officer when the processed applicant fingerprint response is received from the FBI or FDLE. The re-registration date shall be the date that the FBI or FDLE processed the applicant fingerprints. An officer who has been separated for not having processed applicant fingerprints on file at the employing agency is not authorized to perform the duties of a sworn officer.

(8) Employing agencies shall be notified by Commission staff when an applicant's file does not contain documentation of processed fingerprints a ~~Fingerprint Notification form CJSTC-62~~.

(9) An employing agency that does not receive processed fingerprint Applicant Fingerprint Card documentation from the FBI or FDLE within thirty days three months of submission of the fingerprints through an electronic fingerprinting submission device, ~~fingerprint card~~ shall fingerprint the applicant again and resubmit the fingerprints fingerprint card to FDLE and the FBI. If the FBI has processed the fingerprints card, the letter from the FBI stating that the individual does not have a criminal history may be accepted as official documentation. The date the letter is postmarked shall be the date recorded as the fingerprint processed date ~~on the Fingerprint Notification form CJSTC-62~~.

(10) Should an officer separate from employment prior to the employing agency's receipt of the officer's processed applicant fingerprints, and there is an indication that the officer would have failed to meet the employment qualifications pursuant to this rule chapter, the separating agency shall immediately notify Commission staff and provide a copy of all documentation that establishes non-compliance of the officer to meet the necessary qualifications.

(11) If a criminal history record that could preclude employment pursuant to Section 943.13(4), F.S., is received from the FBI or FDLE, the agency shall obtain and maintain in the officer's file, supporting documentation from the court that the final disposition of the case has been resolved and the officer is eligible for employment, pursuant to Section 943.13(4), F.S.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History—New 11-5-02, 11-30-04\_\_\_\_\_.

11B-27.00212 Maintenance of Officer Certification.

(1) through (3) No change.

(4) Continuing education or training pursuant to Section 943.135, F.S. Upon an officer's completion of the required continuing education or training the employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a completed Mandatory Retraining Report, form CJSTC-74, revised November 8, 2007 August 3, 2006, hereby incorporated by reference.

(5) No change.

(a) through (c) No change.

(d) ~~Discriminatory Profiling and Professional Traffic Stops pursuant to Section 943.1758, F.S. Human Diversity In-Service Training for Discriminatory Profiling and Professional Traffic Stops Course, pursuant to paragraph 11B-35.007(4)(h), F.A.C., or IPTM's Safe and Legal Traffic Stops Course, shall be used to satisfy all or a portion of an officer's continuing training requirements for human diversity training.~~ Certified law enforcement officers who elect to instruct Discriminatory Profiling and Professional Traffic Stops may substitute completion or instruction of this training to satisfy the officer's continuing training requirement. Completion or instruction of this training shall satisfy all or a portion of an officer's continuing training requirement for human diversity training.

(6) Failure to comply with statutorily required continuing education or training. In the event that an officer fails to meet the continuing education or training requirements of Section 943.135, F.S., the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the continuing education or training requirements have been satisfied. The Commission's ATMS shall separate an officer from employment if the Mandatory Retraining Report form CJSTC-74, is not received by the June 30th deadline pursuant to subsection (1) of this rule section. Officers who have not satisfied their mandatory retraining requirement within six months of separation shall comply with the requirement of subsection 11B-27.002(1), F.A.C., prior to reemployment.

(7) Individuals who have been separated from an employing agency as an officer for less than four years, and whose certification is inactive for failing to complete the required hours for mandatory training, shall complete the continuing education and training requirements prior to resuming active service with an agency. An officer who requests to claim continuing education and training that was completed during a period when the officer's certification was inactive, shall request approval from the agency administrator head of the prospective employing agency and provide proof that the required continuing education and training was

completed. The employing agency shall determine if the education or training requirements have been satisfied pursuant to Section 943.135, F.S., and shall submit to Commission staff, or electronically transmit through the Commission's ATMS, a completed Mandatory Retraining Report form CJSTC-74.

(8) through (12) No change.

(a) No change.

1. through 3. No change.

(b) No change.

1. through 3. No change.

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

(a) Use-of-Force training shall include the following topics of instruction:

1. through 2. No change.

3. ~~Less-lethal Use-of-Force Matrix and less-lethal force~~ options available within the agency.

4. through 5. No change.

(b) through (h) No change.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised ~~November 8, 2007 August 3, 2006~~, hereby incorporated by reference, and maintained in the officer's employment file.

(a) No change.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, form CJSTC-86, revised ~~November 8, 2007 August 3, 2006~~, hereby incorporated by reference, and maintained in the officer's employment file. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a completed form CJSTC-86.

(c) through (d) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History—New 11-5-02, Amended 12-3-03, 11-30-04, 3-27-06, 3-21-07, \_\_\_\_\_.

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

11B-27.00213 Temporary Employment Authorization.

A Certificate of Compliance shall not be issued to officers employed on a Temporary Employment Authorization (TEA) prior to meeting the requirements of Sections 943.13(1)-(10), F.S.

(1) No change.

(a) No change.

1. through 5. No change.

(b) No change.

1. through 2. No change.

(c) No change.

1. through 2. No change.

(2) An agency ~~administrator head~~ is authorized to request to waive the firearms training requirement for a TEA by placing a statement in the officers file at the employing agency, which has been signed by the agency ~~administrator head~~, confirming that the TEA appointed officer shall not be permitted to carry a firearm until the following classroom training requirements have been fulfilled:

(a) Classroom Training:

1. through 5. No change.

(b) Firearms Range Training. The trainee's proficiency demonstration shall be documented on a CMS Firearms Performance Evaluation, form CJSTC-4 CMS, revised ~~November 8, 2007 May 5, 2005~~, hereby incorporated by reference, and maintained in the trainee's file at the employing agency. The instructor shall qualify the trainee with a handgun (revolver or semi-automatic pistol) and long gun (shotgun or semiautomatic rifle/carbine) using the Commission's Basic Recruit Training Firearms Course of Fire, pursuant to form CJSTC-4 CMS, and the form shall be maintained in the trainee's file at the employing agency. Trainees shall fire a long gun as prescribed in the Commission-approved Basic Recruit Training Program.

(3) No change.

(4) Training schools that offer a Commission-approved Basic Recruit Training Program for law enforcement, correctional, or correctional probation officers, or a selection center that provides applicant screening for a training school, shall conduct a criminal history background check of an applicant prior to entrance into such Basic Recruit Training Program. The employing agency shall provide the training school with documentation that an applicant's fingerprints have been processed, that the response is on file with the employing or appointing agency, and has been verified by the employing or appointing agency to contain no statutory disqualifiers. If the FBI has not returned the Civil Applicant Response to the employing or appointing agency, the agency shall notify the training school that the criminal history background check is incomplete. The employing or appointing agency shall notify the training school upon receipt of the results of the applicant's fingerprints Applicant Fingerprint Card, which shall be maintained in the student's file at the training school.

(a) No change.

(b) The individual was previously hired on a TEA and has separated from the employing agency or discontinued training while still in good standing, and has had a break-in-service

from the last employment for a minimum of four years. Such individual shall comply with the firearms training requirements pursuant to Rule 11B-35.0024, F.A.C., and Section 943.17(1)(a), F.S., unless the agency administrator head has waived such requirements in subsection (2) of this rule section, and shall enroll in a Commission-approved Basic Recruit Training Program within 180 days of employment in the first training program offered in the geographic area, or in the first assigned state training program for a state officer.

(5) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.131, 943.133, 943.139, 943.1395, 943.17(1)(a) FS. History—New 11-5-02, Amended 11-30-04, 3-27-06,\_\_\_\_\_.

11B-27.0022 Background Investigations.

(1) Pursuant to Section 943.133, F.S., and Rule 11B-27.0011, F.A.C., the employing agency shall conduct a thorough background investigation of each applicant. The agency shall maintain in the applicant's file at the employing agency a summary of the background investigation findings, signed and dated by the investigator and the agency administrator head or designee. The summary shall verify the following information:

(a) through (d) No change.

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

(a) No change.

(b) Obtain previous employment data from prior employers. Criminal justice agencies conducting background investigations have the option of using the Authority for Release of Information, form CJSTC-58, revised November 8, 2007 August 3, 2006, pursuant to Sections 943.134(2) and (4), F.S., hereby incorporated by reference.

(c) Research military records. ~~Florida Crime Information Center records, National Crime Information Center records, and military records.~~ A copy of the most recently issued DD 214, or other official separation document(s) from the United States Military denoting the discharge status or a copy of the officer's current military identification ID, shall be maintained in the officer's file at the employing agency. The agency shall document contact with the applicants' commanding officer or designee if the applicant is currently serving on active duty or military reserve to ensure the applicant is compliant with military regulations. Wording on the documentation shall indicate DD214 shall document that the discharge was any discharge other than dishonorable an Honorable discharge. A military discharge that is ~~dishonorable pursuant to Section 943.13(4), F.S., or other than an honorable discharge,~~ shall be investigated by the agency. The agency shall submit a Request Pertaining to Military Record, form OMB No. 3095-0029.

(d) ~~Verify the applicant's~~ Applicant's response regarding prior history of unlawful conduct through a Florida Crime Information Center and National Crime Information Center records and warrants check.

(e) ~~Verify the~~ The applicant's response regarding unlawful drug use pursuant to subsection 11B-27.0011(2), F.A.C.

(3) The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a Registration of Employment Affidavit of Compliance form CJSTC-60. The agency shall also submit or electronically transmit to Commission staff through the Commission's ATMS, a completed Employment Background Investigative Report form CJSTC-77, for each officer employed or appointed. The original form CJSTC-77 that has been signed and dated by the investigator and the agency administrator head or designee shall be retained in the applicant's file.

Specific Authority 943.03(4) 943.12(1), 943.133(3) FS. Law Implemented 943.133, 943.139 FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.022, Amended 7-13-87, 10-17-90, 5-13-92, 5-14-92, 12-13-92, 9-5-93, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-27-06, 3-21-07,\_\_\_\_\_.

11B-27.003 Duty to Report, Investigations, Procedures.

(1) No change.

(2) Upon concluding the investigation:

(a) If the allegations are sustained, the employing agency shall complete an Internal Investigation Report, form CJSTC-78, revised November 8, 2007 May 6, 2004, hereby incorporated by reference, regardless of whether any civil service appeal, arbitration, employment hearing, administrative, civil, or criminal action is pending or contemplated.

(b) No change.

1. through 7. No change.

(c) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.1395(5) FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.03, Amended 12-13-92, 9-5-93, 7-7-99, 8-22-00, 11-5-02, 11-30-04,\_\_\_\_\_.

11B-27.004 Probable Cause Determination.

At the conclusion of the preliminary investigation and when the reports and documents are received as directed by Sections 943.139 and 943.1395, F.S., a determination of probable cause shall be made before the Commission initiates proceedings to take disciplinary action against the certification of an officer.

(1) through (5) No change.

(6) The Probable Cause Panel is authorized to offer the respondent the opportunity to enter into an Intervention Program if there would otherwise be a finding of probable cause but the Panel finds that there are significant mitigating

circumstances or that the violation is not egregious. The terms and conditions of the Probable Cause Panel's Intervention Programs may include the following:

(a) through (f) No change.

(7) When ~~the~~ Commission staff determines that the respondent has been retained by the employing agency, Commission staff shall issue a Letter of Acknowledgment of agency action in these cases, provided the employing agency shall have taken significant agency action as defined in subsections 11B-27.005(1) and (2), F.A.C.:

(8) When Commission staff determines that the respondent has been terminated by the employing agency, Commission staff shall issue a Letter of Acknowledgment of agency action in these cases, provided the penalty guidelines of subsection 11B-27.005(5), F.A.C., specify ~~specifies~~ probation or suspension as a penalty for the offense.

(9) Commission staff:

(a) Shall not issue a Letter of Acknowledgment to a respondent who has been issued a Letter of Acknowledgment within ~~with~~ three years prior to the date of receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.

(b) Shall not issue a Letter of Acknowledgment to a respondent who has been issued a Letter of Guidance within five years prior to the date of receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.

(c) Shall not issue a Letter of Acknowledgment to a respondent who has been disciplined by the Commission within eight years prior to the date of receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.

(d) Shall not issue a Letter of Acknowledgment to a respondent if the penalty guidelines of subsection 11B-27.005(5), F.A.C., specify prospective suspension to revocation as the guideline penalty for the offense.

(10) No change.

Violation

1. ~~Felony Aggravated~~ assault (784.021, 784.07, F.S.)
2. ~~Felony Aggravated~~ battery (784.041, 784.045, 784.07, F.S.)
3. Grand theft (812.014, F.S.)
4. Possession, sale of controlled substance (893.13, F.S.)
5. Tampering with evidence (918.13, F.S.)
6. Introduction of contraband into a jail or prison involving a firearm, concealed weapon, controlled substance, currency, or a tool or implement useful in an attempt to escape from custody (843.11, 944.47, and 951.22, F.S.)
7. Other introduction of contraband into a jail or prison (944.47, 951.22, F.S.)  
~~Keeping a gambling house (849.01, F.S.)~~
8. False Statements (837.02, 837.021, 837.05(2), 838.022, F.S.)
9. Felony stalking (784.048, F.S.)
10. Sexual battery, unlawful sexual activity with a minor (794.011, 794.05, F.S.)
11. Lewd or lascivious offense, child under 16 (800.04, F.S.)
12. Child abuse (827.03, F.S.)
13. Aggravated child abuse with violence (827.03, F.S.)

Recommended

- Penalty Range
- Prospective suspension to revocation
  - Prospective suspension to revocation
  - Revocation
  - Revocation
  - Revocation
  - Revocation
  - Suspension to revocation ~~Revocation~~
  - Prospective Suspension to revocation
  - Revocation
  - Revocation
  - Prospective suspension to revocation
  - Revocation

(11)(a) No change.

(b) No change.

(12)(a) No change.

(b) No change.

(13) through (14) No change.

Specific Authority 943.03(4), 943.12(1), 943.1395 FS. Law Implemented 943.1395 FS. History--New 12-13-92, Amended 1-19-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04,\_\_\_\_\_.

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

(1) No change.

(a) through (b) No change.

(2) through (3) No change.

(a) through (c) No change.

(4)(a) No change.

(b) No change.

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

(a) For the perpetration by the officer of an act that would constitute any felony offense, pursuant to paragraph 11B-27.0011(4)(a), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from suspension of certification to revocation. Specific violations and penalties that shall be imposed, absent mitigating circumstances, include the following:

- |   |   |
|---|---|
| <p>14. <u>Resisting an officer with violence (843.01, F.S.)</u></p> <p>15. <u>Felony controlled substance violation (893.13, 893.135, 893.147, 893.149, F.S.)</u></p> | <p><u>Prospective suspension to revocation</u></p> <p><u>Revocation</u></p> |
|---|---|

(b) For the perpetration by the officer of an act that would constitute any of the misdemeanor offenses, pursuant to paragraph 11B-27.0011(4)(b), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from probation of certification to suspension of certification.

Specific violations and penalties that shall be imposed, absent aggravating or mitigating circumstances, include the following:

Violation	Recommended
1. Assault (784.011, F.S.)	Penalty Range
2. Battery (784.03, F.S.)	Suspension
3. Petit Theft (812.014, F.S.)	Suspension
4. False reports and statements (817.49, 837.012, 837.05(1), <u>837.055</u> , 837.06, 944.35, F.S.)	Suspension to revocation
5. Improper exhibition of a weapon (790.10, F.S.)	Prospective suspension to revocation
6. Discharging a firearm in public (790.15, F.S.)	Probation with training
7. Passing a worthless check (832.05, F.S.)	Suspension
8. Prostitution or lewdness; <u>voyeurism</u> (796.07 <u>and</u> 810.14, F.S.)	Probation
9. Indecent exposure (800.03, F.S.)	<u>Prospective suspension, and probation with counseling</u> to revocation
10. Driving or boating under the influence Second DUI Offense (316.193 and 327.35, F.S.)	Suspension, and probation with counseling, to revocation
11. Possess or delivery without consideration, and not more than 20 grams of Cannabis (893.13, F.S.)	Probation with substance abuse counseling Prospective suspension to revocation
12. Neglect or refusal to aid (843.06, F.S.)	Revocation
13. <u>Second violation of domestic violence or other protective injunction (741.31, 784.047, F.S.)</u>	Suspension to revocation
14. <u>Stalking (784.048, F.S.)</u>	<u>Prospective suspension to revocation</u>
15. <u>Battery involving domestic violence with slight or moderate victim physical injury (741.28, 784.03, F.S.)</u>	<u>Prospective suspension to revocation</u>

- (c) No change.
- 1. through 12 No change.
- (d) No change.
- (6) No change.
- (a) No change.
- 1. through 12. No change.
- (b) No change.
- 1. through 8. No change.
- (7) No change.
- (a) through (c) No change.
- 1. through 7. No change.
- (d) through (e) No change.
- (8)(a) No change.
- (b) No change.
- (9) through (10) No change.
- (a) through (c) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07,\_\_\_\_\_.

11B-27.013 Canine Team Certification.

- (1) No change.
- (a) through (b) No change.
- (2) Patrol canine team certification requirements. Commission certification of a patrol canine team is not required. Prior to submitting a Patrol Canine Team Certification Application, form CJSTC-70, revised November 8, 2007 ~~May 6, 2004~~, hereby incorporated by reference, the agency employing the patrol canine team shall collect, verify, and have on file documents establishing compliance with the requirements of this rule section, regardless of where canine training takes place.

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

(a) through (b) No change.

(c) Documentation of successful completion of the Patrol Canine Team Proficiency Examination administered by two Commission-approved canine team evaluators, one of whom is not affiliated with the Commission-certified training school or the agency conducting the training, and one of whom is not affiliated with the agency employing the canine team. A Commission-approved canine team evaluator shall not administer a proficiency examination to a canine assigned to them as a work partner. The proficiency examination shall be documented on the Patrol Duty Canine Team Proficiency Examination and Equivalency, form CJSTC-83, revised November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference.

1. through 2. No change.

(4) No change.

(5) No change.

(a) through (c) No change.

(6) No change.

(a) through (c) No change.

(7) Inspection of patrol canine team applicant files.

(a) No change.

(b) Upon issuance of an unfavorable inspection on a Canine Team Certification Deficiency Notification Application, form CJSTC-270, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference, a Patrol Canine Team Certification Application form CJSTC-70 shall note the deficiencies.

(c) No change.

(8) Canine Team Evaluators. Prior to being approved by the Commission as a canine team evaluator, the evaluator shall provide documentation verifying that the evaluator applicant has complied with the following requirements:

(a) through (b) No change.

(c) A letter of recommendation for the evaluator applicant from a training center director or agency administrator ~~head~~.

(d) Request for evaluator status. A letter from the evaluator applicant requesting approval from the Commission as a "canine team evaluator" shall be forwarded to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, P.O. Box 1489, Tallahassee, Florida 32302, Attention Bureau Chief of the Bureau of Standards, for the initial request for approval as a canine team evaluator. The letter shall include the evaluator's full name, the last four digits of the evaluator's social security number ~~(optional)~~, complete address, and documentation of compliance with the standards set forth in this rule section.

(e) through (f) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17) FS. History—New 3-29-89, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NOS.:	RULE TITLES:
11B-30.006	State Officer Certification Examination General Eligibility Requirements
11B-30.0062	State Officer Certification Examination Assignment and Retake Eligibility Requirements
11B-30.007	Application for the State Officer Certification Examination and Notification Process
11B-30.0071	Examination Accommodations for Applicants with Disabilities
11B-30.008	State Officer Certification Examination Site Administration
11B-30.012	Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key

PURPOSE AND EFFECT: Rule 11B-30.006, F.A.C.: Revises form CJSTC-67 to comply with statutory revisions in Section 943.13(5), F.S., for processing an officer's fingerprints for employment or appointment.

Revised the following forms to comply with the revision of Section 119.071, F.S., regarding procedures for requesting a full social security number on Commission forms: Forms CJSTC-67, CJSTC-76; CJSTC-500; CJSTC-502 incorporated in Rules 11B-30.006, 11B-30.0071, and 11B-30.012, F.A.C.

To comply with Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. Rules 11B-30.006 and 11B-30.0071, F.A.C.: Forms CJSTC-76 and CJSTC-500 were revised to implement the new Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training Programs.

To comply with Section 120.74, F.S., which requires an agency to revise its rules as often as necessary (no less than every two years) to ensure compliance with Florida Statutes. Rule

11B-30.0062, F.A.C.: Revised the rule section name to correspond with the content of the revised rule language. Rule 11B-30.007: Revises to require that an applicant is prohibited from registering for and taking more than one State Officer Certification Examination (SOCE) in a month and adds "traffic crash" to the list of acceptable reasons for an applicant to reschedule the State Officer Certification Examination. Rules 11B-30.0071 and 11B-30.012, F.A.C.: To make housekeeping revisions. Removes providing a live reader for during the SOCE, removes flexible recording of an individual's test responses by a proctor or marked on the test booklet, and allows assistive devices during the SOCE. Grants Commission staff authority to request further evidence when the evidence for a request for special accommodation is incomplete, inconclusive, unclear, or does not substantiate the need for the requested accommodation. Removes the requirement that the Commission pay for medical evaluations for individuals requesting accommodations that do not substantiate the need for the accommodation. Rule 11B-30.008, F.A.C.: Updates rule references and clarifies that an applicant shall not be admitted into an examination after the administrator closes the registration process, and adds a new rule incorporation reference to form CJSTC-517. Rule 11B-30.012, F.A.C.: Reformats existing rule language. Updates the applicant requirements during an Examination Review Session. Provides Commission staff the authority to dismiss an individual from an Examination Review Session if the student violates applicant conduct pursuant to Rule 11B-30.009, F.A.C.. Updates the contents of the examination review packet on form CJSTC-511.

**SUMMARY:** Revises commission forms; revises the examination general eligibility requirements; revises the examination assignment and retake eligibility requirements; revises the application examination requirements and notification process; revises the examination accommodations for applicants with disabilities; revises examination site administration requirements; and revises the requirements for review of examination questions, answers, papers, grades, and grading key.

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

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

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

**LAW IMPLEMENTED:** 943.12(17), 943.13(10), 943.131(2), 943.1397, 943.1397(3), 943.173 FS.

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

DATE AND TIME: April 2, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) For the purposes of this rule chapter, the terms "successfully completed" and "successfully complete" are defined as being denoted with a "Pass," pursuant to subsection 11B-35.001(7), F.A.C., on the completed Training Report, form CJSTC-67, revised November 8, 2007 ~~May 5, 2005~~, hereby incorporated by reference.

(2) The following individuals are eligible to take the ~~applicable~~ State Officer Certification Examination (SOCE) for the requested criminal justice discipline:

(a) Individuals who, within four years of beginning basic recruit training, have successfully completed a Commission-approved ~~Traditional Law Enforcement, Correctional, or Correctional Probation~~ Basic Recruit Training Program, pursuant to paragraphs 11B-35.002(1)(a),(b), and (c) ~~(8)(a), (b), and (c)~~, F.A.C.

(b) Inactive Florida law enforcement, correctional, and correctional probation officers, defined in Section 943.1395(5), F.S., who comply with paragraph 11B-27.00212(12)(a) and 11B-35.009, F.A.C., shall pass the SOCE within one year of notification of approval of the Equivalency-of-Training form CJSTC-76, revised November 8, 2007, incorporated by reference. Individuals who, within four years of beginning basic recruit training, have successfully completed a Commission-approved Cross-Over Training Program for law enforcement, correctional, or correctional probation pursuant to subsection 11B-35.002(8), F.A.C.

~~(c) Out-of-state, military, and federal law enforcement, correctional, and correctional probation officers who comply with Rule 11B-35.009, F.A.C., shall pass the SOCE within one year of notification of approval of the Equivalency-of-Training form CJSTC-76. Individuals who, within four years of beginning basic recruit training, have successfully completed a Commission approved CMS Application Based Law Enforcement Basic Recruit Training Program pursuant to paragraph 11B-35.002(8)(d), F.A.C.~~

~~(d) Inactive Florida officers who have a break in service of more than four years and have complied with the examination requirements pursuant to paragraph 11B-30.008(2)(c), F.A.C., and the High Liability Basic Recruit Training proficiency requirements pursuant to subsection 11B-35.009(6), F.A.C.~~

~~(e) Individuals who have completed a comparable law enforcement basic recruit training program in another state or for the federal government, have served as a full-time sworn officer in another state or for the federal government for at least one year in the requested criminal justice discipline, are approved for an exemption from completing a Commission approved Basic Recruit Training Program, and have successfully demonstrated proficiency for the High Liability Basic Recruit Training Courses for vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.009, F.A.C.~~

~~(f) Individuals who have completed a comparable correctional or correctional probation basic recruit training program in another state or for the federal government, have served as a full-time sworn officer in another state or for the federal government for at least one year in the requested criminal justice discipline, are approved for an exemption from completing a Commission approved Basic Recruit Training Program, and have successfully demonstrated proficiency for the High Liability Basic Recruit Training Courses for firearms, defensive tactics, and first aid pursuant to Rule 11B-35.009, F.A.C.~~

(3) "Training school" shall mean those entities that are certified by the Criminal Justice Standards and Training Commission. Training schools may order officer certification examination applicant handbooks and an Application for

Officer Certification Examination, form CJSTC-500, revised November 8, 2007 ~~May 6, 2004~~, hereby incorporated by reference, by completing a Training School Certification Examination Supplies Request, form CJSTC-514, revised February 7, 2002, hereby incorporated by reference. The request form shall be submitted to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attention: Certification Examination Section.

(4) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.131(2), 943.1397 FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, \_\_\_\_\_.

11B-30.0062 State Officer Certification Examination Assignment and Retake Eligibility Requirements ~~for Individuals Completing a Basic Recruit Training Program.~~

(1) Individuals who have successfully completed a Commission-approved Basic Recruit Training Program or are exempt from a Basic Recruit Training Program, pursuant to subsection 11B-30.006(2), F.A.C., shall be allowed to apply for and take the applicable State Officer Certification Examination (SOCE) corresponding to the type of training, and specific to the discipline for which training was completed. Individuals completing a Basic Recruit Training Program shall pass the SOCE within four years of the beginning date of training pursuant to subsection 11B-27.002(4), F.A.C. Individuals exempt from a Basic Recruit Training Program shall pass the SOCE within one year of receiving the exemption pursuant to Section 943.131, F.S.

~~(a) The following individuals shall take the Traditional SOCE for the discipline for which training was completed:~~

~~(a)†. Individuals completing the following Traditional Law Enforcement Basic Recruit Training Programs (B RTP) pursuant to subsection 11B-35.002(1), F.A.C., shall take the Traditional Law Enforcement SOCE a Commission approved Traditional Law Enforcement, Correctional, or Correctional Probation Basic Recruit Training Program pursuant to paragraph 11B-35.002 (8)(a) (c), F.A.C.~~

Traditional Law Enforcement Basic Recruit Training Programs

1. Traditional Law Enforcement B RTP
2. Traditional Correctional Cross-Over to Traditional Law Enforcement B RTP
3. Traditional Correctional Probation Cross-Over to Traditional Law Enforcement B RTP

<u>Program Number</u>	<u>Status: Retired (R) Effective (E)</u>
<u>002</u>	<u>R-6/30/04</u>
<u>222</u>	<u>R-3/31/05</u>
<u>223</u>	<u>R-3/31/06</u>

~~(b)2. Individuals completing the following Traditional Correctional Basic Recruit Training Programs, pursuant to subsection 11B-35.002(1), F.A.C., shall take the Traditional Correctional SOCE. Individuals completing a Commission approved Traditional Basic Recruit Cross-Over~~

~~Training Program for law enforcement, correctional, and correctional probation pursuant to subsection 11B-35.002(9), F.A.C.~~

Traditional Correctional Basic Recruit Training Programs

	<u>Program Number</u>	<u>Status:</u> <u>Retired (R)</u> <u>Effective (E)</u>
<u>1. Traditional Correctional BRTP</u>	<u>502</u>	<u>E-4/1/08</u>
<u>2. Traditional Law Enforcement Cross-Over to Traditional Correctional BRTP</u>	<u>555</u>	<u>R-3/31/06</u>
<u>3. Traditional Correctional Probation Cross-Over to Traditional Correctional BRTP</u>	<u>556</u>	<u>R-3/31/08</u>
<u>4. CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional BRTP</u>	<u>1155</u>	<u>R-3/31/08</u>

~~(c)3. Individuals completing the following Traditional Correctional Probation Basic Recruit Training Programs, pursuant to subsection 11B-35.002(1), F.A.C., shall take the~~

Traditional Correctional Probation SOCE. Inactive Florida law enforcement officers who comply with paragraph 11B-27.00212(12)(a), F.A.C., prior to January 1, 2005.

Traditional Correctional Probation Basic Recruit Training Programs

	<u>Program Number</u>	<u>Status:</u> <u>Retired (R)</u> <u>Effective (E)</u>
<u>1. Traditional Correctional Probation BRTP</u>	<u>602</u>	<u>R-8/31/07</u>
<u>2. Traditional Law Enforcement Cross-Over to Traditional Correctional Probation BRTP</u>	<u>660</u>	<u>R-3/31/06</u>
<u>3. Traditional Correctional Cross-Over to Traditional Correctional Probation BRTP</u>	<u>667</u>	<u>R-3/31/08</u>
<u>4. CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional Probation BRTP</u>	<u>1156</u>	<u>R-3/31/08</u>

~~4. Inactive Florida correctional and correctional probation officers who comply with Rule 11B-35.009, F.A.C.~~

(d)1. Individuals completing the following CMS Application-Based Law Enforcement Basic Recruit Training Programs, pursuant to subsection 11B-35.002(1), F.A.C., shall take the CMS Law Enforcement SOCE. Individuals completing a CMS Application-Based Law Enforcement Basic Recruit Training Program pursuant to paragraph 11B-35.002 (8)(d), F.A.C.

~~5. Out of state, military, and federal correctional and correctional probation officers who comply with Rule 11B-35.009, F.A.C.~~

~~6. Out of state, military, and federal law enforcement officers who comply with Rule 11B-35.009, F.A.C., prior to January 1, 2005.~~

~~(b) The following individuals shall take the CMS Law Enforcement SOCE:~~

CMS Application-Based Law Enforcement Basic Recruit Training Programs

	<u>Program Number</u>	<u>Status:</u> <u>Retired (R)</u> <u>Effective (E)</u>
<u>1. CMS Application-Based Law Enforcement BRTP</u>	<u>224</u>	<u>R-3/31/08</u>
<u>2. Traditional Correctional Cross-Over to CMS Application-Based Law Enforcement BRTP</u>	<u>1143</u>	<u>R-3/31/08</u>
<u>3. Traditional Correctional Probation Cross-Over to CMS Application-Based Law Enforcement BRTP</u>	<u>1157</u>	<u>R-3/31/08</u>

~~2. Inactive Florida law enforcement officers who comply with paragraph 11B-27.00212(12)(a), F.A.C., after January 1, 2005.~~

(e) Individuals completing the following Florida CMS Law Enforcement Basic Recruit Training Programs, pursuant to subsection 11B-35.002(1), F.A.C., shall take the Florida CMS Law Enforcement SOCE.

~~3. Out of state, military, and federal law enforcement officers who comply with Rule 11B-35.009, F.A.C., after January 1, 2005.~~

Florida CMS Law Enforcement Basic Recruit Training Programs

	<u>Program Number</u>	<u>Status:</u> <u>Retired (R)</u> <u>Effective (E)</u>
<u>1. Florida CMS Law Enforcement BRTP</u>	<u>1177</u>	<u>E-4/1/08</u>
<u>2. Correctional Officer Cross-Over Training to Florida CMS Law Enforcement BRTP</u>	<u>1178</u>	<u>E-4/1/08</u>
<u>3. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement BRTP</u>	<u>1179</u>	<u>E-4/1/08</u>

(f) Individuals completing the following Florida Correctional Probation Basic Recruit Training Programs, pursuant to subsection 11B-35.002(1), F.A.C., shall complete the Florida Correctional Probation SOCE.

Florida Correctional Probation Basic Recruit Training Programs

	<u>Program Number</u>	<u>Status: Retired (R) Effective (E)</u>
<u>1. Florida Correctional Probation BRTP</u>	<u>1176</u>	<u>E-9/1/07</u>
<u>2. Correctional Officer Cross-Over Training to Florida Correctional Probation BRTP</u>	<u>1183</u>	<u>E-4/1/08</u>
<u>3. Law Enforcement Officer Cross-Over Training to Florida Correctional Probation BRTP</u>	<u>1184</u>	<u>E-4/1/08</u>

(2) Inactive Florida officers, defined in Section 943.1395(3), F.S., and out-of-state, military, and federal officers, who comply with paragraph 11B-27.00212(12)(a) and

Rule 11B-35.009, F.A.C., within one year of notification of approval of the Equivalency-of-Training form CJSTC-76 shall take the following SOCE:

<u>Discipline</u>	<u>Required SOCE Test for Individuals Notified Prior To July 1, 2008</u>	<u>Required SOCE Test for Individuals Notified on or after July 1, 2008</u>
<u>Law Enforcement</u>	<u>CMS Application-Based Law Enforcement BRTP</u>	<u>Florida CMS Law Enforcement</u>
<u>Correctional Probation</u>	<u>Traditional Correctional Probation BRTP</u>	<u>Florida Correctional Probation</u>
<u>Correctional</u>	<u>Traditional Correctional BRTP</u>	<u>Traditional Correctional</u>

(3)~~(2)~~ Should an individual fail to achieve an overall passing score on the SOCE, the individual shall be permitted two opportunities to reapply and retake the examination.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.1397(3) FS. History–New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-21-07, \_\_\_\_\_.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.13(10), 943.1397 FS. History–New 7-29-01, Amended 11-5-02, 11-30-04, \_\_\_\_\_.

11B-30.0071 Examination Accommodations for Applicants with Disabilities.

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

(1) In compliance with the Americans with Disabilities Act (ADA) of 1990, the Department shall provide reasonable and appropriate accommodations to individuals with physical, mental, or specific learning disabilities to the extent such accommodations do not create an undue cost, administration restraints, security considerations, and availability of resources. Accommodations made will vary depending upon the nature and the severity of the disability. Each case shall be dealt with on an individual basis with the limits prescribed herein. Reference information and guidelines regarding the process for documenting disabilities are contained in the “Request for Test Accommodations for Examinees with Disabilities,” document, which may be obtained via the following web address: <http://www.fdle.state.fl.us/cjst/exam/SpecialAccommodationsManual.pdf> or by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, FL 32302-1489, Attention: ADA Coordinator, or by calling (Voice) (850)410-8600, (TDD): (850)656-9597.

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

(a) through (b) No change.

(c) Applicants are prohibited from registering for more than one SOCE in the same discipline during a calendar month, in accordance with the published examination dates.

(2) through (5) No change.

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

(a) through (d) No change.

(e) Traffic crash. An applicant involved in a vehicular crash while in route to the examination site shall provide Commission staff with a copy of the accident report issued by a law enforcement agency.

(2) An applicant requesting special accommodations shall submit an Application for Individuals Requesting Special Test Accommodations, form CJSTC-502, revised November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference, which shall be submitted forty-five days prior to the requested State Officer Certification Examination (SOCE) date. The Application for Officer Certification Examination form CJSTC-500 shall be submitted according to the established deadline date for the requested SOCE. The individual shall

provide documentation of the disability by an appropriate professional, pursuant to paragraph ~~(7)(6)~~(e) of this rule section, when the disability and the requested accommodations are not obvious. Forms CJSTC-500 and CJSTC-502 may be obtained by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, FL 32302-1489, Attention: ADA Coordinator, or by calling (Voice) (850)410-8602, (TDD): (850)656-9597.

(3) ~~Accommodations Reasonable and appropriate accommodations~~ to take the SOCE shall be provided for qualifying individuals pursuant to (2) of this rule section. All accommodations shall be directly linked to the amelioration of the identified functional limitations caused by the asserted disability and must be reasonable and effective. Permissible accommodations include:

(a) Flexible Time. Individuals requiring extra time to take the SOCE shall submit a recommendation of such from an appropriate professional, pursuant to paragraph (7)(e) of this rule section. ~~The Criminal Justice Standards and Training Commission, herein referred to as "Commission," recognizes that using a live reader takes longer than reading regular print.~~ Untimed certification examinations shall not be provided.

(b) Flexible Setting. Individual and small group settings for administration of the SOCE shall be made available to individuals when such a service is recommended by an appropriate professional.

~~(c) Flexible Recording of Responses. The individual's responses may be recorded by a proctor or marked on the test booklet. The proctor may transcribe the individual's responses into a machine scannable answer sheet. In these instances, the individual will verify that the answers he or she indicated were marked.~~

~~(c)(d)~~ Flexible Format. The test booklet may be produced in large print.

~~(d)(e)~~ Assistive Devices. Upon approval by Commission staff the Commission and based on documented need, the individual shall be allowed to use lights and magnifiers.

(4) No change.

(5) Commission staff ~~the Commission~~ shall request further evidence for the necessity of the accommodation when the evidence substantiating the need for the accommodation is incomplete, inconclusive, unclear, or does not substantiate the need for the requested accommodation not complete. ~~The Commission shall request that the individual receive another professional evaluation to verify the disability, which shall be paid by the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, or to determine what accommodations are most appropriate and effective when the initial evaluation is inconclusive, unclear, or does not substantiate the need for the requested accommodation, which shall be paid for by the individual.~~

(6) through (7) No change.

(a) No change.

1. through 3. No change.

(b) through (e) No change.

Specific Authority 943.03(4), 943.12(1), 943.1397 FS. Law Implemented 943.12(17), 943.1397 FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-21-07, \_\_\_\_\_.

11B-30.008 State Officer Certification Examination Site Administration.

(1) No change.

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

(a) No change.

(b) A record of completed training, if required, pursuant to Rule 11B-30.006, F.A.C. The record of completed training shall be in the form of a Commission-approved Examination Admission Voucher, form CJSTC-517, revised November 8, 2007 created August 3, 2006, hereby incorporated by reference. Documentation of completed training may be submitted prior to the SOCE date pursuant to Rule 11B-30.007, F.A.C., or presented to the examination administrator on the day of testing.

(c) SOCE requirements for out-of-state, military, or federal officers or inactive Florida officers. Such officers, pursuant to paragraph 11B-27.00212(12)(a) subsection and 11B-35.009(6), F.A.C., who request to take the SOCE, shall submit to Commission staff, form CJSTC-517, as record of demonstration of proficiency in the required High-Liability Basic Recruit Training Courses. Documentation of completed training is permitted to be submitted prior to the SOCE date pursuant to Rule 11B-30.007, F.A.C., or presented to the examination administrator on the day of testing.

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

(4) No change.

Specific Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.131(2) FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-21-07, \_\_\_\_\_.

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

(1) Individuals who have failed the State Officer Certification Examination (SOCE) shall have the right to review their missed examination items and corresponding grading key by submitting a State Officer Certification

Examination Grade Review Request, form CJSTC-510, revised November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference, and shall be received by the Florida Department of Law Enforcement by the established deadline date for the Examination Review Session requested.

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

~~(a) The provisions and sanctions of Rule 11B-30.009, F.A.C., shall apply to individuals in an Examination Review Session. In addition, any individual who violates the standards in Rule 11B-30.009, F.A.C., shall be dismissed from the Examination Review Session.~~

~~(a)(b)~~ Individuals requesting a grade review shall be provided with the SOCE test results and the State Officer Certification Examination Review, form CJSTC-511, revised November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference. Form CJSTC-511 shall be signed by the individual requesting the review at the conclusion of an Examination Review Session. Only individuals scheduled for the Examination Review Session shall be present during an Examination Review Session.

~~(b)(e)~~ All Prior to an Examination Review Session, all individuals at an Examination Review Session shall acknowledge receipt of these rules and affirm to abide by all such rules in writing.

(3) Individuals shall be prohibited from bringing materials into or removing materials from an Examination Review Session.

(4) The provisions and sanctions of Rule 11B-30.009, F.A.C., shall apply to individuals in an Examination Review Session, and any individual who violates the standards in Rule 11B-30.009, F.A.C., shall be dismissed from the Examination Review Session.

~~(5)(4)~~ Individuals participating in an examination review session shall be notified in writing, within thirty working days of the examination review date, of the results of the Commission’s evaluation of the individual’s concerns reported during the Examination Review Session.

Specific Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.173 FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NOS.:	RULE TITLES:
11B-35.001	General Training Programs; Requirements and Specifications
11B-35.0011	Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program
11B-35.002	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation
11B-35.0021	High-Liability Proficiency Courses for Basic Recruit Training and Instructor Training
11B-35.0023	Student Transfers within Basic Recruit Training Programs
11B-35.0024	Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses
11B-35.003	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training
11B-35.006	Advanced Training Program
11B-35.007	Specialized Training Program
11B-35.009	Exemption from Basic Recruit Training

PURPOSE AND EFFECT: To comply with Section 943.085, F.S., which requires establishment, implementation, and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following revisions were made to implement the new Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training Programs: Instructor Requirements. Rule 11B-35.001, F.A.C.: Removes the requirement for an instructor to be CMS certified to teach high-liability courses in basic recruit training programs. Removes the CMS Application-Based Law Enforcement Curriculum and test specifications. Adds exceptions for field delivery of the new Florida CMS Law Enforcement Basic Recruit Training Program. Training School requirements. Rule 11B-35.001, F.A.C.: Requires training schools to provide the student with a current paper version of the curriculum prior to or at the beginning of the basic recruit training program and requires instruction of the curriculum in compliance with Commission rules and delivery guidelines. Allows training center directors to deliver basic recruit training program courses in a shorter time frame if the total program hours are successfully completed. Requires 100% participation in Criminal Justice Officer Physical Fitness Training. Commission Forms. Rule 11B-35.001, F.A.C.: Creates the Role Play Practicum Check Sheet form CJSTC-3, Academy Physical Fitness Standards Report form CJSTC-67A, and Basic Recruit Student Physical Fitness and Chemical Agent Contamination Form CJSTC-75B. Retired Basic Recruit Training Program. Rule 11B-35.001, F.A.C.: Provides a timeline for students enrolled in the retired CMS Application-Based Law Enforcement and Traditional Correctional Probation Basic Recruit Training Programs to complete the program and take the State Officer Certification Examination. Physical Fitness Training. Rule 11B-35.0011, F.A.C.: Requires that a basic recruit student shall participate in the physical fitness test and chemical agent exposure prior to beginning and prior to completing the Florida CMS Law Enforcement, Traditional Correctional, and Florida Correctional Probation Basic Recruit Training Programs. Basic Recruit Training Programs. Rule 11B-35.002, F.A.C.: Retires the CMS Application-Based Law Enforcement Basic Recruit Training Program effective 3/31/08; adds the new CMS Florida Law Enforcement Basic Recruit Training Program effective 4/1/08; updates the Traditional Correctional Probation Basic Recruit Training Program to reflect the new requirements for high-liability training and physical fitness training effective 8/31/07; and adds the Florida Correctional Probation Basic Recruit Training Program effective 4/1/08. High-Liability Training. Rules 11B-35.002 and 11B-35.0023, F.A.C.: Requires that an officer who transfers high-liability training from one school to another shall complete the CMS "new" training specified on the Commission's high-liability forms. Rule 11B-35.0021, F.A.C.: Removes the obsolete high-liability proficiency and instructor courses and adds the new high-liability proficiency and instructor courses. Removes the

CMS high-liability instructor transition courses and updates the instructor to student ratio requirements for the revised high-liability courses. Rule 11B-35.007, F.A.C.: Creates the CMS General Update Instructor Course and CMS Defensive Tactics and Firearms Update Instructor Course to prepare instructors to deliver the new Florida CMS Curriculum. Retires the Traditional Instructor Techniques Course and the Radar Speed Measurement Instructor Course for Law Enforcement Officers. High-Liability Proficiency Requirements/Forms. Rule 11B-35.0024, F.A.C.: Retires the CMS Defensive Tactics Instructor Transition course, CMS First Aid Instructor Transition Course, and CMS Vehicle Operation Instructor Transition Course. Adds the new high-liability proficiency requirements on forms CJSTC-4 CMS, CJSTC-5 CMS, CJSTC-6 CMS, and CJSTC-7 CMS. Repeals form CJSTC-6A CMS. To retire the CMS Firearms Instructor Transition Course.

To comply with Section 120.74, F.S., which requires agencies to revise its rules as often as necessary to ensure compliance with Florida Statutes, and clarify/restructure existing rule language to comply with the Governor's plain language policy: Exemption from Basic Recruit Training. Rule 11B-35.009, F.A.C.: Revises the list of topics required for completion prior to receiving an exemption from a basic recruit training program. Rule 11B-35.007, F.A.C.: Requires a training school to attach the goals and objectives to form CJSTC-16. Rule 11B-35.001, F.A.C.: Revises the instructor exemption requirements on form CJSTC-82 for instructors who have a professional or technical certification or experience in the specific subject matter. Basic Abilities Test. Rule 11B-35.0011, F.A.C.: Pursuant to the provisions of Section 943.17(1)(g), F.S., revised to restrict an applicant from taking more than three Basic Abilities Tests, from a single provider within a 12-month timeframe. Clarifies that the Basic Abilities Test shall be administered only in Florida. Removes obsolete rule language. Revises the number of years, from two to four years, that a passing Basic Abilities Test is valid. Housekeeping. Rule 11B-35.001, F.A.C.: Clarifies existing rule language regarding student academic performance in courses and end-of-course examinations for Specialized Instructor Training Courses. Retires the Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators effective 12/31/08. Adds the required hours for Crimes Against Children, Domestic Violence, and Violent Crime Investigator specialized training program courses. Clarifies existing rule language and updates rule references. Requires a training center director to sign a student's make-up work. Rule 11B-35.002, F.A.C.: Removes redundant rule language. Rule 11B-35.0021, F.A.C.: Revises the CMS First Aid Instructor requirements to comply with nationally recognized organizations and removes the specific instructor levels for CMS First Aid Instructors who possess a valid CPR Instructor Certification from an entity referenced in Rule 64E-2.038, F.A.C. Rule 11B-35.0023, F.A.C.: Removes the definition of

“good standing.” Rule 11B-35.003, F.A.C.: updates rule references. Rule 11B-35.006, F.A.C.: Requires that form CJSTC-11 shall be completed for the Speed Measurement Course number 1158 and for the Laser Speed Measurement Operators Course for Law Enforcement Officers. Allows a Speed Measurement Device Operator to instruct the practical exercises in the Speed Measurement Course while under the supervision of a certified Speed Measurement Instructor. Moves the inactive Advanced Training Program Courses from Rule 11B-35.006 to subsection 11B-14.005(4), F.A.C. Adds new advanced training program courses. Clarifies existing rule language. Rule 11B-35.009, F.A.C.: Clarifies that an individual who receives an exemption from a basic recruit training program shall become employed four years from the date the individual demonstrated the required proficiency skills. Rule 11B-35.009, F.A.C.: To revise the forms CJSTC-76 and CJSTC-76A to comply with the revision of Section 119.071, F.S., regarding procedures for requesting a full social security number on Commission forms.

SUMMARY: Revises commission forms; revises social security number procedures; revises general training programs, requirements and specifications; revises basic abilities requirements for basic recruit training programs, revises the basic recruit training program curricula; revises the high-liability proficiency courses for basic recruit and instructor training; revises student transfers within basic recruit training programs; revises student performance in basic recruit and instructor high-liability training courses; and revises advanced and specialized training program courses.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS.

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

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

DATE AND TIME: April 2, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) No change.

(a) through (c) No change.

(2) No change.

(a) through (d) No change.

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

(a) Be a Commission-certified General Instructor pursuant to subsection 11B-20.001(3), F.A.C., or be exempt from certification pursuant to subsection 11B-20.001(4), F.A.C.

(b) Be required to hold additional certifications for specified areas of instruction in Commission courses pursuant to Rule 11B-20.0014, F.A.C.

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

(4) Commission-approved training Basic Recruit, Advanced, and Specialized Training Program Courses shall be made available to the following:

(a) through (c) No change.

~~(5)(d) The training center director shall provide to each student a paper copy of the Commission's currently approved Basic Recruit Training Curriculum applicable to the student's enrollment prior to or at the beginning of the program, the Commission's approved Basic Recruit Training Curriculum applicable to the student's enrollment. This material is to be provided prior to or during the time that the student is enrolled in a given course.~~

(6) For the Florida CMS Law Enforcement Basic Recruit Training Program, Cross-Over Programs to Florida CMS Law Enforcement Basic Recruit Training Program, and CMS Law Enforcement Auxiliary Prerequisite Course effective April 1, 2008, the training center director shall:

(a) Ensure that each student is taught from and has printed class materials to include the current copy of the curriculum, Florida Statutes, Florida handbook on jury instructions, and CJSTC Course Summary. These materials are to be provided prior to or at the start of the program.

(b) Conduct student role-play practicums, as required in the curriculum, and report the results on a Role-Play Practicum Check Sheet, form CJSTC-3, created November 8, 2007, hereby incorporated by reference. This form shall be completed by an instructor and maintained in the student or course file at the training school.

~~(7)(5) Training center directors shall ensure that instructors are delivering the current Commission-approved training programs in compliance with Commission rules, the Commission's CMS Application Based Law Enforcement Basic Recruit Training Program is delivered in compliance with Commission rules and delivery guidelines provided in the Curriculum.~~

~~(8)(6) Training curricula and delivery requirements shall be maintained for Commission-approved Basic Recruit, Advanced, and Specialized Training Programs within the Florida Department of Law Enforcement, Criminal Justice Professionalism Program.~~

~~(9)(7) Student academic performance in courses.~~

(a) Each training center director ~~training school~~ shall make available to its students and Commission staff a written copy of its performance standards.

(b) A student enrolled in a Commission-approved Basic Recruit Training Program shall achieve a score of no less than 80% on each of the cognitive end-of-course examinations, exclusive of demonstration of proficiency skills in the High-Liability Basic Recruit Training Courses. A student enrolled in a Commission-approved Advanced or Specified Specialized Training Program Course shall achieve a score of no less than 75% on the cognitive end-of-course examination, exclusive of demonstration of proficiency skills.

(c) The training center director or designee is responsible for the development, maintenance, and administration of comprehensive end-of-course examinations. The training center director is authorized to develop, maintain, and administer additional academic tests for courses and is not limited to only the utilization of a comprehensive end-of-course examination. Training schools shall maintain examinations for Commission-approved Basic Recruit, Advanced, and Specified Specialized Training Program Courses in compliance with the administration, confidentiality, and security requirements of subsections 11B-35.0085(2)-(5), F.A.C.

(d) Specialized Instructor Training Courses outlined in subsection 11B-35.007(3), F.A.C., and the following Specified Specialized Training Program Courses require requiring an end-of-course examination are:

~~1. Specialized Instructor Training Courses outlined in subsection 11B-35.007(3), F.A.C.~~

Course Number	Course Title	Course Hours
<del>1,2</del>	1112 Canine Team Training Course	400
<del>2,3</del>	1113 Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators <u>(To be retired 12/31/08)</u>	12
<del>3,4</del>	1132 Parking Enforcement Specialist for Civilians	16
<del>4,5</del>	1133 Selective Traffic Enforcement Program for Civilians	80
<del>5,6</del>	732 Traffic Control Officer for Civilians	8
<del>6,7</del>	851 Breath Test Operator Course	24
<del>7,8</del>	951 Breath Test Operator Renewal Course	6
<del>8,9</del>	850 Agency Inspector Course	24
<del>9,10</del>	950 Agency Inspector Renewal Course	6
<del>10,11</del>	1134 Criminal Justice Officer Ethics Course	8
<del>11,12</del>	1135 Crimes Against Children	24 Open
<del>12,13</del>	1136 Domestic Violence	8 Open
<del>13,14</del>	1137 Violent Crime Investigator Training Course	40 Open

(e) End-of-course examinations shall be developed and administered for each course in a basic recruit training program based on the Traditional Basic Recruit Training Programs and shall include the learning objectives in each course. ~~End-of-course examinations shall be developed and administered for each course in the CMS Application Based Law Enforcement Basic Recruit Training Program from the objectives outlined in the CMS Test Specifications.~~

~~(8) The "CMS" designation shall be utilized in conjunction with the titles of training identified in this rule chapter. The "CMS" designation shall identify programs and courses that have been developed using application-based delivery techniques, and courses developed to teach the instructional philosophy of the CMS Application Based Law Enforcement Basic Recruit Training Program for training schools, agencies, instructors, and students.~~

~~(10)(9) Implementation of the Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training Programs. The Commission is preparing a significant update to the Commission-approved Law Enforcement and Correctional Probation Basic Recruit Training Programs. These programs and courses are based on a statewide job-task analysis of the criminal justice disciplines and provide an enhanced learning environment. Field test of the CMS Application-Based Basic Recruit Training Program. The Criminal Justice Standards and Training Commission is currently developing and evaluating the CMS Application-Based Basic Recruit Training Programs for use as a basic recruit training program for criminal justice officers. These programs are based on a statewide job-task analysis of each of the criminal justice disciplines, and provide an enhanced learning environment for the student, through lesson plans provided for each module, and ensure a "standardized delivery" of statewide training curricula. A CMS Field-Test utilizing a classroom environment with student participation is necessary to evaluate the program before certain course criteria can be established and final rules adopted. To accomplish these goals:~~

~~(a) Finalization and field delivery of these course materials are necessary to evaluate the programs before certain course criteria can be established and final rules adopted. To accomplish these goals the Commission: The Commission authorizes field-testing of the CMS Application-Based Basic Recruit Training Programs effective June 2001.~~

~~1. Authorizes implementation of the Florida CMS Law Enforcement Basic Recruit Training Program effective April 1, 2008.~~

~~2. Authorizes implementation of the Florida Correctional Probation Basic Recruit Training Program effective September 1, 2007.~~

~~3. Approves implementation of the updated Commission-approved high-liability training courses for Defensive Tactics, Firearms, Vehicle Operations, and First Aid, to include updated curricula, student performance requirements, and student performance evaluation forms.~~

~~4. Approves the implementation of updated Commission-approved high-liability instructor training courses for Defensive Tactics, Firearms, Vehicle Operations, and First Aid, to include updated curricula, instructor student performance requirements, and instructor student performance evaluation forms.~~

~~5. Approves the continued delivery of the CMS Application-Based Law Enforcement Basic Recruit Training Program. Notwithstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in a Commission-approved CMS Application-Based Law Enforcement Basic Recruit Training Program, with a beginning date prior to April 1, 2008, shall be allowed to continue in that program until the student successfully completes, fails, or withdraws from the program.~~

~~6. Approves continued delivery of the Traditional Correctional Probation Basic Recruit Training Program. Notwithstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in a Commission-approved Traditional Correctional Probation Basic Recruit Training Program with a beginning date prior to September 1, 2007, shall be allowed to continue in the program until the student successfully completes, fails, or withdraws from the program.~~

~~(b) The Commission approves the CMS Field-Test as a Commission-approved Basic Recruit Training Program during the field test period.~~

~~(b)(e) Florida CMS Law Enforcement SOCE. Notwithstanding, subsection 11B-27.002(4), F.A.C., a basic recruit student, who successfully completes the Florida CMS Law Enforcement BRTP is eligible to apply for and take the Florida CMS Law Enforcement SOCE pursuant to Rule 11B-30.0062, F.A.C. Specific conditions for instructor certification and delivery of the CMS Curricula are established consistent with the completed modules. Training schools shall adhere to the delivery specifications and the instructor requirements outlined in the modules. The Commission exempts the training schools, academies, and colleges that participate in the CMS Field-Test pursuant to paragraph (9)(e) of this rule section, from the requirements of subsection 11B-35.001(7), F.A.C., General Training Programs, Requirements, and Specifications.~~

~~(c)(d) Florida Correctional Probation SOCE. Notwithstanding, subsection 11B-27.002(4), F.A.C., a basic recruit student who successfully completes the Florida Correctional Probation BRTP is eligible to apply for and take the Florida Correctional Probation SOCE pursuant to Rule 11B-30.0062, F.A.C. Exemptions set forth in paragraph (9)(e) of this rule section shall not apply to courses in Commission-approved Traditional Basic Recruit Training Programs.~~

~~(d)(e) Notwithstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in one of the following a Commission-approved Cross-Over Traditional Law Enforcement Basic Recruit Training Programs Program with a beginning date prior to April 1, 2008 July 1, 2004, shall be allowed to continue in the program until the student successfully completes, fails, or withdraws from the program.~~

~~1. Cross-over from Traditional Correctional to CMS Application-Based Law Enforcement Basic Recruit Training Program. A basic recruit student who is unable to graduate from a Commission-approved Traditional Law Enforcement Basic Recruit Training Program because of failure to achieve a passing score on the end-of-course examination(s), pursuant to subsection 11B-35.001(7), F.A.C., shall be granted a re-test for each course failed.~~

~~2. Cross-over from Traditional Correctional Probation to CMS Application-Based Law Enforcement Basic Recruit Training Program. The re-examination provisions outlined for a basic recruit student in subsection (12) of this rule section shall not apply.~~

~~3. Cross-over from CMS Application-Based Law Enforcement to Traditional Correctional Probation Basic Recruit Training Program. A basic recruit student who meets the conditions stated in this rule section shall have successfully passed the end-of-course examination(s) by June 30, 2005.~~

~~4. Cross-over from Traditional Correctional to Traditional Correctional Probation Basic Recruit Training Program.~~

~~(f) Students participating in the field test of the CMS Application-Based Basic Recruit Training Program shall be students seeking Commission training for the purpose of applying to take the State Officer Certification Examination and for employment as a Florida law enforcement officer. Selection of students shall be consistent with the individual agency, community college, or vocational technical school process for selection of students. Students participating in the CMS Application-Based Basic Recruit Training Program shall successfully complete all activities contained within the lesson plans. Students who successfully complete a CMS Application-Based Basic Recruit Training Program are eligible to apply for and take the CMS Application-Based State Officer Certification Examination pursuant to Rule 11B-30.0062, F.A.C.~~

~~(g) Notwithstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in a Commission approved Traditional Correctional to Law Enforcement Basic Recruit Cross Over Training Program with a beginning date prior to April 1, 2005, shall be allowed to continue in the program until the student successfully completes, fails, or withdraws from the program.~~

~~1. A basic recruit student who is unable to graduate from a Commission approved Traditional Correctional to Law Enforcement Basic Recruit Cross Over Training Program because of failure to achieve a passing score on the end of course examination(s), pursuant to subsection 11B-35.001(7), F.A.C., shall be granted a re-test for each course failed.~~

~~2. The re-examination provisions outlined for a basic recruit student in subsection (12) of this rule section shall not apply.~~

~~3. A basic recruit student who meets the conditions stated in this rule section shall have successfully passed the end-of-course examination(s) by March 31, 2006.~~

~~(11)(10) Reporting requirements for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses are as follows:~~

~~(a) The training center director or designee shall determine the beginning and ending dates of each Basic Recruit Training Program, and thirty days following the class starting date shall~~

forward a Training Report, form CJSTC-67, revised November 8, 2007 ~~May 5, 2005~~, hereby incorporated by reference, to Commission staff through the Commission's Automated Training Management System (ATMS).

(b) Following the completion of a Commission-approved Basic Recruit Training Program, Advanced Training Program Course, or Instructor Training Course, the training center director or designee shall, within thirty days of the program or course completion date, electronically transmit a completed Training Report form CJSTC-67, or transmit an updated CJSTC-67 form through the Commission's ATMS. Submission of a Academy Physical Fitness Standards Report, form CJSTC-67A, created November 8, 2007, hereby incorporated by reference, is required for the Florida CMS Law Enforcement, Florida Correctional Probation, and Traditional Correctional Basic Recruit Training Programs within thirty days of the course completion. The following Specialized Training Program Courses shall be submitted to Commission staff through the Commission's ATMS, by transmitting a completed form CJSTC-67 within thirty days of the course completion:

1. Canine Team Training Course.
2. Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators.
3. Breath Test Operator Course.
4. Breath Test Operator Renewal Course.
5. Agency Inspector Course.
6. Agency Inspector Renewal Course.

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

1. Course outline(s) and ~~or~~ schedule(s).
2. Course(s) name and contact person.
3. Date(s) of course(s).
4. Full legal name of all attending students.
5. Test scores and test when tests are used. ~~Test~~ materials shall be made available for review by Commission staff upon request.
6. The number of course electives for all courses delivered using Commission-approved Specialized Goals and Objectives.
7. Applicable proficiency checklists ~~checklist~~ and performance reports.
8. List of course instructor(s) to include full name and Commission instructor certification expiration date, or completion of Instructor Exemption, form CJSTC-82, revised November 8, 2007, hereby incorporated by reference, if applicable.
9. Student attendance records.

10. Completed Training Report form CJSTC-67.

11. Form CJSTC-67A for Basic recruit Training Programs pursuant to subsection 11B-35.001(15), F.A.C.

12. ~~11~~ For Basic Recruit Training Programs, proof of compliance with Sections 943.14(7) and 943.17(1)(g), F.S., and subsection 11B-35.0011(2), F.A.C., includes a completed Physical Fitness Assessment, form CJSTC-75B, created November 8, 2007, hereby incorporated by reference.

13. ~~12~~ A training school re-examination policy and documented justification for each student re-examination administered.

14. ~~13~~ A list of expenditures from the Criminal Justice Standards and Training Trust Fund Officer Training Monies for Commission-approved Advanced and Specialized Training Program Courses when Officer Training Monies are used to fund the course.

~~(12)(11)~~ Student attendance requirements for Commission-approved Basic Recruit Training Programs outlined in paragraphs 11B-35.002(1)(~~a~~)-(~~p~~), F.A.C., Specialized Training Programs outlined in subsection 11B-35.007(1), F.A.C., and Advanced Training Program Courses outlined in subsection 11B-35.006(1)(~~b~~)(~~2~~), F.A.C.

(a) The training center director or designee shall maintain daily student attendance records for each training course. A training school shall have a written copy of its attendance policy available for review by students and Commission staff.

(b) Each student shall attend all sessions of a training course except for absences approved by the training center director. The training center director shall maintain in the student or course student's file at the training school, documentation specifying the reason for excused absence(s). Students shall be responsible for class work missed during absences. The training center director shall determine the content and quantity of makeup work. Documentation of the student's make-up work shall be signed by the training center director and Makeup work required of a student shall be maintained in the student or course student's file at the training school.

(c) The Commission ~~approves~~ has approved the delivery of High-Liability Basic Recruit Training Courses and CMS Instructor ~~Transition~~ Courses as "competency-based" instruction. Competency-based instruction is defined as "curriculum that uses specific objectives and performance-based learning to achieve performance standards, in lieu of established contact hours."

(d) The Commission approves the delivery of courses within its Basic Recruit Training Programs in a delivery format that ensures the training school delivers all curriculum materials and adheres to the required program hours, however, basic recruit students shall participate in 100% of the required hours in the Criminal Justice Officer Physical Fitness Training course.

~~(13)(12)~~ Student Re-examination Policy for Commission-approved Basic Recruit Training Program Courses.

(a) A student shall achieve a passing score, pursuant to subsection 11B-35.001(~~9~~)(~~7~~), F.A.C., on all end-of-course examinations in a Commission-approved Basic Recruit Training Program to successfully complete a program. A student who has failed a cognitive end-of-course examination may be granted a re-examination by the training center director if:

1. through 3. No change.

(b) Exclusive of the Commission's high-liability training courses and re-examinations in paragraph ~~(13)(12)~~(a) of this rule section, a student may be granted one course cognitive re-examination during a single Basic Recruit Training Program. Students, who have failed to successfully demonstrate the required cognitive knowledge after a second attempt, shall be deemed to have failed the course.

(c) No change.

~~(14)(13)~~ Student re-examination policy for Commission-approved Advanced and Specialized Training Program Courses. A student who has failed a cognitive end-of-course examination in a Commission-approved Advanced or Specialized Training Program Course may be granted a re-examination of the course by the training center director as set forth in paragraph ~~(13)(12)~~(a) of this rule section. Each training school shall develop its own administrative procedures for processing a student's request for a re-examination as set forth in subsection ~~(13)(12)~~ of this rule section. Training school procedures for processing student requests for re-examination shall be documented and maintained on file at the training school for review by Commission staff and the student.

(15) Basic Recruit Student Physical Fitness Program.

(a) Commission-certified training schools are responsible for developing a Physical Fitness Program and shall provide a copy to Commission staff. The Physical Fitness Program shall be designed to improve the student's overall physical fitness, improve the student's performance on the second physical fitness test, and provide a foundation for lifelong fitness.

(b) Prior to beginning a Florida CMS Law Enforcement, Traditional Correctional, or Florida Correctional Probation Basic Recruit Training Program, a student shall complete the Physical Fitness Assessment, form CJSTC-75B.

(c) A student shall complete the Physical Fitness Program to successfully complete a Basic Recruit training Program. The student shall complete the physical fitness test within the first two weeks of beginning a basic recruit training program and complete a second physical fitness test within the final two weeks of the basic recruit training program.

~~(16)(14)~~ Proof of course completion. The training center director shall, within thirty days following the completion of a Commission-approved Basic Recruit, Advanced, or

Specialized Training Program Course, provide to a student who has successfully completed the program, a certificate, which shall contain at a minimum, the name of the training school, the student's name, the dates of the program or course, the number of program or course contact hours, the title of the Basic Recruit, Advanced, or Specialized Training Program Course, and the current training center director's signature. Basic Recruit Training Completion Certificates shall contain the Curriculum Version Number for the course taught. In addition to a certificate, the training school shall provide to a student, who has successfully completed a Commission-approved Basic Recruit Training Program and will be required to pass the State Officer Certification Examination, an Examination Admission Voucher form CJSTC-517, revised ~~November 8, 2007~~ ~~August 3, 2006~~, hereby incorporated by reference.

~~(17)(15)~~ All forms referenced in this rule chapter may be obtained on the following web site: <http://www.fde.state.fl.us>, or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History--New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, \_\_\_\_\_.

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

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

~~(a)(4)~~ The applicant shall not take a specific provider's BAT the Basic Abilities Test (BAT) more than three total times in each discipline during any twelve-month period; ~~Any~~ ~~any~~ subsequent results on the provider's test in each discipline within ~~this~~ ~~the twelve-month~~ period will be invalid.

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

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

~~(b)(2)~~ BAT providers shall restrict access to the BAT to those applicants who produce valid photo identification pursuant to paragraph 11B-30.008(2)(a), F.A.C. Providers shall

validate the name, date of birth, gender, and social security number of each applicant to ensure that the information given by the applicant is consistent with the applicant's driver license and social security record.

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

~~1.(a)~~ Removing BAT materials from the examination room.

~~2.(b)~~ Reproducing or reconstructing any portion of the BAT.

~~3.(c)~~ Aiding by any means in the reproduction of any portion of the BAT.

~~4.(d)~~ Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a past, current, or future BAT.

~~5.(e)~~ Revealing test questions or other information that would compromise the integrity of the BAT.

~~6.(f)~~ Possession of altered BAT official documents including student performance reports.

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

~~1.(a)~~ Communication with any other applicant during the administration of the BAT.

~~2.(b)~~ Copying answers from another applicant or intentionally allowing one's answers to be copied by another applicant during the administration of the BAT.

~~3.(c)~~ Having in one's possession during the administration of the BAT, any books, notes, written, or printed materials or data of any kind.

~~4.(d)~~ Failing to comply with the BAT administrator's instructions.

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

~~1.(a)~~ Falsifying or misrepresenting information required for admission to the BAT.

~~2.(b)~~ Impersonating an applicant.

~~3.(c)~~ Having an impersonator take the BAT on one's behalf.

~~4.(d)~~ Disrupting the test administration.

~~(f)(6)~~ Any violation of the provisions of this rule section shall be documented in writing and submitted to Commission staff within seven days to the address set forth in subsection 11B-35.001 ~~(17)(15)~~, F.A.C.

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

~~1.(a)~~ Declare the applicant has failed the BAT;

~~2.(b)~~ Require the applicant to forfeit the application fee;

3.(e) Declare the applicant ineligible to apply to take the BAT in any discipline for a period of five years;

4.(d) Deny certification by the Commission pursuant to Rule 11B-27.007, F.A.C.;

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

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

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

(2) Basic Recruit Student Physical Fitness Test and Chemical Agent Exposure. Prior to beginning a Florida CMS Law Enforcement, Traditional Correctional, or Florida Correctional Probation Basic Recruit Training Program, a

(a) Law Enforcement Discipline

	<u>Program Number</u>	<u>Basic Recruit Training Programs</u>	<u>Program Hours</u>	<u>Retired (R) Effective(E)</u>
1.	<u>002</u>	<u>Traditional Law Enforcement BRTP</u>	<u>672</u>	<u>R-6/30/04</u>
2.	<u>224</u>	<u>CMS Application-Based Law Enforcement BRTP</u>	<u>770</u>	<u>R-3/31/08</u>
3.	<u>1177</u>	<u>Florida CMS Law Enforcement BRTP</u>	<u>770</u>	<u>E-4/1/08</u>
4.	<u>222</u>	<u>Traditional Correctional Cross-Over to Traditional Law Enforcement BRTP</u>	<u>172</u>	<u>R-3/31/05</u>
5.	<u>1143</u>	<u>Traditional Correctional Cross-Over to CMS Application-Based Law Enforcement BRTP</u>	<u>444</u>	<u>R-3/31/08</u>
6.	<u>1178</u>	<u>Correctional Officer Cross-Over Training to Florida CMS Law Enforcement BRTP</u>	<u>457</u>	<u>E-4/1/08</u>
7.	<u>223</u>	<u>Traditional Correctional Probation Cross-Over to Traditional Law Enforcement BRTP</u>	<u>412</u>	<u>R-3/31/06</u>
8.	<u>1157</u>	<u>Traditional Correctional Probation Cross-Over to CMS Application-Based Law Enforcement BRTP</u>	<u>554</u>	<u>R-3/31/08</u>
9.	<u>1179</u>	<u>Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement BRTP</u>	<u>529</u>	<u>E-4/1/08</u>
10.	<u>211</u>	<u>Law Enforcement Auxiliary Officer BRTP</u>	<u>317</u>	<u>R-3/31/08</u>
11.	<u>1180</u>	<u>CMS Law Enforcement Auxiliary Officer BRTP</u>	<u>319</u>	<u>E-4/1/08</u>

(b) Correctional Discipline

	<u>Program Number</u>	<u>Basic Recruit Training Programs</u>	<u>Program Hours</u>	<u>Retired (R) Effective(E)</u>
1.	<u>502</u>	<u>Traditional Correctional BRTP</u>	<u>552</u>	<u>E 4/1/08</u>
2.	<u>555</u>	<u>Traditional Law Enforcement Cross-Over to Traditional Correctional BRTP</u>	<u>156</u>	<u>R-3/31/06</u>
3.	<u>556</u>	<u>Traditional Correctional Probation Cross-Over to Traditional Correctional BRTP</u>	<u>256</u>	<u>R-3/31/08</u>
4.	<u>1155</u>	<u>CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional BRTP</u>	<u>199</u>	<u>R-3/31/08</u>
5.	<u>1181</u>	<u>Law Enforcement Officer Cross-Over Training to Traditional Correctional BRTP</u>	<u>199</u>	<u>E-4/1/08</u>
6.	<u>1182</u>	<u>Correctional Probation Officer Cross-Over Training to Traditional Correctional BRTP</u>	<u>256</u>	<u>E-4/1/08</u>
7.	<u>501</u>	<u>Correctional Auxiliary Officer BRTP</u>	<u>254</u>	<u>E-1/1/1997</u>

student shall receive a physical examination and complete the Physical Fitness Assessment form CJSTC-75B, which shall be maintained in the student or course file at the training school.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.17 FS. History--New 7-29-01, Amended 11-5-02, 11-30-04, 3-21-07,\_\_\_\_\_.

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

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

(c) Correctional Probation Discipline		Program	Program	Retired (R)
	Program	Basic Recruit Training Programs	Hours	Effective(E)
	Number			
1.	602	<u>Traditional Correctional Probation BRTP</u>	412	R-8/31/07
2.	1176	<u>Florida Correctional Probation BRTP</u>	465	E-4/1/08
3.	667	<u>Traditional Correctional Cross-Over to Traditional Correctional Probation BRTP</u>	172	R-3/31/08
4.	660	<u>Traditional Law Enforcement Cross-Over to Traditional Correctional Probation BRTP</u>	134	R-3/31/06
5.	1156	<u>CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional Probation BRTP</u>	112	R-3/31/08
6.	1183	<u>Correctional Officer Cross-Over Training to Florida Correctional Probation BRTP</u>	172	E-4/1/08
7.	1184	<u>Law Enforcement Officer Cross-Over Training to Florida Correctional Probation BRTP</u>	112	E-4/1/08
8.	NA	<u>Correctional Probation Auxiliary BRTP; there is no course. To become certified as a Correctional Probation Auxiliary Officer, pursuant to subsection 11B-35.003(7), F.A.C., a basic recruit student shall complete the Correctional Probation BRTP, pursuant to paragraph (8)(c) of this rule section.</u>	NA	NA

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

(2) Within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination (SOCE) pursuant to Rule 11B-30.0062, F.A.C., and gain employment as an officer. An individual who is not employed as an officer in the discipline for which training was completed, within four years of the date of beginning such training, shall, as a condition for obtaining employment, comply with the following:

(a) Successfully complete the applicable Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C.; and

(b) Achieve a passing score on the applicable State Officer Certification Examination pursuant to Rule 11B-30.0062, F.A.C.

~~(3) Individuals enrolled in a Commission-approved Traditional Law Enforcement Basic Recruit Training Program prior to July 1, 2004, shall be allowed to continue such training until they successfully complete, fail, or withdraw from the training program, and shall comply with subsection (2) of this rule section.~~

~~(4) Each training school that offers a Commission approved Traditional Basic Recruit Training Program, pursuant to paragraphs (1) (b), (c), (g) (n) of this rule section, shall deliver all courses in the Traditional Basic Recruit Training Program. A training school that complies with this requirement may also deliver any combination of Commission approved Traditional Basic Recruit Training Program Courses, based upon agency need and student remediation.~~

~~(3)(5) Each training school that offers a Commission-approved the Commission's CMS Application-Based Law Enforcement Basic Recruit Training Program, pursuant to paragraph (1)(d) of this rule section, shall deliver all course materials included in the program. Delivery and sequencing of~~

the course materials shall comply with the requirements set forth in the Commission's approved Basic Recruit Training CMS Curriculum.

~~(4)(6) A basic recruit student shall successfully complete all courses in a Commission-approved Basic Recruit Training Program Courses to be eligible to take the applicable State Officer Certification Examination for the discipline.~~

~~(5)(7) High-Liability Basic Recruit Training Courses, pursuant to Rule 11B-35.0024, F.A.C., successfully completed at a training school, shall be transferable from one training school to another, or from one Commission-approved Basic Recruit Training Program to another, pursuant to Rule 11B-35.0023, F.A.C. A basic recruit student who requests transfer of successfully completed High-Liability Basic Recruit Training Course(s) shall have completed the high-liability training Courses from the Traditional Basic Recruit Training Program to the CMS Application-Based Law Enforcement Basic Recruit Training Program, shall complete high-liability training designated as "CMS New" in the CMS High-Liability Basic Recruit Training Course for which the training is requested.~~

~~(6)(8) Commission-approved Basic Recruit Training Programs. Pursuant to Section 943.12, F.S., Commission-approved Basic Recruit Training Programs establish the minimum required entry-level training for law enforcement, correctional, and correctional probation officers. Individuals who are requesting employment as an officer, and have not had previous basic recruit training or have not been certified as an officer in the discipline for which certification is sought, and have met the requirements of Sections 943.13(1)-(8) and (11), 943.14(7), and 943.17(1)(g), F.S., shall successfully complete a Commission-approved Basic Recruit Training Program pursuant to this rule section. The Commission's Basic Recruit Training Programs are:~~

~~(a) Traditional Law Enforcement Basic Recruit Training Program number 002 (Retired June 30, 2004).~~

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

Course Name	Course Number	Course Hours
1. Criminal Justice Legal 1	CJD_770	46.0
2. Criminal Justice Legal 2	CJD_771	22.0
3. Criminal Justice Communications	CJD_772	42.0
4. Interpersonal Skills 1	CJD_773	62.0
5. <u>Interpersonal Skills 2</u>	CJD_750	50.0
<del>6.5. CMS Criminal Justice Defensive Tactics</del>	<del>CJK_0051 0050</del>	<del>80.0</del>
<del>7.6. CMS Criminal Justice Firearms</del>	<del>CJK_0040</del>	<del>80.0</del>
<del>8.7. CMS First Aid for Criminal Justice Officers</del>	<del>CJK_0031</del>	<del>40.0</del>
<del>8. Interpersonal Skills 2</del>	<del>CJD_750</del>	<del>50.0</del>
9. Emergency Preparedness	CJD_741	26.0
10. Correctional Operations	CJD_752	64.0
11. <u>Criminal Justice Officer Physical Fitness Training</u> <del>CMS Criminal Justice Special Topics, Module 15</del>	<u>CJK_0280 0095</u>	<u>40.0 20.0</u>
	Total	<u>552.0 532.0</u>

~~(c) Traditional Correctional Probation Basic Recruit Training Program course number 602 (Retired August 31,~~

~~2007).:-~~

	Course Name	Course Number	Course Hours
1.	Correctional Probation Legal	CJD_790	60.0
2.	Correctional Probation Interpersonal Skills	CJD_792	68.0
3.	Correctional Probation Communication Skills	CJD_793	70.0
4.	Correctional Probation Supervision	CJD_794	58.0
5.	CMS Criminal Justice Defensive Tactics	CJK_0050	80.0
6.	CMS Correctional Probation Firearms	CJK_0255	16.0
7.	CMS First Aid for Criminal Justice Officers	CJK_0031	40.0
8.	Criminal Justice Special Topics	CJK_0095	20.0
		Total	412.0

(d) CMS Application-Based Law Enforcement Basic Recruit Training Program course number 224 (Retired March 31, 2008):

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

(e) Florida CMS Law Enforcement Basic Recruit Training Program number 1177 (Effective April 1, 2008):

	Course Name	Course Number	Course Hours
1.	Introduction to Law Enforcement	CJK_0007	11.0
2.	Legal	CJK_0008	69.0
3.	Communications	CJK_0017	76.0
4.	Human Issues	CJK_0011	40.0
5.	Patrol I	CJK_0061	58.0
6.	Patrol II	CJK_0062	40.0
7.	Crime Scene Investigations	CJK_0076	24.0
8.	Criminal Investigations	CJK_0071	56.0
9.	Traffic Stops	CJK_0081	48.0
10.	Traffic Crash Investigations	CJK_0086	32.0
11.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
12.	CMS First Aid for Criminal Justice Officers	CJK_0031	40.0
13.	CMS Criminal Justice Firearms	CJK_0040	80.0
14.	CMS Criminal Justice Defensive Tactics	CJK_0051	80.0
15.	Dart-Firing Stun Gun	CJK_0422	8.0
16.	Criminal Justice Officer Physical Fitness Training	CJK_0096	60.0
		Total	770.0

(f) Florida Correctional Probation Basic Recruit Training Program number (1176) (Effective April 1, 2008):

	Course Name	Course Number	Course Hours
1.	Correctional Probation Legal	CJK_0271	57.0
2.	Correctional Probation Interpersonal Communication Skills	CJK_0272	44.0
3.	Correctional Probation Caseload Management	CJK_0273	40.0
4.	Correctional Probation Supervision	CJK_0274	88.0
5.	Correctional Probation Investigations	CJK_0275	39.0

<u>6.</u>	<u>Correctional Probation Management Information Systems</u>	<u>CJK_0276</u>	<u>27.0</u>
<u>7.</u>	<u>CMS Criminal Justice Defensive Tactics</u>	<u>CJK_0051</u>	<u>80.0</u>
<u>8.</u>	<u>CMS First Aid for Criminal Justice Officers</u>	<u>CJK_0031</u>	<u>40.0</u>
<u>9.</u>	<u>CMS Correctional Probation Firearms</u>	<u>CJK_0255</u>	<u>16.0</u>
<u>10.</u>	<u>Criminal Justice Officer Physical Fitness Training</u>	<u>CJK_0281</u>	<u>34.0</u>
		<u>Total</u>	<u>465.0</u>

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

(a) Officers entering a basic recruit cross-over training program shall comply with the employment requirements of Section 943.1395(3), F.S., and subsections 11B-27.002(4) and 11B-35.002(2), F.A.C.; and

(b) An applicant requesting to attend a Commission-approved Basic Recruit Cross-Over Training Program shall:

1. Be an active certified officer in the discipline the officer is moving from; or
2. Have successfully completed a Commission-approved Basic Recruit Training Program and passed the State Officer Certification Examination (SOCE), within four years, for the discipline the officer is moving from.

(c) A Commission-approved Basic Recruit Cross-Over Training Program requires that an officer comply with Section 943.17(1)(g), F.S., successfully complete the required courses in the cross-over training program for the discipline in which cross-over certification is being requested, successfully

complete the applicable high-liability training requirements pursuant to subsection (7) of this rule section, if applicable, and achieve a passing score on the applicable State Officer Certification Examination pursuant to Rule 11B-30.0062, F.A.C.

(d) Law Enforcement Cross-Over Basic Recruit Training Programs.

1. Traditional Correctional Cross-Over to CMS Application-Based Law Enforcement Basic Recruit Training Program, course number 1143 (Retired March 31, 2008).

2. Traditional Correctional Probation Cross-Over to CMS Application-Based Law Enforcement Basic Recruit Training Program, Course Number 1157 (Retired March 31, 2008).

3. Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1178 (Effective April 1, 2008). An individual who has successfully completed the Correctional Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
<u>a. Correctional Cross-Over to Law Enforcement Introduction and legal</u>	<u>TBA</u>	<u>47.0</u>
<u>b. Correctional Cross-Over to Law Enforcement Communications</u>	<u>TBA</u>	<u>56.0</u>
<u>c. Correctional Cross-Over to Law Enforcement Human Issues</u>	<u>TBA</u>	<u>32.0</u>
<u>d. Patrol I</u>	<u>CJK_0061</u>	<u>58.0</u>
<u>e. Patrol II</u>	<u>CJK_0062</u>	<u>40.0</u>
<u>f. Crime Scene Investigations</u>	<u>CJK_0076</u>	<u>24.0</u>
<u>g. Criminal Investigations</u>	<u>CJK_0071</u>	<u>56.0</u>
<u>h. Traffic Stops</u>	<u>CJK_0081</u>	<u>48.0</u>
<u>i. Traffic Crash Investigations</u>	<u>CJK_0086</u>	<u>32.0</u>
<u>j. CMS Law Enforcement Vehicle Operations</u>	<u>CJK_0020</u>	<u>48.0</u>
<u>k. Dart-Firing Stun Gun</u>	<u>CJK_0422</u>	<u>8.0</u>
<u>l. Cross-Over Correctional to Law Enforcement CMS High-Liability. (End-of-course examination is not required for CJK_0212)</u>	<u>CJK_0212</u>	<u>8.0</u>
<u>Total</u>		<u>457.0</u>

4. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179 (Effective April 1, 2008). An individual who has successfully completed the Correctional Probation

Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
<u>a. Correctional Cross-Over to Law Enforcement Introduction and legal</u>	<u>TBA</u>	<u>47.0</u>
<u>b. Correctional Cross-Over to Law Enforcement Communications</u>	<u>TBA</u>	<u>56.0</u>
<u>c. Correctional Cross-Over to Law Enforcement Human Issues</u>	<u>TBA</u>	<u>32.0</u>
<u>d. Patrol I</u>	<u>CJK_0061</u>	<u>58.0</u>
<u>e. Patrol II</u>	<u>CJK_0062</u>	<u>40.0</u>
<u>f. Crime Scene Investigations</u>	<u>CJK_0076</u>	<u>24.0</u>

<u>g.</u>	<u>Criminal Investigations</u>	<u>CJK_0071</u>	<u>56.0</u>
<u>h.</u>	<u>Traffic Stops</u>	<u>CJK_0081</u>	<u>48.0</u>
<u>i.</u>	<u>Traffic Crash Investigations</u>	<u>CJK_0086</u>	<u>32.0</u>
<u>j.</u>	<u>CMS Criminal Justice Vehicle Operations</u>	<u>CJK_0020</u>	<u>48.0</u>
<u>k.</u>	<u>Dart-Firing Stun Gun</u>	<u>CJK_0422</u>	<u>8.0</u>
<u>l.</u>	<u>CMS Criminal Justice Firearms</u>	<u>CJK_0040</u>	<u>80.0</u>
	<u>Total</u>		<u>529.0</u>

(e) Correctional Cross-Over Basic Recruit Training Programs.

1. CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional Basic Recruit Training Program number 1155 (Retired March 31, 2008).

2. Traditional Correctional Probation Cross-Over to Traditional Correctional Basic Recruit Training Program number 556 (Retired March 31, 2008).

Course Name

<u>a.</u>	<u>Law Enforcement Cross-Over to Correctional Introduction</u>
<u>b.</u>	<u>Interpersonal Skills 2</u>
<u>c.</u>	<u>Emergency Preparedness</u>
<u>d.</u>	<u>Correctional Operations</u>
	<u>Total</u>

<u>Course</u>	<u>Course</u>
<u>Number</u>	<u>Hours</u>
<u>CJK_TBA</u>	<u>59.0</u>
<u>CJD_750</u>	<u>50.0</u>
<u>CJD_741</u>	<u>26.0</u>
<u>CJD_752</u>	<u>64.0</u>
	<u>199.0</u>

4. Correctional Probation Officer Cross-Over Training to Traditional Correctional Basic Recruit Training Program number 1182 (Effective April 1, 2008). An individual who has successfully completed the Law Enforcement Officer Basic

3. Law Enforcement Officer Cross-Over Training to Traditional Correctional Basic Recruit Training Program number 1181 (Effective April 1, 2008). An individual who has successfully completed the Law Enforcement Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

Course Name

<u>a.</u>	<u>Correctional Probation Cross-Over to Correctional Legal and Communications</u>
<u>b.</u>	<u>Correctional Probation Cross-Over to Correctional Interpersonal Skills 1</u>
<u>c.</u>	<u>Correctional Probation Cross-Over to Correctional Interpersonal Skills 2</u>
<u>d.</u>	<u>Emergency Preparedness</u>
<u>e.</u>	<u>Correctional Operations</u>
<u>f.</u>	<u>CMS Criminal Justice Firearms</u>
	<u>Total</u>

<u>Course</u>	<u>Course</u>
<u>Number</u>	<u>Hours</u>
<u>CJK_TBA</u>	<u>16.0</u>
<u>CJK_TBA</u>	<u>35.0</u>
<u>CJK_TBA</u>	<u>35.0</u>
<u>CJD_741</u>	<u>26.0</u>
<u>CJD_752</u>	<u>64.0</u>
<u>CJK_0040</u>	<u>80.0</u>
	<u>256.0</u>

(f) Correctional Probation Cross-Over Basic Recruit Training Programs.

1. Traditional Correctional Cross-Over to Traditional Correctional Probation Basic Recruit Training Program number 667 (Retired March 31, 2008).

2. CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional Probation Basic Recruit Training Program Number 1156 (Retired March 31, 2008).

Course Name

<u>a.</u>	<u>Law Enforcement Cross-Over to Correctional Probation Legal and Investigations</u>
<u>b.</u>	<u>Law Enforcement Cross-Over to Correctional Probation Caseload Management</u>
<u>c.</u>	<u>Law Enforcement Cross-Over to Correctional Probation Supervision</u>
<u>d.</u>	<u>Correctional Probation Management Information Systems</u>
	<u>Total</u>

<u>Course</u>	<u>Course</u>
<u>Number</u>	<u>Hours</u>
<u>CJK_TBA</u>	<u>18.0</u>
<u>CJK_TBA</u>	<u>27.0</u>
<u>CJK_TBA</u>	<u>40.0</u>
<u>CJK_0276</u>	<u>27.0</u>
	<u>112.0</u>

4. Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1183 (effective April 1, 2008). An individual who has successfully completed the Correctional Basic Recruit Training

3. Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1184 (Effective April 1, 2008). An individual who has successfully completed the Law Enforcement Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional probation officer:

Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional probation officer:

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
a. <u>Correctional Cross-Over to Correctional Probation Legal and Communications</u>	<u>CJK_TBA</u>	<u>18.0</u>
b. <u>Correctional Cross-Over to Correctional Probation Supervision</u>	<u>CJK_TBA</u>	<u>57.0</u>
c. <u>Correctional Cross-Over to Correctional Probation Investigations</u>	<u>CJK_TBA</u>	<u>30.0</u>
d. <u>Correctional Probation Management Information Systems</u>	<u>CJK_0276</u>	<u>27.0</u>
e. <u>Correctional Probation Caseload Management</u>	<u>CJK_0273</u>	<u>40.0</u>
<u>Total</u>		<u>172.0</u>

~~(d) Traditional Law Enforcement to Traditional Correctional Basic Recruit Cross-Over Training Program course number 555 (Retired March 31, 2006).~~

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

~~(f) Traditional Correctional to Traditional Law Enforcement Basic Recruit Cross Over Training Program (Retired March 31, 2005).~~

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

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
1. <del>Cross-Over Correctional to CMS Law Enforcement Introduction</del>	<del>CJK_0211</del>	<del>94.0</del>
2. <del>Cross-Over Correctional to Law Enforcement CMS High Liability (End-of-course examination is not required for CJK_0212)</del>	<del>CJK_0212</del>	<del>8.0</del>
3. <del>Dart Firing Stun Gun (End-of-course examination is only required for Dart Firing Stun Gun)</del>	<del>CJK_0421</del>	<del>6.0</del>
4. <del>Cross-Over Correctional to Law Enforcement Tactical Applications</del>	<del>CJK_0213</del>	<del>40.0</del>
5. <del>CMS Law Enforcement Vehicle Operations</del>	<del>CJK_0020</del>	<del>48.0</del>
6. <del>Patrol</del>	<del>CJK_0060</del>	<del>57.0</del>
7. <del>Investigations</del>	<del>CJK_0070</del>	<del>53.0 57.0</del>
8. <del>Investigating Offenses</del>	<del>CJK_0075</del>	<del>44.0 40.0</del>
9. <del>Traffic Stops</del>	<del>CJK_0080</del>	<del>62.0</del>
10. <del>Traffic Crash Investigations</del>	<del>CJK_0085</del>	<del>32.0</del>
	<u>Total</u>	<u>444.0</u>

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

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
1. <del>Cross-Over Correctional Legal to Correctional Probation</del>	<del>CJD_774</del>	<del>30.0</del>
2. <del>Cross-Over Correctional to Correctional Probation</del>	<del>CJD_775</del>	<del>14.0</del>
3. <del>Correctional Probation Communication Skills</del>	<del>CJD_793</del>	<del>70.0</del>
4. <del>Correctional Probation Supervision</del>	<del>CJD_794</del>	<del>58.0</del>
	<u>Total</u>	<u>172.0</u>

~~(i) Traditional Correctional Probation to Traditional Law Enforcement Basic Recruit Cross Over Training Program course number 223 (Retired March 31, 2006).~~

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

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

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

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

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

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

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

~~(m) Traditional Correctional Probation to CMS Law Enforcement Basic Recruit Cross-Over Training Program Course Number 1157. A correctional probation officer shall complete the following courses to cross-over from the "Correctional Probation Discipline" to the "CMS Law Enforcement Discipline":~~

<del>Course Name</del>	<del>Course Number</del>	<del>Course Hours</del>
<del>1. Cross-Over Traditional Correctional Probation to CMS Law Enforcement Introduction to Law</del>	<del>CJK_215</del>	<del>43.0*</del>
<del>2. Cross-Over Traditional Correctional Probation to CMS Law Enforcement Human Issues</del>	<del>CJK_216</del>	<del>36.0*</del>
<del>3. Cross-Over Traditional Correctional Probation to CMS Law Enforcement Communications</del>	<del>CJK_217</del>	<del>49.0*</del>
<del>4. CMS Law Enforcement Vehicle Operations</del>	<del>CJK_0020</del>	<del>48.0</del>
<del>5. CMS Criminal Justice Firearms</del>	<del>CJK_0040</del>	<del>80.0</del>
<del>6. Dart-Firing Stun-Gun</del>	<del>CJK_0421</del>	<del>6.0</del>
<del>7. Patrol</del>	<del>CJK_0060</del>	<del>57.0</del>
<del>8. Investigations</del>	<del>CJK_0070</del>	<del>57.0</del>
<del>9. Investigating Offenses</del>	<del>CJK_0075</del>	<del>40.0</del>
<del>10. Traffic Stops</del>	<del>CJK_0080</del>	<del>62.0</del>
<del>11. Traffic Crash Investigations</del>	<del>CJK_0085</del>	<del>32.0</del>
<del>12. Tactical Applications</del>	<del>CJK_0090</del>	<del>44.0*</del>
	<del>Total</del>	<del>554.0</del>

~~\*Instructors are authorized to facilitate instruction in a review format and place emphasis as needed.~~

Specific Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History--New 12-13-92, Amended 1-10-94, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, \_\_\_\_\_.

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

(1) Basic Recruit High-Liability Training Courses:

- (a) CMS Criminal Justice Firearms Course.
- (b) CMS Law Enforcement Vehicle Operations Course.
- (c) CMS Criminal Justice Defensive Tactics Course.
- (d) CMS First Aid for Criminal Justice Officers Course.

(2) Instructor High-Liability Training Courses:

- ~~(a) Firearms Instructor Course. (Retired June 30, 2004).~~
- ~~(a)(b) CMS Firearms Instructor Course.~~
- ~~(c) CMS Firearms Instructor Transition Course.~~
- ~~(d) Vehicle Operations Instructor Course. (Retired June 30, 2004).~~
- ~~(b)(e) CMS Vehicle Operations Instructor Course.~~
- ~~(f) CMS Vehicle Operations Instructor Transition Course.~~
- ~~(g) Defensive Tactics Instructor Course. (Retired June 30, 2004).~~
- ~~(c)(h) CMS Defensive Tactics Instructor Course.~~

~~(i) CMS Defensive Tactics Instructor Transition Course.~~  
~~(j) First Responder Instructor Course. (Retired June 30, 2004)~~

~~(d)(k) CMS First Aid Instructor Course.~~  
~~(l) CMS First Aid Instructor Transition Course.~~

(3) Applicants shall complete the training requirements set forth in subsection 11B-20.0014(2), F.A.C., to become certified by the Commission to instruct in the high-liability topics of firearms, vehicle operations, defensive tactics, and first aid.

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

(a) For instruction of the CMS Criminal Justice Firearms Course ~~or~~ CMS Firearms Instructor Course, ~~or~~ ~~CMS Firearms Instructor Transition Course~~, there shall be no more than six students actively engaged on a firearms range for each Commission-certified firearms instructor. One rangemaster shall supervise all range activity while training is actively engaged. The rangemaster shall be a Commission-certified firearms instructor and shall not be included as an instructor to comply with the instructor to student ratio requirements. Discretionary course of fire shall be conducted with a one-to-one instructor to student ratio. Actively engaged is defined as “a student on the firing range handling a weapon.”

(b) For instruction of the CMS Law Enforcement Vehicle Operations Course ~~or~~ CMS Vehicle Operations Instructor Course, ~~or~~ ~~CMS Vehicle Operations Instructor Transition Course~~, there shall be at least one Commission-certified vehicle operations driving instructor for each vehicle actively engaged on a driving range. One rangemaster shall supervise all range activity while training is actively engaged. Actively engaged is defined as “a vehicle that is at the point between the start and end of an exercise.” Returning from or being in route to a driving range or course shall not be considered as actively engaged. The rangemaster shall be a Commission-certified vehicle operations instructor and shall not be included as an instructor to comply with the instructor to vehicle ratio requirements.

(c) For instruction of the CMS Criminal Justice Defensive Tactics Course ~~or~~ CMS Defensive Tactics Instructor Course, ~~or~~ ~~CMS Defensive Tactics Instructor Transition Course~~, there shall be one lead defensive tactics instructor for each class plus one Commission-certified defensive tactics instructor for every ten students actively engaged in defensive tactics no more than ten students actively engaged in defensive tactics for each Commission-certified defensive tactics instructor. Actively engaged is defined as “a student engaged in the practical performance of any one of the approved defensive tactics techniques.”

~~(d) For instruction of the CMS Criminal Justice Firearms Course, CMS Firearms Instructor Course, CMS Firearms Instructor Transition Course, CMS Law Enforcement Vehicle~~

~~Operations Course, or CMS Vehicle Operations Instructor Course, or CMS Vehicle Operations Instructor Transition course, one rangemaster shall supervise all range activity while training is actively engaged. The rangemaster shall be a Commission-certified instructor for the High Liability Basic Recruit Training Course being trained, and shall not be included as an instructor to comply with the instructor to student or instructor to vehicle ratio requirements.~~

~~(d)(e) For instruction of the CMS First Aid for Criminal Justice Officers Course and~~ CMS First Aid Instructor Course; ~~or~~ ~~CMS First Aid Instructor Transition Course~~, at least one Commission-certified CMS First Aid Instructor shall be required for every ten students actively engaged in the practical and performance areas of the training. Actively engaged is defined as “a student involved in the practical performance of any first aid skills training.” CPR Instructors, who possess a valid CPR Instructor Certification from an entity referenced in Rule 64E-2.038, F.A.C., which is at minimum at the “Basic Life Support (BLS) Instructor” or “Heartsaver Instructor” level with the American Heart Association, “CPR/AED for the Professional Rescuer Instructor” or “First Aid/CPR/AED Instructor” or “Emergency Response Instructor” or “Lifeguarding Instructor” level with the American Red Cross, “First Aid/CPR/AED Instructor” or “BLS Instructor” level with the American Safety and Health Institute, or “BLS Instructor” level with the National Safety Council, are permitted to instruct CPR in the CMS First Aid for Criminal Justice Officers Course ~~and~~, ~~the CMS First Aid Instructor Transition Course~~, or the CMS First Aid Instructor Course, or be used to meet the required instructor to student ratio for demonstration of proficiency in these courses. The instructor to student ratio shall match the prerequisites set forth in the approved CPR course certification requirements. A copy of the Instructor Exemption Application form CJSTC-82, and a copy of the instructor’s valid CPR Instructor Certification shall be maintained in the instructor’s file.

Specific Authority 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS. Law Implemented 943.12(5), 943.17 FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-21-07, \_\_\_\_\_.

11B-35.0023 Student Transfers within Basic Recruit Training Programs.

(1) Pursuant to subsection 11B-35.002(1), F.A.C., Commission-approved Basic Recruit Training Programs shall be offered only at training schools certified by the Criminal Justice Standards and Training Commission for the respective discipline.

(2) A student enrolled in a Commission-approved Basic Recruit Training Program may transfer courses to another training school, provided the courses have been successfully completed and the student has not been dismissed from ~~exited~~ the previous training school. Verification shall be made by

reviewing the student’s course score in item number 12 of the Training Report form CJSTC-67 to determine if the student was dismissed from the previous training school.

(a) Courses completed in a Traditional Basic Recruit Training Program shall be recognized and transferable to a Traditional Basic Recruit Training Program in a different training school.

(b) Courses completed in the CMS Application-Based Law Enforcement Basic Recruit Training Program shall be transferable to a CMS Application-Based Law Enforcement Basic Recruit Training Program in a different training school.

(c) Courses completed in the Florida CMS Law Enforcement Basic Recruit Training Program shall be transferable to a Florida CMS Law Enforcement Basic Recruit Training Program in a different training school.

(d) Courses completed in the Florida Correctional Probation Basic Recruit Training Program shall be transferable to a Florida Correctional Probation Basic Recruit Training Program in a different training school.

(e)(e) High-Liability Basic Recruit Training Courses successfully completed shall be transferable provided the student requesting the transfer has successfully demonstrated the high-liability proficiency skills designated as “CMS New” in the high-liability basic recruit training course requested. in a Traditional Law Enforcement Basic Recruit Training Program shall be transferable to the CMS Application-Based Law Enforcement Basic Recruit Training Program provided the student requesting the transfer has successfully completed the High-Liability Basic Recruit Training Course designated as “CMS New” for which the transfer is requested.

(3) Both the transferring student and the receiving training school shall request the transferring training school to complete and submit the appropriate student records. Upon receipt of such request, the transferring training school is responsible for submitting the transferring student’s records to the receiving training school.

(4) When a student has successfully completed courses included in a Commission-approved Basic Recruit Training Program at two or more training schools, and has met all requirements for completion of the program, set forth in the requirements of this rule section, the training school where the student has successfully completed the greatest number of courses in that program, shall upon receipt of the student records from the other training school(s), submit a Training Report form CJSTC-67 to Commission staff. The training school submitting form CJSTC-67, may require the student to demonstrate the required high-liability proficiency skills in a High-Liability Basic Recruit Training Course(s) not completed at that school, pursuant to subsection 11B-35.0024(1), F.A.C. The training school submitting form CJSTC-67 shall provide the student with written evidence of the student's successful completion of the Basic Recruit Training Program.

~~(5) Each training school shall establish written criteria that specify the conditions that constitute leaving a Commission-approved Basic Recruit Training Program in “good standing.” For this purpose, “good standing” is defined as a student being eligible to continue at the previous training school without any special considerations. The written criteria shall be made available to students and Commission staff.~~

~~(5)(6) Nothing in this rule section shall be construed to prevent a training school from admitting a student for the limited purpose of completing a course(s) required for completion of a Commission-approved Basic Recruit Training Program at another training school where the student is enrolled. However, if a student began the Commission’s CMS Application-Based Law Enforcement Basic Recruit Training Program, the student shall continue in the same program. If the student began a Commission-approved Traditional Basic Recruit Training Program, the student shall continue in the same program.~~

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

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

(1) Students enrolled in a Commission-approved Basic Recruit Training Program and a High-Liability Instructor Training Course, shall qualify through demonstration of proficiency skill(s) in the applicable High-Liability Basic Recruit Training Courses and instructor courses high-liability proficiency skill(s), and a written examination.

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

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

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

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

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

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

(a) CMS Criminal Justice Defensive Tactics Course.

1. The CMS Criminal Justice Defensive Tactics Course shall be delivered to students enrolled in a Commission-approved Basic Recruit Training Program.

2. A basic recruit student shall demonstrate at 100% proficiency, defensive tactics skills taught by a training school, with the results recorded on the required CMS Defensive Tactics Performance Evaluation, form CJSTC-6 CMS, revised November 8, 2007 created May 6, 2004, hereby incorporated by reference.

3. A basic recruit student shall be subject to chemical agent contamination as described in the CMS Criminal Justice Defensive Tactics Course. Prior to beginning a Florida CMS Law Enforcement, Traditional Correctional, or Florida Correctional Probation Basic Recruit Training Program, a student shall complete the Physical Fitness Assessment form CJSTC-75B. This form verifies that there are no known medical conditions that would prevent a student from participating in chemical agent contamination. A student who has provided the training school with documentation of prior chemical agent exposure that includes chemical agent contamination and working through the effects of chemical agent contamination in a training environment, shall be exempt from this requirement. The CMS Defensive Tactics Chemical Agent Exposure Training Evaluation, form CJSTC-6A CMS, created May 6, 2004, hereby incorporated by reference, is not a mandated evaluation form and shall only be completed if applicable.

(b) CMS Defensive Tactics Instructor Courses.

1. An instructor student shall complete the CMS Defensive Tactics Instructor Course ~~or the CMS Defensive Tactics Instructor Transition Course~~, pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS Criminal Justice Defensive Tactics Course in a Commission-approved Basic Recruit Training Program or the CMS Defensive Tactics Instructor Course, ~~or the CMS Defensive Tactics Instructor Transition Course.~~

2. A defensive tactics instructor student shall demonstrate the required Defensive Tactics High-Liability Proficiency Skills at 100% for all proficiency skills, with the results recorded on the required CJSTC-6 CMS form, ~~and shall demonstrate the required Defensive Tactics High Liability Proficiency Skills at 100% for all proficiency skills.~~

~~a. CMS Defensive Tactics Instructor Course. An instructor student shall demonstrate the required Defensive Tactics High Liability Proficiency Skills at 100% for all proficiency skills.~~

~~b. CMS Defensive Tactics Instructor Transition Course. An instructor student shall demonstrate the required Defensive Tactics High Liability Proficiency Skills at 100% for all proficiency skills designated as "New" in the course and on form CJSTC-6 CMS.~~

(c) CMS Criminal Justice Firearms Course.

1. The CMS Criminal Justice Firearms Course shall be delivered to students enrolled in a Commission-approved Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required Firearms High-Liability Proficiency Skills, using the B-21 E Target or equivalent, at 80% or higher using a handgun (revolver or semi-automatic pistol for both daylight and night) and a long gun (shotgun or semiautomatic rifle/carbine).; The with the results shall be recorded on the required CMS Firearms Performance Evaluation form CJSTC-4 CMS, revised November 8, 2007 May 5, 2005, hereby incorporated by reference. The B-21E target is commercially available through retailers.

~~3. A basic recruit student shall complete instruction on the handling of a long gun (shotgun or rifle) and shall fire the long gun as prescribed in the course curriculum. There are no proficiency requirements for the long gun.~~

(d) CMS Firearms Instructor Courses.

1. An instructor student shall complete the CMS Firearms Instructor Course pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS Criminal Justice Firearms Course in a Commission-approved Basic Recruit Training Program; or the CMS Firearms Instructor Course ~~or the CMS Firearms Instructor Transition Course.~~

2. A firearms instructor student shall demonstrate the required Firearms High-Liability Proficiency Skills, at 80% or higher using a handgun (revolver or semi-automatic pistol) and a long gun (shotgun or semiautomatic rifle/carbine) for daylight and night for all proficiency skills, with the results recorded on the required CJSTC-4 CMS form.

~~a. CMS Firearms Instructor Course. An instructor student shall demonstrate the required Firearms High Liability Proficiency Skills at 80% or higher using a handgun (revolver or semi-automatic pistol for daylight or night). There are no proficiency skills requirements for the long gun.~~

~~b. CMS Firearms Instructor Transition Course. There are no required proficiency skills requirements for the handgun or long gun.~~

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

1. The CMS First Aid for Criminal Justice Officers Course shall be delivered to students enrolled in a Commission-approved Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required First Aid High-Liability Proficiency Skills at 100% with the results recorded on the required CMS First Aid Performance Evaluation, form CJSTC-5 CMS, revised November 8, 2007 August 3, 2006, hereby incorporated by reference.

(f) CMS First Aid Instructor Courses.

1. An instructor student shall complete the CMS First Aid Instructor Course ~~or the CMS First Aid Instructor Transition Course~~, pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS First Aid for Criminal Justice Officers Course in a Commission-approved Basic Recruit Training Program; ~~or the CMS First Aid Instructor Course or the CMS First Aid Instructor Transition Course.~~

2. An instructor student shall demonstrate the required First Aid High-Liability Proficiency Skills, at 100% for all proficiency skills, with the results recorded on the required CJSTC-5 CMS form.

~~a. CMS First Aid Instructor Course. An instructor student shall demonstrate the required First Aid High-Liability Proficiency Skills at 100% for all proficiency skills.~~

~~b. CMS First Aid Instructor Transition Course. An instructor student shall demonstrate the required First Aid High-Liability Proficiency Skills at 100% for all proficiency skills designated as "New" in the course, and on the required CJSTC-5 CMS form.~~

(g) CMS Law Enforcement Vehicle Operations Course.

1. The CMS Law Enforcement Vehicle Operations Course shall be delivered to students enrolled in a Commission-approved Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required Vehicle Operations High-Liability Proficiency Skills with four out of five runs (80%) for each exercise, with the results recorded on the required CMS Vehicle Operations Performance Evaluation, form CJSTC-7 CMS, revised November 8, 2007 August 3, 2006, hereby incorporated by reference.

(h) CMS Vehicle Operations Instructor Courses.

1. An instructor student shall complete the CMS Vehicle Operations Instructor Course ~~or the CMS Vehicle Operations Instructor Transition Course~~, pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS Law Enforcement Vehicle Operations Course in a Commission-approved Basic Recruit Training Program; ~~or the CMS Vehicle Operations Instructor Course, or the CMS Vehicle Operations Instructor Transition Course.~~

2. An instructor student shall demonstrate the required Vehicle Operations High-Liability Proficiency Skills with four out of five runs (80%) for each exercise with the results recorded on the required CJSTC-7 CMS form.

~~a. CMS Vehicle Operations Instructor Course. An instructor student shall demonstrate the required Vehicle Operations High-Liability Proficiency Skills with four out of five runs (80%) for each exercise.~~

~~b. CMS Vehicle Operations Instructor Transition Course. An instructor student shall drive the course for the "New" vehicle operation techniques.~~

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12, 943.17 FS. History—New 2-17-93, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, \_\_\_\_\_.

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

(1) Commission-approved Auxiliary Basic Recruit Training Programs are created to train applicants for employment or appointment by criminal justice agencies, with or without compensation, to assist or aid full-time or part-time officers.

(2) To become certified as an auxiliary officer, an applicant shall meet the requirements outlined in Sections 943.13(1)-(9), and (11), 943.14(7)(8), and 943.17(1)(g), F.S., successfully complete the Auxiliary Officer Basic Recruit Training Program requirements outlined in this rule section, complete the applicable Commission-approved CMS High-Liability Basic Recruit Training Courses for vehicle operations, defensive tactics, and firearms, and shall be taught by a Commission-certified high-liability instructor at a training school or agency.

(3) A training school shall submit form CJSTC-67 to Commission staff upon an individual's successful completion of a CMS Law Enforcement or Correctional Auxiliary Officer Prerequisite Course. The training school or agency shall document the student's successful completion of the applicable High-Liability Basic Recruit Training Courses, pursuant to subsection 11B-35.0024(3), F.A.C. Regardless of where the High-Liability Basic Recruit Training Course is completed, the employing agency shall maintain the training documentation in the officer's file.

(4) Commission-approved High-Liability Basic Recruit Training Courses instructed at a Commission-certified training school shall be recognized by the Commission for applicants requesting certification as a law enforcement, correctional, or correctional probation officer, if the applicant has maintained active employment within a discipline as an auxiliary officer, or has completed training within the past four years pursuant to subsection 11B-35.002(2), F.A.C. Recognition of completed high-liability courses shall comply with subsection 11B-35.002(5)(7), F.A.C.

(5) CMS Law Enforcement Auxiliary Officer Basic Recruit Training Program effective April 1, 2008 (Course Number 1180).

<u>(a)</u>	<u>CMS Law Enforcement Auxiliary Officer Prerequisite Course</u>	<u>Course Number</u>	<u>Course Hours</u>
1.	<u>Law Enforcement Auxiliary Introduction</u>	<u>CJK_TBA</u>	<u>27.0</u>
2.	<u>Law Enforcement Auxiliary Patrol and Traffic</u>	<u>CJK_TBA</u>	<u>19.0</u>
3.	<u>Law Enforcement Auxiliary Investigations</u>	<u>CJK_TBA</u>	<u>17.0</u>
4.	<u>Dart-Firing Stun Gun</u>	<u>CJK_0422</u>	<u>8.0</u>
5.	<u>CMS First Aid for Criminal Justice Officers</u>	<u>CJK_0031</u>	<u>40.0</u>
	<u>CMS Law Enforcement Auxiliary Officer Prerequisite Course</u>	<u>Sub-total</u>	<u>109.0</u>
(b)	<u>CMS Criminal Justice Firearms</u>	<u>CJK_0040</u>	<u>80.0</u>
	<u>This course shall be taught by a Commission-certified high-liability instructor at a training school or agency.</u>		
(c)	<u>CMS Criminal Justice Defensive Tactics</u>	<u>CJK_0051</u>	<u>80.0</u>
	<u>This course shall be taught by a Commission-certified high-liability instructor at a training school or agency.</u>		
(d)	<u>CMS Law Enforcement Vehicle Operations</u>	<u>CJK_0020</u>	<u>48.0</u>
	<u>**CMS Law Enforcement Operations is optional and is based on employing agency requirements. If required, the course shall be taught by a Commission-certified high-liability instructor at a training school or agency. If CMS Law Enforcement Vehicle Operations is not instructed, the total program hours will be reduced to 271 hours.</u>		

CMS Law Enforcement Auxiliary Officer Program

Total

\*\*319.0

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

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

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

(6) Correctional Auxiliary Officer Basic Recruit Training Program effective January 1, 1997, (Course Number 501) requirements.

<u>(a) Correctional Auxiliary Officer Prerequisite Course</u>	<u>Topic Areas</u>	<u>Course Number</u>	<u>Minimum Hours</u>
1.	Administration	NA	1
2.	Legal	NA	24
3.	Report Writing	NA	4
4.	Safety Issues	NA	4
5.	Interpersonal Skills	NA	5
6.	Security Procedures and Inmate Supervision	NA	4
7.	Equipment	NA	2
8.	Facility Movement	NA	4
9.	Correctional Operation and Intake Procedures	NA	1
10.	Inmate Property	NA	2
11.	Search Procedures	NA	3

12.	CMS First Aid for Criminal Justice Officers	CJK_0031	40
	<u>Correctional Auxiliary Officer Prerequisite Course</u>	Sub-total	94
	<del>Auxiliary Officer Prerequisite Course Hours</del>		
(b)	CMS Criminal Justice Firearms	CJK_0040	80
(c)	CMS Criminal Justice Defensive Tactics	CJK_0051	80
	<u>Total Correctional Auxiliary Officer Program Hours</u>	<u>Total</u>	254

(7) Correctional Probation Auxiliary Officer Basic Recruit Training Program. To become a Correctional Probation Auxiliary Officer an individual shall complete the Traditional Correctional Probation Officer Basic Recruit Training Program pursuant to paragraph 11B-35.002(6)(c)(8)(e), F.A.C.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History--New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07.

officer to satisfy mandatory retraining requirements or eligibility for salary incentive monies pursuant to Rule Chapter 11B-14, F.A.C.

(a) An officer may not receive both salary incentive credit and mandatory retraining credit for completion of an Advanced Training Program Course. Such courses shall include one major topic and be at least 40 hours long.

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

11B-35.006 Advanced Training Program.

(1) Commission-approved Advanced Training Program Courses were created to enhance an officer’s knowledge, skills, and abilities for the job the officer performs and are used by an

	Course Number	Course Name	Course Hours
<u>1.</u>	006	Line Supervision	80 hours
	<del>007</del>	<del>Middle Management</del>	<del>80 hours</del>
<u>2.</u>	011	Developing and Maintaining a Sound Organization	40 hours
<u>3.</u>	012	Planning the Effective Use of Financial Resources	40 hours
<u>4.</u>	013	Building and Maintaining a Sound Behavioral Climate	40 hours
<u>5.</u>	016	Narcotics and Dangerous Drugs Investigations	40 hours
<u>6.</u>	019	Criminal Law	40 hours
<u>7.</u>	020	Case Preparation and Court Presentation	40 hours
<u>8.</u>	032	Special Tactical Problems	40 hours
<u>9.</u>	033	Sex Crimes Investigation	40 hours
<u>10.</u>	036	Injury and Death Investigation	40 hours
<u>11.</u>	047	Interviews and Interrogations	40 hours
<u>12.</u>	050	Stress Management Techniques	40 hours
<u>13.</u>	053	Crisis Intervention	40 hours
<u>14.</u>	054	Organized Crime	40 hours
	<del>055</del>	<del>Radar Speed Measurement Training Course for Law Enforcement Officers</del>	<del>40 hours</del>
		<del>(Retired 12/31/06)</del>	
<u>15.</u>	057	Discipline and Special Confinement Techniques	40 hours
<u>16.</u>	058	Supervision of the Youthful Offender	40 hours
<u>17.</u>	068	Advanced Report Writing and Review	40 hours
<u>18.</u>	072	Firefighting for Correctional Officers	40 hours
<u>19.</u>	073	Community and Human Relations	40 hours
<u>20.</u>	074	Substance Abuse and Awareness Education	40 hours
<u>21.</u>	077	Underwater Police Science and Technology	80 hours
<u>22.</u>	080	Computers and Technology in Criminal Justice	40 hours
<u>23.</u>	085	Emergency Preparedness for Correctional Officers	40 hours
<u>24.</u>	087	Advanced Traffic Accident Investigations	80 hours
<u>25.</u>	088	Traffic Accident Reconstruction	80 hours
<u>26.</u>	090	School Resource Officer	40 hours
<u>27.</u>	091	Domestic Intervention	40 hours
<u>28.</u>	093	Hostage Negotiations	40 hours
<u>29.</u>	094	Drug Abuse Resistance Education (D.A.R.E.) – FDLE instructed only	80 hours
	<del>095</del>	<del>Laser Speed Measurement Operators Course for Law Enforcement Officers</del>	<del>40 hours</del>
		<del>(Retired 12/31/06)</del>	
<u>30.</u>	096	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
<u>31.</u>	094 & 097	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
<u>32.</u>	098	Traffic Homicide Investigation	80 hours
<u>33.</u>	100	Crimes Against the Elderly	40 hours
<u>34.</u>	<u>107</u>	<u>Middle Management (Effective 10/1/06)</u>	<u>40</u>

<u>35.</u>	809	*CMS Field Training Officer Program Course (This course is not mandated for field training officers)	40 hours
<u>36.</u>	1100	*Field Training Officer Course for Correctional and Correctional Probation Officers	40 hours
<u>37.</u>	1151	Conducting Background Investigations	40 hours
<u>38.</u>	1152	Investigation and Supervision of Officer Involved Shootings	40 hours
<u>39.</u>	1153	Computer Crimes Investigations	40 hours
<u>40.</u>	1154	Financial Fraud Investigations	40 hours
<u>41.</u>	1158	<del>Laser and Radar</del> Speed Measurement Course (Effective 1/1/07)	40 hours
<u>42.</u>	1161	Managing and Communicating with Inmates and Offenders (Effective 11/16/06)	40 hours
<u>43.</u>	1164	Inmate Manipulation (Effective 11/16/06)	40 hours
<u>44.</u>	<u>1165</u>	<u>Spanish for Criminal Justice Professionals (Effective 2/1/07)</u>	<u>40</u>
<u>45.</u>	<u>1166</u>	<u>Advanced Investigative Techniques of Human Trafficking Offenses (Effective 5/10/07)</u>	<u>40</u>

\*Officers who are currently receiving salary incentive payment for completion of the Field Training Officer Course number 051, are not eligible to receive additional salary incentive credit for course number 809 or 1100.

~~(2)(3)~~ Course number 094, Drug Abuse Resistance Education (D.A.R.E.), may be offered only through the certified state D.A.R.E. training center. The Florida certified state D.A.R.E. training center is located within the Florida Department of Law Enforcement. D.A.R.E. course numbers are: Course #094 (80 hours), or #094 split with #097 (40 hours) for salary incentive, and #096 (40 hours) for mandatory retraining.

~~(3)(4)~~ Only officers and support personnel who have written approval from their respective agency ~~administrator head~~ or designee may attend Advanced Training Program Courses. Applicants shall submit evidence of their agency ~~administrator's head's~~ approval in a format established and agreed upon by the Local Regional Training Council and training school.

~~(4)(5)~~ To successfully complete an Advanced Training Program Course, a student shall comply with student attendance, performance, and course documentation requirements pursuant to Rule 11B-35.001, F.A.C.

(a) A Radar Operator Performance Report, form CJSTC-8, revised ~~November 8, 2007~~ May 6, 2004, hereby incorporated by reference, shall be completed for the Radar Speed Measurement Training Course for Law Enforcement Officers.

(b) A ~~Speed Measurement Laser and Radar~~ Operator Performance Report form CJSTC-11, ~~revised November 8, 2007~~ created August 3, 2006, hereby incorporated by reference, shall be completed for the ~~Speed Measurement Course number 1158, and for the Laser Speed Measurement Operators Course for Law Enforcement Officers number 095 (Retired 12/31/06).~~

(c) Speed Measurement Device Operators are authorized to instruct the practical exercises in the Speed Measurement Course with a certified Speed Measurement Instructor. A copy of the Instructor Exemption form CJSTC-82 shall be maintained in the course file.

~~(5)(6)~~ Training schools shall report the successful completion of Advanced Training Program Courses for officers pursuant to paragraph 11B-35.001(10)(b), F.A.C.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1) FS. History—New 12-13-92, Amended 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, \_\_\_\_\_.

11B-35.007 Specialized Training Program.

(1) No change.

(a) through (c) No change.

(2) Courses developed from the Specialized Goals and Objectives have been designed to use Commission-established categories, topics, and objectives that encompass subject matter pertinent to training within the criminal justice profession. Such courses shall be developed using a “menu” approach to fulfill local criminal justice agency training needs.

(a) No change.

1. through 10. No change.

(b) No change.

1. through 9. No change.

10. Document the training by completing a Specialized Training Documentation, form CJSTC-16, revised ~~November 8, 2007~~ February 7, 2002, hereby incorporated by reference, and when applicable complete a Specialized Training Documentation Supplemental, form CJSTC-16A, revised May 6, 2004, hereby incorporated by reference. A training school shall attach the goals and objectives provided by the instructor to form CJSTC-16 and complete “Section A” of the form. Forms CJSTC-16 and CJSTC-16A shall be maintained in the ~~course student's class~~ file at the training school.

(3) Specialized Instructor Training Courses. Courses developed and approved by the Commission for instructor training shall be delivered in their entirety by a training school

for an individual to qualify to apply as a Commission-certified instructor. Commission-approved Specialized Instructor Training Courses are:

	Course Number	Course Names	Course Hours
(a)	1101	<del>Traditional Instructor Techniques Course (Retired 6/30/04)</del>	80
(a)(b)	1115	General Instructor Refresher Course	8
(b)(e)	1116	CMS Instructor Techniques Course	80
(c)(d)	803	CMS General Instructor Transition Course (Retired 3/31/08)	12
(d)	1167	CMS General Instructor Update Course	4
(e)	1102	<del>Vehicle Operations Instructor Course (Retired 6/30/04)</del>	40
(e)(f)	800	CMS Vehicle Operations Instructor Course	40
(f)(e)	805	CMS Vehicle Operations Instructor Transition Course (Retired 3/31/08)	16
(h)	1103	<del>Firearms Instructor Course (Retired 6/30/04)</del>	44
(g)(+)	801	CMS Firearms Instructor Course	44
(h)(+)	806	CMS Firearms Instructor Transition Course (Retired 3/31/08)	12
(k)	1104	<del>Defensive Tactics Instructor Course (Retired 6/30/04)</del>	80
(i)(+)	802	CMS Defensive Tactics Instructor Course	80
(j)(m)	807	CMS Defensive Tactics Instructor Transition Course (Retired 3/31/08)	32
(n)	1105	<del>First Responder Instructor Course (Retired 6/30/04)</del>	48
(k)	1169	CMS Defensive Tactics and Firearms Instructor Update Course	6
(l)(e)	1114	CMS First Aid-Instructor Course	40
(m)(p)	804	CMS First Aid Instructor Transition Course (Retired 3/31/08)	8
(n)(q)	1107	Canine Team Instructor Course	40
(r)	1108	<del>Radar Speed Measurement Instructor Course for Law Enforcement Officers (Retired 12/31/06)</del>	40
(o)(s)	1109	Laser Speed Measurement Device (LSMD) Instructor Transition Course for Radar Instructors (To be retired 12/31/08)	24
(p)(+)	1110	Breath Test Instructor Course	40
(q)(+)	1111	Breath Test Instructor Renewal Course	8
(r)(+)	1159	<del>Laser and Radar Speed Measurement Instructor Course for Law Enforcement Officers (Effective 1/1/07)</del>	40

(4) Commission-approved Specialized Training Program Courses developed and approved by the Commission that have not been designated as Commission-approved Advanced Training Program Courses:

	Course Number	Course Names	Course Hours
(a)	1125	Contraband Forfeiture	40
(b)	1126	Human Diversity In-service Training for Professionalism and Ethics	4
(c)	1127	Human Diversity In-service Training for Interdependent Relationships	8
(d)	1128	Human Diversity In-service Training for Reducing Inter-group Conflict	4
(e)	1129	Human Diversity In-service Training for Sexual Harassment in the Workplace	4
(f)	1130	Human Diversity In-service Training for Specialized Topics in Diversity	4
(g)	1144	CMS Human Interaction Course	16
(h)	1131	Human Diversity In-service Training for Discriminatory Profiling and Professional Traffic Stops	4
(i)	1112	Canine Team Training Course	400
(j)	1113	Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators (To be retired 12/31/08)	12
(k)	1132	Parking Enforcement Specialist for Civilians	16
(l)	1133	Selective Traffic Enforcement Program for Civilians	80
(m)	732	Traffic Control Officer for Civilians	8
(n)	851	Breath Test Operator Course	24
(o)	951	Breath Test Operator Renewal Course	6
(p)	850	Agency Inspector Course	24
(q)	950	Agency Inspector Renewal Course	6
(r)	1134	Criminal Justice Officer Ethics Course	8
(s)	1135	Crimes Against Children	24
(t)	1136	Domestic Violence	8
(u)	1137	Violent Crime Investigator Training Course	40

(v)	808	CMS Field Training Officer Transition Course	8
(w)	1140	Basic Incident Command System (ICS) Course	6
(x)	1141	Intermediate Incident Command System (ICS) Course	21
(y)	1142	Advanced Incident Command System (ICS) Course	16
<del>(z)</del>	<del>1145</del>	<del>Mental Retardation Course</del>	<del>4</del>
<del>(aa)</del>	<del>1146</del>	<del>Mental Illness Course</del>	<del>4</del>
<del>(bb)</del>	<del>1147</del>	<del>Alcohol and Substance Abuse Course</del>	<del>4</del>
<del>(cc)</del>	<del>1148</del>	<del>Physical Disabilities Course</del>	<del>4</del>
<del>(z)(dd)</del>	1149	CMS Special Populations Course	32
<del>(aa)(ee)</del>	1150	CMS Problem-Solving Model: SECURE Specialized Training Course	6
<del>(bb)(ff)</del>	1160	Dart-Firing Stun Gun	6

(5) No change.

(6) Training schools shall report the satisfactory completion of training pursuant to paragraph 11B-35.001(11)(b)(10)(b), F.A.C., by transmitting a completed Training Report form CJSTC-67 within 30 days of course completion through the Commission’s ATMS.

(7) Criminal Justice Standards and Training Trust Fund Officer Training Monies may be expended to conduct Commission-approved Specialized Training Program Courses pursuant to subsection (1) of this rule section, ~~11B-35.007(1), F.A.C.~~ Officer Training Monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.175, 943.25 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, \_\_\_\_\_.

11B-35.009 Exemption from Basic Recruit Training.

(1) No change.

(a) through (h) No change.

(2) No change.

(a) through (b) No change.

(3) For individuals who request an exemption from a Commission-approved Basic Recruit Training Program, the employing agency or Criminal Justice Selection Center shall:

(a) Verify that the applicant’s law enforcement training is comparable to the Commission’s Florida CMS Application-Based Law Enforcement Basic Recruit Training Program for which the exemption is requested, and at a minimum reflects successful completion of training for the topics of Law Enforcement Constitutional Law and Legal Issues, Report Writing, Interpersonal Skills, Firearms, Defensive Tactics, First Aid or equivalent, Vehicle Operations, Law Enforcement Patrol, Criminal Investigations, Traffic Crash Investigations, ~~and~~ Traffic Control and Stops, and Crisis Intervention.

(b) Verify that the applicant’s correctional officer training is comparable to the Commission’s Traditional Correctional Basic Recruit Training Program whenever an exemption is requested, and at a minimum reflects successful completion of training for the topics of Correctional Legal Issues, Report Writing, Interpersonal Skills, Firearms, Defensive Tactics, First Aid or equivalent, and Correctional ~~Facility~~ Operations.

(c) Verify that the applicant’s correctional probation officer training is comparable to the Commission’s Florida Traditional Correctional Probation Basic Recruit Training Program whenever an exemption is requested, and at a minimum reflects successful completion of training for the topics of Correctional Probation Officer Legal Issues, Report Writing, Interpersonal Skills, Defensive Tactics, First Aid or equivalent, Probationer Supervision, Caseload Management, Information Systems Management, and Firearms Familiarization ~~firearms~~.

(d) through (e) No change.

1. through 4. No change.

(4) No change.

(a) through (b) No change.

(5) Documentation requirements for out-of-state, federal, and inactive Florida Officers. Upon verification of an individual’s request for exemption of training, pursuant to this rule section, an employing agency or Criminal Justice Selection Center shall submit to Commission staff a completed Equivalency-of-Training, form CJSTC-76, revised November 8, 2007 ~~May 6, 2004~~, hereby incorporated by reference, for out-of-state, federal, and inactive Florida Officers. Supporting documentation verifying the individual’s compliance with comparable basic recruit training and sworn criminal justice experience pursuant to this rule section shall be maintained on file by the employing agency or Criminal Justice Selection Center and submitted to Commission staff for review. The agency shall be notified of the approval or denial of the requested exemption of certification in writing within 30 working days. Any appeal of denial of exemption is governed by Section 120.57, F.S.

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

11B-30.0062 and paragraph 11B-30.008(2)(c), F.A.C. Demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills and passing the State Officer Certification Examination shall be completed within one year after receiving exemption. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills, the training school shall complete an Equivalency-of-Training Proficiency Demonstration, form CJSTC-76A, revised November 8, 2007 May 5, 2005, hereby incorporated by reference, and provide a copy to the officer of both form CJSTC-76A and the Commission-approved Examination Admission Voucher, form CJSTC-517. The training center director or designee shall, within thirty days of course completion, electronically transmit a completed Training Report form CJSTC-67 through the Commission's ATMS, or submit an updated form CJSTC-67.

(7) Individuals, who have qualified for an exemption from a Commission-approved Basic Recruit Training Program, pursuant to this rule section, shall become employed within four years from the beginning date the required proficiency demonstration as entered on the Training Report form CJSTC-67 the exemption from basic recruit training was approved.

(8) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.131(2) FS. History--New 1-2-97, Amended 7-7-99, 11-5-02, 11-30-04, 3-27-06, 3-21-07.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Criminal Justice Information Systems**

RULE NOS.: RULE TITLES:  
11C-4.003 Arrest Fingerprint Card Submission  
11C-4.006 Final Disposition Reporting

PURPOSE AND EFFECT: Updates procedures for clerk of courts regarding disposition submissions.

SUMMARY: Rule 11C-4.003, F.A.C. - updates bureau name change and deletes references to an obsolete manual. Rule 11C-4.006, F.A.C. - updates procedures for clerk of courts regarding disposition submissions.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.051(2), 943.052, 943.05(2)(d) FS.

LAW IMPLEMENTED: 943.05, 943.051, 943.052 FS.

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

DATE AND TIME: Wednesday, April 2, 2008, 10:00 a.m.

PLACE: 2331 Phillips Road, Tallahassee, Florida 32308-1489 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Petrina Herring at (850)410-7100. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Petrina Herring, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL 32308, (850)410-7978

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-4.003 Arrest Fingerprint Card Submission.

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

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

(2) through (3) No change.

Specific Authority 943.03(4), 943.05(2)(d), 943.051(2) FS. Law Implemented 943.05, 943.051 FS. History--New 6-24-76, Amended 6-27-78, Formerly 11C-4.03, Amended 7-7-99, 3-21-07.

11C-4.006 Final Disposition Reporting.

(1) through (2) No change.

(3) Agencies, and clerks of the court possessing the technical requirements to collect, process, store, and disseminate disposition data in an automated information

management system ~~shall~~ may submit disposition information to the Department in an automated format as approved by the Director of the Criminal Justice Information Services.

~~(4) If within 180 days after an arrest no disposition report to the Department has been made, the Department shall notify the arresting agency and request a disposition report. The arresting agency may forward the notice to the agency responsible for responding to the Department's request according to arrangements agreed upon by authorities within each county or municipality. Thereafter the responsible agency shall provide such disposition report within 30 days.~~

Specific Authority 943.03(4), 943.052 FS. Law Implemented 943.052 FS. History—New 6-24-76, Amended 11-12-81, Formerly 11C-4.06, Amended 7-7-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jean Itzen, Criminal Justice Information Systems, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7000

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jean Itzen, Criminal Justice Information Systems, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Criminal Justice Information Systems**

RULE NOS.:	RULE TITLES:
11C-6.004	Procedures for Requesting Criminal History Records
11C-6.010	Retention of Applicant Fingerprints

PURPOSE AND EFFECT: Updates procedures for submission of criminal history records and fingerprints.

SUMMARY: Rule 11C-6.004, F.A.C. – Updates procedures for electronic submission of fingerprint cards.

Rule 11C-6.010, F.A.C. – Updates procedures for retention of applicant fingerprint information to FDLE.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.053(3), 943.0542, 943.056, 987.407(4), 1012.32(3), 1012.465, 1012.56 FS.

LAW IMPLEMENTED: 943.053(3), 943.0542, 943.056, 987.407, 1012.32(3), 1012.465, 1012.56 FS.

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

DATE AND TIME: Wednesday, April 2, 2008, 10:00 a.m.

PLACE: 2331 Phillips Road, Tallahassee, Florida 32308-1489

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Petrina Herring at (850)410-7100. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Petrina Herring, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL 32308, (850)410-7100

THE FULL TEXT OF THE PROPOSED RULES IS:

11C-6.004 Procedures for Requesting Criminal History Records.

(1) through (3) No change.

(4) Entities applying to the Florida Department of Law Enforcement to be qualified to receive criminal history records under the National Child Protection Act of 1993, as amended, must first complete and submit the following documents to the Florida Department of Law Enforcement, in accordance with the instructions provided: VECHS Qualified Entity Application – Volunteer & Employee Criminal History System (NCPA 1; Rev. January 1, 2001); and VECHS User Agreement – Volunteer & Employee Criminal History System (NCPA 2; Rev. January 1, 2001). Entities that are qualified through the Florida Department of Law Enforcement to receive criminal history records under the National Child Protection Act must complete an FBI authorized fingerprint card or electronic fingerprint submission for each person and submit it ~~the following documents~~ to the Florida Department of Law Enforcement for ~~with~~ each request for a criminal history record, ~~in accordance with the instructions provided: An authorized fingerprint card for each person whose criminal history record is requested; and a VECHS Waiver Agreement and Statement – Volunteer & Employee Criminal History System (NCPA 3; Rev. January 1, 2001).~~ Qualified entities that release to another qualified entity any criminal history record information received pursuant to the National Child Protection Act must complete and maintain the following document, in accordance with the instructions provided: VECHS Dissemination Log – Volunteer & Employee Criminal History System (NCPA 4, Rev. January 1, 2001). These forms are incorporated by reference.

Specific Authority 943.03(4), 943.053(3), 943.0542, 943.056 FS. Law Implemented 943.053(3), 943.0542, 943.056 FS. History—New 12-30-76, Amended 11-7-83, Formerly 11C-6.04, Amended 9-1-88, 4-1-93, 7-7-99, 8-22-00, 7-29-01, 12-3-03, \_\_\_\_\_.

11C-6.010 Retention of Applicant Fingerprints.

(1) through (6) No change.

(7) Noninstructional contractors who are subject to criminal history checks and whose fingerprints are retained in the AFRNP for five years under Section 1012.467, F.S., shall pay the prescribed fee for the five year retention period at initial submission of fingerprints. All other submissions which are retained Governmental agencies will be charged this fee annually in advance on the anniversary of the individual applicant's initial entry into the program. in one of two ways according to the agency's preference:

(a) Annually in advance on October 1; or

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

(8) As a condition of participation in the AFRNP, the agency must inform the Department in writing and receive written confirmation from the Department of all persons with retained fingerprints who are no longer employed, licensed, certified, or otherwise associated with the agency in order that such persons may be removed from the AFRNP database. Without regard to whether an applicant fingerprint entry is retained in the AFRNP database, data from an applicant fingerprint entry which would improve the quality or clarity of an arrest fingerprint entry will be merged with the arrest fingerprints, and the applicant print will be retained as part of the criminal history record database. An applicant fingerprint entry which is found to match a latent fingerprint taken from a crime scene will be retained as part of the criminal history database unless an arrest fingerprint offers a match that is at least as demonstrable. With respect to any person previously entered in the database for whom the Department does not receive notification of removal by September 29 in the case of the first billing option above at subsection (7), or by two days prior to the anniversary date in the case of the second billing option, the annual fee must be paid.

Specific Authority 943.05(2)(g), (h), 987.407(4), 1012.32(3), 1012.465, 1012.56 FS. Law Implemented 987.407, 1012.32(3), 1012.465, 1012.56 FS. History—New 11-30-04, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha Wright, Criminal Justice Information Systems, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7000

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Martha Wright, Criminal Justice Information Systems, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Criminal Justice Information Systems**

RULE NOS.:	RULE TITLES:
11C-7.006	Procedures on Court-Ordered Expunctions
11C-7.007	Procedures on Court-Ordered Sealings
11C-7.009	Procedures on Juvenile Diversion Expunctions

PURPOSE AND EFFECT: Updates information and procedures.

SUMMARY: Changes to rules update forms, website information and procedures for sealing and expunction of criminal history records.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.0582, 943.058(2), 943.059 FS.

LAW IMPLEMENTED: 943.03(4), 943.058(2), 943.0585, 943.059 FS.

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

DATE AND TIME: Wednesday, April 2, 2008, 10:00 a.m.

PLACE: 2331 Phillips Road, Tallahassee, Florida 32308-1489 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Petrina Herring at (850)410-7100. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Petrina Herring, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL 32308, (850)410-7100

THE FULL TEXT OF THE PROPOSED RULES IS:

## 11C-7.006 Procedures on Court-Ordered Expunctions.

(1) Prior to petitioning the court to expunge a criminal history record, the subject must apply to the Department for a certificate of eligibility for expunction. The application for the certificate of eligibility must include:

(a) No change.

(b) A completed Application for Certification of Eligibility. The subject must complete section A of the application. The Application for Certification of Eligibility (form number FDLE 40-021, rev. July 2006 ~~September, 1998~~), incorporated here by reference, may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement  
Expunge Section  
Post Office Box 1489  
Tallahassee, Florida 32302-1489  
Telephone Number: (850)410-7870  
Website: <http://www.fdle.state.fl.us/expunge>

(c) ~~A written, certified statement from the appropriate state attorney or statewide prosecutor which meets the requirements set forth in Sections 943.0585(2)(a), F.S. The appropriate state attorney or statewide prosecutor should complete section B of the Application for Certification of Eligibility and have it certified.~~

(d) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258) or Fingerprint form 40-024, (rev. February 2008) and incorporated here by reference. The fingerprinting must be done by a law enforcement agency. The law enforcement agency fingerprinting the subject should place the following statement in the "Reason Fingerprinted" section on the card or Fingerprint form "Application For Certification Of Eligibility For Expunction." The subject must pay any fees required by the law enforcement agency for providing this service. If a copy of the Applicant Fingerprint Card is needed, it may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement  
Expunge Section  
Post Office Box 1489  
Tallahassee, Florida 32302-1489  
Telephone Number: (850)410-7870-  
Website: <http://www.fdle.state.fl.us/expunge>

(e) No change.

(2) The complete application packet should be mailed or delivered to ~~Accounting and Budgeting~~, Florida Department of Law Enforcement, ATTN: Expunge/Seal Section, Post Office Box 1489, Tallahassee, Florida 32302-1489. ~~The following notation should be placed on the envelope: "ATTENTION EXPUNGE SECTION."~~

(3) through (4) No change.

(5) The Department will send the subject a Certificate of Eligibility (form number FDLE 40-022, rev. July 2006 ~~September, 1998~~), incorporated here by reference, if the specified criminal history record meets the requirements for expunction. If the specified criminal history record does not meet the requirements for expunction, the Department will send the subject a letter stating the reason for ineligibility with an explanation of appeal rights.

(6) No change.

Specific Authority 943.03(4), 943.058(2) FS. Law Implemented 943.0585 FS. History--New 8-5-92, Amended 7-7-99, 8-22-00,\_\_\_\_\_.

## 11C-7.007 Procedures on Court-Ordered Sealings.

(1) Prior to petitioning the court to seal a criminal history record, the subject must apply to the Department for a certificate of eligibility for sealing. The application for the certificate of eligibility must include:

(a) No change.

(b) A completed Application for Certification of Eligibility. The subject should complete section A of the application. The Application for Certification of Eligibility (form number FDLE 40-021 rev. July 2006 ~~10/01~~ and incorporated by reference), may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement  
Expunge Section  
Post Office Box 1489  
Tallahassee, Florida 32302-1489  
Telephone Number: (850) 410-7870  
Website: <http://www.fdle.state.fl.us/expunge>

(c) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258) or Fingerprint form (40-024, rev. February 2008). The fingerprinting must be done by a law enforcement agency. The law enforcement agency fingerprinting the subject should place the following statement in the "Reason Fingerprinted" section on the card or Fingerprint form: "Application For Certification of Eligibility For Sealing." The subject must pay any fees required by the law enforcement agency for providing this service. If a copy of the Applicant Fingerprint Card is needed, it may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement  
Expunge Section  
Post Office Box 1489  
Tallahassee, Florida 32302-1489  
Telephone Number: (850)410-7870  
Website: [www.fdle.state.fl.us/expunge/](http://www.fdle.state.fl.us/expunge/)

(d) No change.



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

DATE AND TIME: Wednesday, April 2, 2008, 10:00 a.m.

PLACE: 2331 Phillips Road, Tallahassee, Florida 32308-1489

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Petrina Herring at (850)410-7100. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Petrina Herring, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL 32308, (850)410-7100

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-8.001 Review Procedures.

(1) No change.

(2) The individual must then be fingerprinted by a local law enforcement agency or by FDLE for identification purposes. The fingerprint card must contain all required identifying data as outlined in the ~~Criminal Justice Procedural Manual~~, and a conspicuous notation that the card is submitted in order to provide positive identification for a personal record review.

(3) through (9) No change.

Specific Authority 943.03(4), 943.05(2)(d), 943.056 FS. Law Implemented 943.056 FS. History—New 6-24-76, Amended 11-12-81, Formerly 11C-8.01, Amended 7-7-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jean Itzen, Criminal Justice Information Systems, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7000

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: February 26, 2008

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Local Law Enforcement Assistance**

RULE NOS.:	RULE TITLES:
11D-8.002	Definitions
11D-8.003	Approval of Breath Test Methods and Instruments

11D-8.0035	Approval of Alcohol Reference Solution and Sources
11D-8.004	Department Inspection and Registration of Breath Test Instruments
11D-8.006	Agency Inspection of Breath Test Instruments
11D-8.007	Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures
11D-8.0075	Agency Retention of Records
11D-8.008	Breath Test Operator and Agency Inspector
11D-8.011	Approval of Blood Alcohol Test Methods
11D-8.012	Blood Samples – Labeling and Collection
11D-8.013	Blood Alcohol Permit – Analyst
11D-8.014	Blood Alcohol Permit – Analyst: Renewal
11D-8.015	Denial, Revocation, and Suspension of Permits
11D-8.017	Forms

PURPOSE AND EFFECT: To conform and comply with new developments in the field of alcohol testing and with the needs of those affected by these rules.

SUMMARY: Rule revisions pertain to the regulation and implementation of Florida's implied consent and alcohol testing program. The proposed revisions govern definitions of terminology; regulation of and qualifications for alcohol test permit holders; and use and maintenance of breath test instruments.

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

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

SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS.

LAW IMPLEMENTED: 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS.

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

DATE AND TIME: Wednesday, April 2, 2008, 10:00 a.m.

PLACE: 2331 Phillips Road, Tallahassee, Florida 32308-1489

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sharon S. Traxler at (850)617-1290. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon S. Traxler, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL 32308, (850)617-1290

THE FULL TEXT OF THE PROPOSED RULES IS:

11D-8.002 Definitions.

(1) through (4) No change.

(5) Agency Inspection – the periodic testing of the calibration and operation of an evidentiary breath test instrument, including all required preventive maintenance, in accordance with Rule 11D-8.006, F.A.C., and performed by an Agency Inspector a person authorized by the Department.

(6) through (8) No change.

(9) Alcohol Reference Solution – a standard ~~used to verify the calibration of a breath test instrument~~ consisting of a mixture of alcohol and distilled or deionized water that will produce a known alcohol vapor concentration at a specific temperature, used to verify the accuracy of an evidentiary breath test instrument.

(10) No change.

(11) Approved Blood Alcohol Test – the analyses of two separate portions of the same blood sample using a Department-approved blood alcohol test method and a Department-approved analytical procedure, with results within 0.010 grams of alcohol per 100 milliliters of blood (g/100mL), and reported as the blood alcohol level.

(12) Approved Breath Alcohol Test – conducted in accordance with Operational Procedures – Intoxilyzer 8000 FDLE/ATP Form 37, Rev. October 2007, a minimum of two evidentiary breath samples, as defined in paragraph (18) of this section, of breath collected within fifteen minutes of each other, analyzed using an evidentiary approved breath test instrument, producing two results within 0.020 g/210L, and reported as the breath alcohol level. If the results of the first and second evidentiary breath samples are more than 0.020 g/210L apart, a third evidentiary breath sample shall be analyzed. Refusal or failure to provide the required number of valid breath samples constitutes a refusal to submit to the breath test. Notwithstanding the foregoing sentence, the result(s) obtained, if proved to be reliable, shall be acceptable as a valid breath alcohol level.

(13) Authorized Repair Facility – the Department, the breath test instrument manufacturer, or an entity authorized by the breath test instrument manufacturer to service and repair such breath test instrument.

(14) through (15) No change.

(16) Blood Alcohol Testing Reference Laboratory – a laboratory which conducts blood alcohol analyses, and participates in a proficiency test cycle for their quality control purposes. To become qualified, the blood alcohol testing reference laboratory’s analytical procedure must meet the requirements of subsection 11D-8.013(3), F.A.C. before the Department will use their proficiency test results for a blood alcohol proficiency test cycle.

~~(17)(46)~~ Breath Alcohol Level – the alcohol concentration by weight in a person’s breath based upon grams of alcohol per 210 liters of breath (g/210L).

~~(18)(47)~~ Breath Test Instructor – a person who has been issued a Breath Test Instructor Certification by the Criminal Justice Standards and Training Commission.

~~(19)(48)~~ Breath Test Operator – a person who has been issued a Breath Test Operator permit by the Department.

(20) Commission – Criminal Justice Standards and Training Commission

(21) Control Test – when conducted during a breath test, the verification of the accuracy of an evidentiary breath test instrument through the analysis of a 0.08 g/210L dry gas standard.

~~(22)(49)~~ Department – the Florida Department of Law Enforcement.

(23) Diagnostic Check – an internal systems analyses conducted by an evidentiary breath test instrument to ensure operational requirements are met for functionality and performance.

~~(24)(20)~~ Dry Gas Standard – a standard consisting of a mixture of alcohol and gas which produces a known alcohol vapor concentration, used to verify the accuracy calibration of a breath test instrument.

(25) Evidentiary Breath Sample – air expelled from the lung(s) in a single exhalation achieving slope as indicated by the instrument. Commonly referred to as “deep lung air” or “end expiratory air”.

~~(26)(21)~~ Evidentiary Breath Test Instrument – a breath test instrument approved by the Department under Rule 11D-8.003, F.A.C., registered by the Department under Rule 11D-8.004, F.A.C., and used primarily to conduct breath alcohol breath tests pursuant to Florida law.

~~(27)(22)~~ Methods – types of alcohol analyses approved by the Department to conduct chemical or physical tests of blood or breath.

~~(28)(23)~~ Mouth Alcohol Solution – a mixture of alcohol and distilled or deionized water provided by the Department.

~~(29)~~(24) Permit – when issued by the Department, certifies that the holder has met all necessary qualifications, remains in full compliance with these rules and is authorized to perform all related duties. A permit is issued only to a qualified applicant and remains valid and in full effect until determined otherwise by the Department.

(30) Precision – the nearness of measurements to each other; expressed as a standard deviation.

~~(31)~~(25) Reference Sample Device – a device, also known as a simulator, that produces a known vapor concentration by the passage of air through a liquid.

~~(32)~~(26) Target Concentration – a gas chromatographic result equivalent to the following known alcohol vapor concentrations of alcohol reference solution: for 0.05 g/210L the target concentration is 0.0605 g/100mL; for 0.08 g/210L the target concentration is 0.0968 g/100mL; for 0.20 g/210L the target concentration is 0.2420 g/100mL.

Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-6-99, 7-29-01, 11-5-02, 12-9-04, 3-27-06, \_\_\_\_\_.

11D-8.003 Approval of Breath Test Methods and Instruments.

(1) No change.

(2) The Department approves breath test methods and new instrumentation to ensure the accuracy and reliability of breath test results. An evaluation for approval of a new instrument shall be conducted by the Department in accordance with and meet the requirements of Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. October 2007. The Department has approved the following breath test instrumentation for evidentiary use: CMI, Inc. Intoxilyzer 5000 Series including any or all instruments using one of the following programs: 5000 Basic Software Program; Florida Software Program; R Software Program; and CMI, Inc. Intoxilyzer 8000 using software evaluated by the Department in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 Rev. March 2004.

(3) The Department has approved the following breath test instrument for evidentiary use: CMI, Inc. Intoxilyzer 8000 using software evaluated by the Department. The Department has approved the following options for use with Intoxilyzer 5000 Series instruments: keyboard; simulator recirculation; sample capture; pressure switch setting at no less than two inches and no more than six inches of water.

(4) Evaluation(s) of software intended for evidentiary use and of approved breath test instrument(s) listed in subsection (3) shall be conducted in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. October 2007. Evaluation(s) that meet the requirements of Instrument

Evaluation Procedures FDLE/ATP Form 34 – Rev. October 2007 validate the approval, accuracy, precision and reliability of an evidentiary breath test instrument.

~~(5)~~(4) A Department inspection that complies performed in accordance with Rule 11D-8.004, F.A.C., validates the approval, calibration, accuracy, precision and reliability of an evidentiary breath test instrument.

~~(5) The Department shall conduct evaluations for approval of new instrumentation under subsection (2) in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. March 2004.~~

(6) The availability or approval of new instruments; software, options or modifications does not negate the approval status of currently previously approved instruments; software, options or modifications. The evaluation of new software, options or modifications does not negate the use of previously evaluated software, options or modifications.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, \_\_\_\_\_.

11D-8.0035 Approval of Alcohol Reference Solution and Sources.

(1) The Department shall approve a source of alcohol reference solution for use by agencies in the State of Florida. The source approved by the Department shall be an entity that manufactures alcohol reference solutions and meets the following requirements:

(a) through (b) No change.

(c) The source must produce alcohol reference solution lots which are traceable to the National Institute of Standards and Technology.

(d) Each alcohol reference solution lot produced by the source must be certified by the source as to its contents and alcohol vapor concentration.

(2) The Department shall approve each lot of alcohol reference solution prior to distribution for use in Florida.

(a) The Department shall determine the alcohol concentration in a minimum of ten (10) sample bottles of each lot of alcohol reference solution using gas chromatography or other scientifically accepted method. The Duplicate analyses will be performed on two separate samples from each sample bottle of alcohol reference solution. All analysis results shall fall within the alcohol reference solution acceptable range.

(b) No change.

(3) through (4) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3., (d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 7-6-99, Amended 7-29-01, 12-9-04, \_\_\_\_\_.

11D-8.004 Department Inspection and Registration of Breath Test Instruments.

(1) The Department shall register and inspect a breath test instrument prior to such instrument being initially placed into evidentiary use by an agency. The inspection which complies with Department Inspection Procedures – Intoxilyzer 8000 – FDLE/ATP Form 36 – Revised October 2007, validates the instrument’s approval for evidentiary use, and the registration denotes an evidentiary breath test instrument approved pursuant to these rules and shall reflect the registration date, the owner of the instrument, the instrument serial number, the manufacturer, and the model designation.

(2) Evidentiary Registered breath test instruments shall be inspected by the Department at least once each calendar year, and must be accessible to the Department for inspection. Any evidentiary breath test instrument returned from an authorized repair facility shall be inspected by the Department prior to being placed in evidentiary use. The Department inspection which complies with Department Inspection Procedures – Intoxilyzer 8000 – FDLE/ATP Form 36 – Revised October 2007, validates the instrument’s approval, calibration, accuracy, precision, and reliability of an evidentiary breath test instrument for evidentiary use.

(3) Department inspections shall be conducted in accordance with Department Inspection Procedures FDLE/ATP Form 35 – Rev. August 2005 for the Intoxilyzer 5000 Series, or Department Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 36 – Rev. October 2007 August 2005 for the Intoxilyzer 8000; and the results reported on FDLE/ATP Form 26 – Department Inspection Report – Rev. March 2004 for the Intoxilyzer 5000 Series, or FDLE/ATP Form 41 – Department Inspection Report – Intoxilyzer 8000 – Rev. August 2005 for the Intoxilyzer 8000.

(4) As of January 2, 2009, an evidentiary breath test instrument owned by the Department must be calibrated by an authorized repair facility, as defined in subsection (13) of this section, at least once every two (2) calendar years. Compliance with this section can be established by the Certificate of Calibration issued by the authorized repair facility.

(5)(4) Department Inspectors shall be employed by the Department to register evidentiary breath test instruments, to conduct inspections and maintenance of breath test instruments and related equipment and facilities, to conduct and monitor training classes, and to otherwise ensure compliance with Chapter 11D-8, F.A.C.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History– New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, \_\_\_\_\_.

11D-8.006 Agency Inspection of Breath Test Instruments.

(1) Evidentiary breath test instruments shall be inspected by an agency inspector at least once each calendar month. The agency inspection shall be conducted in accordance with Agency Inspection Procedures FDLE/ATP Form 16 – Rev. March 2004 for the Intoxilyzer 5000 Series, or Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39 – Rev. October 2007 August 2005 for the Intoxilyzer 8000; and the results reported on FDLE/ATP Form 24 – Agency Inspection Report – Rev. March 2001 for the Intoxilyzer 5000 Series, or FDLE/ATP Form 40 – Agency Inspection Report – Intoxilyzer 8000 – March 2004 for the Intoxilyzer 8000.

(2) ~~Whenever an agency relocates an Intoxilyzer 5000 evidentiary breath test instrument for use at another facility, an agency inspection shall be conducted prior to the instrument’s removal, and another inspection shall be conducted prior to the instrument’s use for evidentiary breath testing at the new facility. A mobile testing unit is considered an agency facility.~~

(2)(3) Whenever an instrument is taken out of evidentiary use, the agency shall conduct an agency inspection. The agency shall also conduct an agency inspection prior to returning an instrument to evidentiary use.

(3) As of January 2, 2009, an evidentiary breath test instrument must be calibrated by an authorized repair facility, as defined in subsection (13) of this section, at least once every two (2) calendar years. Compliance with this section can be established by the Certificate of Calibration issued by the authorized repair facility.

(4) Agency Inspectors are responsible for compliance with Chapter 11D-8, F.A.C., rules governing agency custody, care, and inspection of breath test instruments and records as defined in Rule 11D-8.0075, F.A.C.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History– New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, \_\_\_\_\_.

11D-8.007 Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures.

(1) Evidentiary breath test instruments shall only be accessible to a person issued a valid permit by the Department and to persons authorized by a permit holder. This section does not prohibit agencies from sending an evidentiary breath test instrument to an authorized repair facility. Only authorized repair facilities are authorized to remove the top cover of an Intoxilyzer 8000 evidentiary breath test instrument.

(2) through (3) No change.

(4) When operating an Intoxilyzer 5000 Series instrument, a breath test operator shall conduct a breath test in accordance with, and shall record the results on, the Breath Test Results Affidavit FDLE/ATP Form 14 Rev. March 2002. When operating an Intoxilyzer 8000 instrument, a breath test operator

shall conduct a breath test in accordance with Operational Procedures – Intoxilyzer 8000 FDLE/ATP Form 37 – Rev. ~~October 2007 August 2005~~, and the results of the test shall be recorded on the Breath Alcohol Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38 – ~~October, 2007 March 2004~~.

~~(5) Each agency shall record all breath tests conducted on a particular Intoxilyzer 5000 Series evidentiary breath test instrument on the Breath Test Log FDLE/ATP Form 13 – Effective January 1997. The breath test log shall be reviewed each calendar month by an agency inspector to ensure that the information is properly recorded and that all necessary corrections are made. The agency inspector’s signature on the breath test log shall signify compliance with this section.~~

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, \_\_\_\_\_.

11D-8.0075 Agency Retention of Records.

(1) Each agency shall maintain the following records for at least three years from the last entry date: agency inspection reports, ~~copies of department inspection reports, evidentiary breath test instrument certificate(s) of calibration, and agency inspection print cards, breath test logs~~ and evidentiary breath test instrument repair records. The evidentiary breath test instrument registration shall be retained by an agency for at least three years after the instrument is removed from evidentiary use. Dry gas standard certificates of analysis shall be retained by an agency for at least three years after the expiration date receipt.

(2) through (3) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 322.63(3), 327.354(3) FS. History–New 7-29-01, Amended 11-5-02, 12-9-04, \_\_\_\_\_.

11D-8.008 Breath Test Operator and Agency Inspector.

(1) through (2) No change.

(3) Breath Test Operators and Agency Inspectors must satisfy continuing education requirements in order to maintain valid permits. Continuing education requires successful completion of the applicable Commission-approved basic or renewal course by June 30 following the fourth permit anniversary date, and during each subsequent four-year cycle. Successful completion of the Commission-approved Agency Inspector Course or Agency Inspector Renewal Course also satisfies an Agency Inspector’s breath test operator continuing education requirements.

(4) Any Breath Test Operator or Agency Inspector who fails to satisfy the continuing education requirements shall not perform any duties authorized by the permit until successful completion of the applicable Commission-approved basic or renewal course.

(5) A Breath Test Operator or Agency Inspector must be employed by an Agency in order to perform the duties authorized by the permit. Permits to conduct breath tests and inspect breath test instruments issued pursuant to former Rule 11D-8.008, F.A.C., shall remain valid until such permits expire or otherwise become invalid in accordance with those rules.

~~(6) Agency Inspectors are responsible for compliance with Chapter 11D-8, F.A.C., rules governing agency custody, care, and inspection of breath test instruments and related records.~~

~~(6)(7) Any Bbreath Ttest Ooperator or Aagency Iinspector who fails to successfully complete the Commission-approved renewal course shall not perform any duties authorized by the permit until successful completion of the Commission-approved basic course.~~

~~(7)(8) Members of the Department’s Alcohol Testing Program who instruct Commission-approved breath test courses may use such course instruction to satisfy their continuing education requirements under this section.~~

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, \_\_\_\_\_.

11D-8.011 Approval of Blood Alcohol Test Methods.

The Department approves the following test methods for determining a blood alcohol level:

- ~~(1) Alcohol Dehydrogenase (Enzymatic);~~
- ~~(2) Gas Chromatography.~~

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3., (d) FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, \_\_\_\_\_.

11D-8.012 Blood Samples – Labeling and Collection.

(1) Before collecting a sample of blood, the skin puncture area must be cleansed with an antiseptic, such as povidone-iodine or benzalkonium chloride, that does not contain alcohol. Compliance with this section can be established by the information on the packaging of the antiseptic.

(2) Blood samples must be collected in an glass evacuated blood collection tube that is not expired and contains at least 2 mg/mL of the preservative such as sodium fluoride (NaF) and an at least 2 mg/mL of the anticoagulant such as potassium oxalate or at least 1 mg/mL of the anticoagulant EDTA (ethylenediaminetetraacetic acid)- as listed on Compliance with this section can be established by the stopper or label of on the collection tube, documentation from the manufacturer or distributor, or by other evidence. Compliance with this section can be established by dividing the amount (in mg) of the preservative or anticoagulant by the volume (in mL) of the collection tube.

(3) Immediately after collection, the tube must be inverted a ~~minimum of two several~~ times to mix the blood with the preservative and anticoagulant.

(4) No change.

(5) Compliance with the collection and labeling requirements of paragraphs (1) through (4) shall be documented by the person observing collection and receiving the blood sample on Certification of Blood Collection and Labeling FDLE/ATP Form 42 – New October 2007.

(6)(5) Blood samples need not be refrigerated for up to ~~if submitted for analysis within seven (7) days after of collection,~~ or during transportation, examination or analysis. Blood samples must be otherwise refrigerated, except that refrigeration is not required subsequent to the initial analysis.

(7)(6) Blood samples must be hand-delivered or mailed for initial analysis within thirty days of collection, and must be initially analyzed within sixty days of receipt by the facility conducting the analysis. Blood samples which are not hand-delivered must be sent by priority mail, overnight delivery service, or other equivalent delivery service.

(8)(7) Notwithstanding any requirements in Chapter 11D-8, F.A.C., any blood analysis results obtained, if proved to be reliable, shall be acceptable as a valid blood alcohol level.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3., (d) FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History—New 10-31-93, Amended 7-29-01, \_\_\_\_\_.

11D-8.013 Blood Alcohol Permit – Analyst.

(1) ~~An The~~ application for a permit to determine the alcohol level of a blood sample shall be ~~made on a form~~ provided ~~to by~~ the Department and shall include the following information:

(a) through (d) No change.

(e) A completed Blood Alcohol Analyses Analytical Procedures FDLE/ATP Form 43 – New October 2007 ~~description of proposed.~~

(2) Qualifications for blood analyst permit – To qualify, the applicant must meet all of the following requirements:

(a) Department approval of analytical procedure(s). The Department shall approve analytical procedure(s) described in the Blood Alcohol Analyses Analytical Procedures FDLE/ATP Form 43 – New October 2007 which meet the requirements of subsection (3): All proposed analytical procedures will be reviewed and a determination of approval will be made by the Department;

(b) Satisfactory determination of the blood alcohol level in five (5) proficiency test samples ~~provided by the Department~~ using the ~~proposed~~ analytical procedure. Satisfactory determination shall be made by reporting results for the analyses of two separate samples of each proficiency test blood tube within its acceptable range. The Department will provide the proficiency test samples and use the results reported by the

analysts and participating blood alcohol testing reference laboratories to calculate each sample level mean and standard deviation to attain the acceptable ranges for the proficiency test cycle. For blood alcohol proficiency testing, the procedure to determine acceptable ranges shall be the following: Satisfactory determination shall be made by reporting results for blood alcohol proficiency samples within the acceptable range for the samples. For blood alcohol testing, acceptable ranges shall mean the calculated proficiency sample mean + or – 3 standard deviations, iterated twice. The mean and standard deviations will be calculated using the results reported by the analysts and reference laboratories

1. Calculate the mean plus or minus three (3) standard deviations of the results submitted for all five (5) sample levels of the proficiency test cycle.

2. Remove any results that fall outside this initial range.

3. Calculate the new mean plus or minus three (3) standard deviations of the remaining results for all five (5) sample levels of the proficiency test cycle.

These final calculations become the acceptable ranges for the proficiency test cycle.

(c) No change.

(d) Meet one of the following:

1. through 2. No change.

3. Complete with a C- or better a minimum of 60 ~~semester~~ credit hours or equivalent of college, at least 15 credit semester hours of which must be in college chemistry.

(3) The department shall approve gas chromatographic analytical procedures ~~and enzymatic analytical procedures based on alcohol dehydrogenase~~ which meet the following requirements as described on Blood Alcohol Analyses Analytical Procedures FDLE/ATP Form 43 – New October 2007:

(a) No change.

(b) Uses commercially-prepared standards and controls ~~certified by the manufacturer,~~ or laboratory-prepared standards and controls. Standards and controls must either be certified by the manufacturer or verified using gas chromatography against certified standards. For commercially-prepared standards and controls, the manufacturer, lot number and expiration date must be documented for each sample or group of samples being analyzed. For laboratory-prepared standards and controls, the preparation date, person preparing the solution, method of preparation and verification must be documented;

(c) No change.

(d) Uses a new or existing calibration curve. The new calibration curve must be generated using at least three (3) standards: one at 0.05 g/100mL or less, one between 0.05 and 0.20 g/100mL ~~(inclusive)~~ and one at 0.20 g/100mL or higher, and must be verified using a minimum of two (2) controls, one at 0.05 g/100mL or less and one at 0.20g/100mL or higher. The existing calibration curve must be verified using a minimum of two (2) controls, one at 0.05 g/100mL or less and one at

0.20g/100mL or higher. All standards and controls analyzed must produce results within 0.005 g/100mL or 5%, whichever is greater, from the known standard or control value;

(e) No change.

(f) The A-gas chromatographic analytical procedure must discriminate between methanol, ethanol, acetone and isopropanol and employ an internal standard technique;

(g) An enzymatic analytical procedure based on alcohol dehydrogenase must use the procedure recommended by the instrument manufacturer/test kit vendor for whole blood alcohol analysis, and the enzyme used must have sufficient selectivity to provide negligible cross-reactivity towards methanol, acetone and isopropanol. The analytical procedure must require the analyses of two separate samples from a blood tube, submitted by an agency, producing results within 0.010 grams of alcohol per 100 milliliters of blood (g/100mL) of each other.

(4) The permit shall be issued by the Department for a specific method and analytical procedure. An analyst shall only use a Department-approved analytical procedure to determine the blood alcohol level of samples submitted by an agency. Approval of blood alcohol analysis methods and analytical procedures shall be based on rule requirements in effect at the time they were submitted for approval. Any substantial change to the method, analytical procedure, or laboratory facility must receive prior approval by the Department before being used to determine the blood alcohol level of a sample submitted by an agency. The Department shall determine what constitutes a substantial change.

(5) Any change to the method or analytical procedure must receive approval by the Department prior to being used to determine the blood alcohol level of a sample submitted by an agency. The analyst shall complete and submit an updated Blood Alcohol Analyses Analytical Procedures FDLE/ATP Form 43 – October 2007 and the Department shall ensure that the change(s) comply with all requirements of subsection (3). An analyst shall only use a Department approved procedure to determine the blood alcohol level of samples submitted by an agency. Approval of blood alcohol analysis methods and procedures shall be based on rule requirements in effect at the time they were submitted for approval.

Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3) 322.63(3)(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(b), (e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 4-1-94, 2-1-95, 1-1-97, 11-5-02, 12-9-04.

11D-8.014 Blood Alcohol Permit – Analyst: Renewal.

(1) Permits to conduct blood alcohol analyses shall remain valid until otherwise suspended or revoked by the Department. In order to remain qualified for such permit, an analyst must satisfactorily determine the blood alcohol level of at least two (2) proficiency test samples provided by the Department

semi-annually each annual quarter. Satisfactory determination shall be made by reporting results for the analyses of two separate samples from each proficiency test blood tube within its acceptable range. The Department will use the results reported by the analysts and participating blood alcohol testing reference laboratories to calculate each sample level mean and standard deviation to attain the acceptable ranges for the proficiency test cycle. For blood alcohol proficiency testing, the procedure to determine acceptable ranges shall be the following: Satisfactory determination shall be made by reporting results for blood alcohol proficiency samples within the acceptable range for the samples. For blood alcohol testing acceptable ranges shall mean the calculated proficiency sample mean + or – 3 standard deviations iterated twice. The mean and standard deviations will be calculated using the results reported by the analysts and reference laboratories.

1. Calculate the mean plus or minus three (3) standard deviations of the results submitted for all five (5) sample levels of the proficiency test cycle.

2. Remove any results that fall outside this initial range.

3. Calculate the new mean plus or minus three (3) standard deviations of the remaining results for all five (5) sample levels of the proficiency test cycle.

These final calculations become the acceptable ranges for the proficiency test cycle.

(2) An analyst, who is in good standing, may elect to not participate in one proficiency test cycle each calendar year. The analyst must notify the Department in writing, of his/her election prior to the date the proficiency test results must be reported to the Department.

(2)(3) Upon notification by the Department that an analyst has failed to satisfactorily determine the blood alcohol level on the any set of two (2) proficiency samples, the analyst shall not conduct the duties authorized by the permit. Before resuming the duties authorized by the permit, the analyst must be required to satisfactorily determine the blood alcohol level of an additional second set of five (5) proficiency test samples provided by the Department in the current proficiency test cycle. Satisfactory determination of the blood alcohol level of the additional set of five (5) samples constitutes satisfactory determination for the proficiency test cycle.

(3)(4) Upon notification by the Department that an analyst has failed to satisfactorily determine the blood alcohol level on the additional a second set of five (5) proficiency samples, the analyst shall not perform any duties authorized by the analyst's permit until the analyst satisfactorily determines the blood alcohol level of in the next scheduled proficiency test cycle referenced above a subsequent set of proficiency samples provided by the Department. This section shall not preclude the Department from taking further action in accordance with Rule 11D-8.015, F.A.C.

~~(4)~~(5) Failure to satisfactorily determine the blood alcohol level of any ~~four (4) six (6)~~ sets of proficiency test samples provided by the Department within a twelve (12) month period shall result in revocation of the blood analyst permit.

(5) An analyst may elect to not participate in one proficiency test cycle within a twelve month period. The analyst must notify the Department in writing of his/her election prior to the date the proficiency test results are due. An analyst electing this option shall not perform the duties authorized by the permit until the analyst satisfactorily completes the renewal requirements of the permit. An analyst may either request samples for the current proficiency test cycle or wait until the next cycle. The Department will provide samples in the next proficiency test cycle. failure to participate in this proficiency test cycle will result in the Department taking action in accordance with Rule 11D-8.015, F.A.C.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 11-5-02, \_\_\_\_\_.

11D-8.015 Denial, Revocation, and Suspension of Permits.

(1) Notwithstanding an applicant’s qualifications, the Department shall deny an application for an original permit where the applicant:

- (a) No change.
- (b) Has been convicted of any of the following offenses in any federal or state court:
  - 1. through 2. No change.
  - 3. Criminal conviction for any violation of controlled substance statutes found in Chapter 893, F.S., or violation of any federal controlled substance statute or violation of any other state’s controlled substance statutes;

- 4. through 5. No change.
- (c) through (d) No change.
- (2) No change.

(3) The Department is authorized to revoke any permit for any of the following reasons:

- (a) through (b) No change.
- (c) Being convicted after issuance of the permit of any of the following offenses in any federal or state court:

- 1. through 4. No change.
- 5. Any criminal violation of controlled substance statutes found in Chapter 893, F.S., or federal controlled substance statute or violation of any other state’s controlled substance statutes;

- (d) through (e) No change.
- (4) No change.

(5) The Department is authorized to invalidate the registration of any evidentiary breath test ~~evidential~~ instrument for a violation of any rule relating to the use, custody and care of such instrument.

(6) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.353(2), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, \_\_\_\_\_.

11D-8.017 Forms.

The following forms referenced in these rules are hereby incorporated by reference:

~~FDLE/ATP Form 13 — Breath Test Log — Effective January 1997.~~

~~FDLE/ATP Form 14 — Breath Test Result Affidavit — Revised March 2002.~~

~~FDLE/ATP Form 16 — Agency Inspection Procedures — Revised March 2004.~~

~~FDLE/ATP Form 24 — Agency Inspection Report — Revised March 2001.~~

~~FDLE/ATP Form 26 — Department Inspection Report — Revised March 2004.~~

FDLE/ATP Form 32 – Certificate of Assurance – Revised March 2001.

FDLE/ATP Form 34 – Instrument Evaluation Procedures – Revised October 2007 ~~March 2004~~.

~~FDLE/ATP Form 35 — Department Inspection Procedures — Revised August 2005.~~

FDLE/ATP Form 36 – Department Inspection Procedures – Intoxilyzer 8000 – Revised October 2007 ~~August 2005~~.

FDLE/ATP Form 37 – Operational Procedures – Intoxilyzer 8000 – Revised October 2007 ~~August 2005~~.

FDLE/ATP Form 38 – Breath Alcohol Test Affidavit – Intoxilyzer 8000 – Revised October 2007 ~~March 2004~~.

FDLE/ATP Form 39 – Agency Inspection Procedures – Intoxilyzer 8000 – Revised October 2007 ~~August 2005~~.

FDLE/ATP Form 40 – Agency Inspection Report – Intoxilyzer 8000 – March 2004.

FDLE/ATP Form 41 – Department Inspection Report – Intoxilyzer 8000 – Revised October 2007 ~~August 2005~~.

FDLE/ATP Form 42 – Certification of Blood Collection and Labeling – New October 2007.

FDLE/ATP Form 43 – Blood Alcohol Analyses Analytical Procedures – New October 2007.

These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.

Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS. History—New 10-31-93, Amended 2-1-95, 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Sharon S. Traxler, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)617-1290

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Barfield, (850)617-1290

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2008

DATE PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

**DEPARTMENT OF LAW ENFORCEMENT**

**Medical Examiners Commission**

RULE NO.: 11G-2.001  
RULE TITLE: Determination of Jurisdiction, Preliminary Procedures

PURPOSE AND EFFECT: To develop procedures for cooperative agreements, associate medical examiner appointment, record keeping duties, and workload reporting duties involving autopsies.

SUMMARY: Revisions to this rule section create procedures when medical examiner districts enter into a cooperative agreement for the performance of an autopsy and define requirements for autopsy record keeping and reporting.

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

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

SPECIFIC AUTHORITY: 406.04, 406.05, 406.08 FS.

LAW IMPLEMENTED: 406.02, 406.05, 406.08, 406.11, 406.13 FS.

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

DATE AND TIME: Wednesday, April 2, 2008, 10:00 a.m.

PLACE: 2331 Phillips Road, Tallahassee, Florida 32308-1489  
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Bureau Chief Vickie Marsey at (850)410-8600. If

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8609

THE FULL TEXT OF THE PROPOSED RULE IS:

11G-2.001 Determination of Jurisdiction, Preliminary Procedures.

(1) through (5) No change.

(6) Section 406.05, F.S., provides for cooperative arrangements among the several districts and Section 406.08(2), F.S., provides for fee payment when an autopsy is performed on a body when the death occurred outside the district. When such a cooperative arrangement is for the purpose of transporting the body of a person who dies in one medical examiner district (hereafter, district of jurisdiction) to another for autopsy or examination (hereafter, district of examination):

(a) The physician performing the examination must have a statutory appointment as an associate medical examiner in the district of jurisdiction per the provisions of Rule 11G-1.002, F.A.C.

(b) For each transfer of a body the medical examiner in the district of jurisdiction shall maintain in his or her files documentation of the agreement for the transfer; shall assign a case number from the district of jurisdiction; and shall maintain copies of any reports of examination or opinion by the appointed associate medical examiner, records of identification of the body, and records of the transfer and release of the body to the next of kin.

(c) The medical examiner of the district of examination shall maintain in his or her files documentation of the agreement for the transfer and shall include the case number of the district of jurisdiction on all signed reports.

(d) For Annual Workload reporting purposes for creation of the Annual Report per Section 406.02, F.S., statistics that are required to be sent to the Medical Examiners Commission staff shall be reported by the district of examination.

Specific Authority 406.04, 406.05, 406.08 FS. Law Implemented 406.02, 406.04, 406.05, 406.08, 406.11, 406.13 FS. History—New 10-18-81, Amended 7-10-85, Formerly 11G-2.01, Amended 8-27-87, 11-24-87, 10-14-96, 7-6-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Jim Luten, Florida Department of Law Enforcement, Medical Examiner's Commission, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7000

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

**DEPARTMENT OF LAW ENFORCEMENT**

**Office of Inspector General**

RULE NOS.:	RULE TITLES:
11N-1.002	Criteria
11N-1.004	Procedures for Emergency Violent Crime Investigative Funding
11N-1.005	Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding
11N-1.0051	Procedures for Funding Requests for Matching Drug Control Investigative Funding
11N-1.007	Annual Audit
11N-1.009	Victim/Witness Protection Program

PURPOSE AND EFFECT: To clarify and simplify the application process for agencies receiving funding from the Violent Crime and Drug Control Strategy Implementation Account.

SUMMARY: Clarifies procedures for funding by the Violent Crime and Drug Control Council.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

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

DATE AND TIME: Wednesday, April 2, 2008, 10:00 a.m.

PLACE: 2331 Phillips Road, Tallahassee, Florida 32308-1489 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Joyce Gainous-Harris at (850)410-7096. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joyce Gainous-Harris, Florida Department of Law Enforcement, Investigations and Forensic Science Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7096

THE FULL TEXT OF THE PROPOSED RULES IS:

11N-1.002 Criteria.

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

(1) through (2) No change.

(3) Application information, funding criteria, and dates of scheduled Violent Crime & Drug Control Council (Council) VCDCC meetings can be found at <http://www.fdle.state.fl.us/vcdcc/VCDCC.htm>.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 3-10-94, Amended 10-10-95, 10-25-01, 11-5-02, 3-21-07,\_\_\_\_\_.

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

(1) Requests for violent crime investigative emergency funding up to the maximum of \$25,000 shall be made by a detailed written request demonstrating how emergency funding criteria established in this rule are satisfied and certifying that the requesting agency cannot initiate or continue the investigation without immediate supplemental funding. The request shall be accompanied by Fform FDLE/IFS-001, Violent Crime Investigative Reimbursement Application, revised ~~08/01/07~~ ~~08/01/06~~, hereby incorporated by reference, and FDLE/IFS-006, State Financial Assistance Form, revised 08/01/07, hereby incorporated by reference, and shall be mailed to the Chairperson of the Florida Violent Crime & and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attn.: Investigations and Forensic Science Program. This form can be obtained by written request to the above address.

(2) The Chairperson of the Council Florida Violent Crime and Drug Control Council, as authorized by the Council, shall review all requests for emergency funding, and approve or disapprove each request based upon the criteria specified in this rule chapter, the needs outlined by the requesting agency, and funds available in the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. In the event the Chairperson determines a conflict of interest or becomes unavailable, the Vice Chairperson shall make the decision.

(3) Agencies receiving emergency violent crime investigative funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written ~~bi-annual~~ ~~quarterly~~ report to the ~~C~~hairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report shall be accompanied by ~~F~~orm FDLE/IFS-002, Violent Crime Investigative ~~Bi-Annual~~ ~~Quarterly~~ Report, revised ~~08/01/07~~ ~~08/01/06~~, hereby incorporated by reference, and shall be mailed to the ~~C~~hairperson of the Florida Violent Crime ~~& and~~ Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attn.: Investigations and Forensic Science Program. This form can be obtained by written request to the above address. Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(4) Within 60 days of the conclusion of the violent crime investigation or 180 days after disbursement of the emergency funding, whichever is sooner, the receiving agency shall return any unexpended funds to the Department of Law Enforcement for deposit back into the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, unless the ~~Council~~ ~~Florida Violent Crime Drug Control Council~~ authorizes an extension of the funding based upon a determination that the receiving agency is continuing in good faith to utilize such funds or upon a request of the receiving agency that additional time is needed to prepare and submit a final reconciliation and report to the Council.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 3-10-94, Amended 10-10-95, 8-22-00, 10-25-01, 12-3-03, 3-21-07, \_\_\_\_\_.

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

(1) The Department of Law Enforcement has established in each area of the state served by a Department regional office a Regional Violent Crime Investigative Coordinating Team (~~RCT Team~~). All formal funding requests for violent crime investigation or violent crime trial expense reimbursement funding must be submitted to the ~~RCT Team~~ in the region from which the request is made. Upon receipt, the ~~RCT Team~~ shall review the request to determine whether it appears to conform with the requirements of rule and statute. If the request is determined to not conform with such requirements, it shall be returned to the submitting agency, with the deficiencies specifically noted along with suggestions on how the request may be revised to bring it into conformance with requirements. If the request is determined to conform with such requirements, the Chairperson (Chair) head of the RCT ~~Regional Violent Crime Investigative Coordinating Team~~ shall

signify in writing the ~~RCT's Team's~~ review and endorsement for Council consideration, and forward the request to the Council as noted below.

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

(3) Agencies making formal funding requests under this section, shall submit to the Council via the ~~RCT~~ ~~Regional Violent Crime Investigative Coordinating Team~~ a detailed and itemized written request and the head of the requesting agency shall certify in writing that the request complies with the requirements established by this rule for funding. The request shall be accompanied by ~~F~~orms FDLE/IFS-001 and FDLE/IFS-006. The request shall describe the violent crime case in relation to the criteria established in this rule chapter and shall state details and specifics demonstrating that the resources of each requesting agency are insufficient to meet the investigative or trial expenses in the agency's current fiscal year.

(4) The ~~Florida Violent Crime and Drug Control~~ Council shall review all formal funding requests and approve or disapprove all or part of each request based upon the criteria specified in this rule chapter, the needs outlined by the requesting agency, and funds available in the Violent Crime Emergency Account.

(5) No change.

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

(7) Within 60 days of the conclusion of the violent crime investigation or trial, or 180 days after disbursement of the advance funding, whichever is sooner, the receiving agency shall return any unexpended funds to the Department of Law Enforcement for re-deposit in the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, unless the ~~Florida Violent Crime and Drug Control~~ Council authorizes an extension of the funding based upon a determination that the receiving agency is continuing in good

faith to utilize such funds or upon a request of the receiving agency that additional time is needed to prepare and submit a final reconciliation and report to the Council.

(8) through (9) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 3-10-94, Amended 10-10-95, 10-25-01, 12-3-03, 3-27-06, 3-21-07,\_\_\_\_\_.

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

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

(2) All requests for drug control investigative effort funds from the ~~Violent Crime and Drug Control Council~~ must be developed in conjunction with, and approved by, the ~~RCT Team~~ in the region from in which the lead requesting agency is located. No request submitted without the endorsement of the ~~RCT Team~~ will be considered by the Council.

(3) Prior to submitting a request for drug control funds to the Department of Law Enforcement for review and consideration for Council funding, the ~~RCT Team~~ shall assure that the various requirements of this rule have been satisfied. The ~~RCT Team~~ shall discuss each mandatory criteria element stated in this rule, explaining in detail how the criteria is met. In addition, the ~~RCT Team~~ shall identify and discuss each non-mandatory criteria identified in this rule reasonably applicable to the request. The ~~RCT Team~~ shall assure that the funding proposal has been explained in sufficient detail to promote a fair review and evaluation of the request by the Department and the Council.

(4) All submissions to the Department from a ~~RCT Regional Drug Enforcement Coordinating Team~~ must be approved by the ~~RCT Team~~ and deemed complete, as indicated by the written certification of the ~~Chair head~~ of the ~~RCT Team~~.

(5) Submissions from a ~~RCT Regional Drug Enforcement Coordinating Team~~ shall be made to the Department of Law Enforcement's Investigations and Forensic Science Program (IFS). Materials being submitted shall be secured and

transmitted in a manner to assure that the criminal investigative and criminal intelligence information contained is not compromised.

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

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

(8) No change.

(9) Denial of all or a part of a request shall not disqualify the request from future consideration by the Council. However, any such request will be considered a new funding request and must be evaluated and approved through the process set forth in this rule, beginning with consideration and approval by the ~~RCT Regional Drug Enforcement Coordinating Team~~.

(10) No change.

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

(a) If the new focus and effort is of a type that could be considered for Council funding, the ~~RCT Team~~ and the participating agencies shall secure Council approval for the continued use of Council funds by the funded agencies. Any such request shall be evaluated and approved through the process set forth in this rule, beginning with consideration and approval by the ~~RCT Regional Drug Enforcement Coordinating Team~~, but shall be expedited to minimize any negative effect the suspension of spending of Council funds may have on the ongoing investigation.

(b) No change.

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

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

(13) Agencies seeking drug control funding under this section shall cooperate with the RCT Team in the agencies' area, and provide all information as requested by the RCT Team to assist in the preparation of a funding request, including information to identify the amounts of agency funds being committed by each participating agency to be matched by Council drug control funds. The head of each requesting agency that seeks to receive Council drug control funds shall include in the submission to the RCT Team a certification in writing that to the agency head's best knowledge and belief, the request complies with the requirements established by law and this rule for funding. The agency head shall also agree to provide requested information to the Council to assist the Council in its performance-monitoring obligations and shall agree to retain proof and documentation as may be required by the Council and to submit to any audits or reviews of agency utilization of Council funds or funds derived from any Council-funded investigative effort as may be performed. The request shall be accompanied by Fform FDLE/IFS-003 Drug Control & Money Laundering Application, and FDLE/IFS-006, the State Financial Assistance Form, both revised 08/01/07 08/01/06, incorporated by reference.

(14) through (15) No change.

(16) Council Funding Documentation.

(a) Agencies receiving drug control funding under this section shall provide a written bi-annual quarterly report of expenditures of Council funds and of the progress of the investigative effort. The report shall be prepared in consultation with the RCT Regional Drug Enforcement Coordinating Team and submitted by the RCT that Team through the IFS for compilation and presentation at a scheduled to the Council at a quarterly meeting. Form FDLE/IFS-004A, the Drug Control Bi-Annual Quarterly Report, revised 08/01/07 08/01/06, incorporated by reference, shall be utilized to make the report. In addition, the Council may require oral progress reports to be made at Council meetings by a representative of the RCT Regional Drug Enforcement Coordinating Team or a designee of the lead investigative agency in a funded investigative effort. Agencies

receiving Drug Control funding after September 1, 2005, shall utilize FDLE/IFS-004B, Drug Control Bi-Annual Report, revised 08/01/06, hereby incorporated by reference.

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

(c) No change.

(17) through (18) No change.

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

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 10-25-01, Amended 12-3-03, 3-27-06, 3-21-07, \_\_\_\_\_.

11N-1.007 Annual Audit.

(1) No change.

(2) Prior to the receipt of Upon the lead agency's receipt of the Council awarded funds, the lead Agency Head and the Chief Financial Officer (CFO) will be required to sign, date, and return the State Financial Assistance Eform FDLE/IFS-006, revised 08/01/07 created 08/01/06 and incorporated by reference, indicating agreement to maintain the requested documentation detailing the actual funds expended during the investigations, and to provide documentation to an auditor upon request.

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

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 3-10-94, Amended 10-10-95, 10-25-01, 3-21-07, \_\_\_\_\_.

11N-1.009 Victim/Witness Protection Program.

(1) Requests for Victim/Witness Protection funding, pursuant to Section 943.031(6), F.S., must be made using the Form FDLE/IFS-005, Victim/Witness Protection Program Application, revised 08/01/07 ~~08/01/06~~ and incorporated by reference, and FDLE/IFS-006, State Financial Assistance Form, revised 08/01/07, and incorporated by reference.

(2) In order to be considered for funding, completed applications shall be submitted to FDLE/IFS, at least 30 days prior to the next scheduled ~~Violent Crime and Drug Control Council (VCDCC)~~ meeting.

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

Specific Authority 943.03(4) FS. Law Implemented 943.031(6), 914.25 FS. History—New 12-3-03, Amended 3-27-06, 3-21-07.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Joyce Gainous-Harris , (850)410-7096

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Rick Ward, (850)410-8300

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

February 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

January 18, 2008

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

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

**REGIONAL PLANNING COUNCILS**

**Withlacoochee Regional Planning Council**

RULE NOS.:	RULE TITLES:
29E-1.004	Membership and Voting Privileges
29E-1.005	Term and Compensation of Members
29E-1.006	Powers
29E-1.007	Officers
29E-1.008	Executive Committee
29E-1.009	Staff
29E-1.010	Office
29E-1.011	Meetings
29E-1.0121	Committees
29E-1.013	Budget
29E-1.014	Finances
29E-1.016	Procedure for Presentation to Council

PURPOSE AND EFFECT: Changes in the Withlacoochee Regional Planning Council Bylaws.

SUMMARY: Representation on the Withlacoochee Region Board of Directors will be changed. Population thresholds which control representation will be increased with the result that the number of Board Members of the Withlacoochee Regional Planning Council will be reduced to thirty. Other minor changes to the current Bylaws.

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

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

SPECIFIC AUTHORITY: 112.061, 120.53, 160.04, 160.06, 163.01, 286.011, 380.06 FS.

LAW IMPLEMENTED: 112.061, 120.53, 160.04, 160.06, 160.07, 163.01, 286.011, 286.26, 380.06 FS.

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

DATE AND TIME: April 17, 2008, 7:00 p.m.

PLACE: Offices of the Withlacoochee Regional Planning Council, 1241 S.W. 10th Street, Ocala, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michael R. Moehlman, Executive Director, Withlacoochee Regional Planning Council

THE FULL TEXT OF THE PROPOSED RULES IS:

29E-1.004 Membership and Voting Privileges.

(1) The membership of the Withlacoochee Regional Planning Council is open to Citrus County, Florida; Hernando County, Florida; Levy County, Florida; Marion County, Florida; and Sumter County, Florida and municipalities located in any of the member counties pursuant to the formulas established in subsections 29E-1.004(2), (3), (4), F.A.C.

(2) Each county member for the Council shall have two (2) representatives ~~one (1) representative~~ for the first 125,000 ~~50,000~~ in population, and one (1) representative for each additional 75,000 ~~50,000~~ in population or increment thereof. The population of individual municipalities which are members of the Council and have over 40,000 ~~25,000~~ in population will be deducted for representation purposes from their respective county population.

(3) Municipalities of 40,000 ~~25,000~~ or more in population will have one (1) representative ~~for the first 50,000 in population, and one (1) representative for each additional 50,000 in population or increment thereof.~~

(4) Municipalities of less than 40,000 ~~25,000~~ in population within a member county will have a joint representative who shall be selected by all member municipalities within their respective counties.

(5) The representative to the Council from each member local government shall be the elected chief representative of said local government or a member of its governing body chosen by such body to be its representative.

(6) The Governor of the State of Florida shall appoint additional representatives to the Council from counties within the region, equal to one-third of the total membership. The Governor shall be encouraged to appoint at least one representative from each county. Each county in the region shall have a minimum of one appointment by the Governor.

(7) For the conducting of all Council business, each representative shall have one (1) vote.

(8) The member governments and the Governor shall be encouraged to appoint minorities in proportion to the percentage of minorities in the region.

Specific Authority 160.04, 160.06, 163.01 FS. Law Implemented 160.04(2), 160.04(3), 163.01(5) FS. History—New 9-24-75, Amended 8-10-78, 12-10-80, Formerly 29E-1.05, Amended \_\_\_\_\_.

#### 29E-1.005 Term and Compensation of Members.

(1) Representatives to the Withlacoochee Regional Planning Council shall serve the following terms:

(a) Municipality – (over 40,000 ~~25,000~~ population) and County appointed representatives shall serve a three (3) year term.

(b) Joint representatives of municipalities within each county shall serve a one (1) year term.

(2) Any vacancy in membership shall be filled for the unexpired term in the same manner as the initial appointment.

(3) Representatives shall serve without compensation but shall be entitled to be reimbursed for traveling expenses as provided for in Section 112.061, F.S.

Specific Authority 112.061, 160.04, 160.06, 163.01 FS. Law Implemented 112.061(9), 160.04(2), 160.04(3), 163.01(5) FS. History—New 9-24-75, Amended 8-10-78, 12-10-80, Formerly 29E-1.05, Amended \_\_\_\_\_.

#### 29E-1.006 Powers.

The Council shall exercise all powers granted to regional planning councils, or regional planning agencies by Chapters 23, 160, 163, Section 403.723, F.S., together with such other powers as may now or hereafter be vested in it by law, including but not limited to the following:

(1) Adopt rules of procedure for the regulation of its affairs and the conduct of its business.

(2) Adopt an official name and seal.

(3) Maintain an office at 1241 S. W. 10th Street, Ocala, Florida 34471 ~~32670~~, or at such place or places within the region as the Council may designate.

(4) Employ and to compensate such personnel, consultants, and technical and professional assistants as it shall deem necessary to exercise the powers and perform the duties of the Council.

(5) Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers.

(6) Hold public hearings and sponsor public forums in any part of the regional area whenever it deems it necessary or useful in the execution of its other functions.

(7) Sue and be sued in its own name.

(8) Fix and collect charges, rates, rents, or fees, where appropriate, pursuant to the duties and responsibilities of the Council.

(9) Accept and receive funds, grants and service from the federal government or its agencies; from departments, agencies and instrumentalities of state, municipal or local government; or from private or civic sources.

(10) Receive and expend sums of money from any source and to act as an agency to expend funds for any lawful purpose.

(11) Act in an advisory capacity to the constituent local governments in regional, metropolitan, county and municipal planning matters and other matters concerning the acquisition, planning, construction, development, financing, control, use, improvement, and disposition of lands, buildings, structures, facilities, goods or services in the interest of the public, or for public purposes involving the expenditure of public funds.

(12) Cooperate, in the exercise of its planning functions, with federal and state agencies in planning for disaster preparedness.

(13) To select and appoint such advisory bodies as the Council may find appropriate for the conduct of its activities.

(14) Own, erect, construct, reconstruct, build, sell, purchase, lease, sub-lease, lease with option to purchase, and maintain any lands, buildings, structures, facilities and premises, and to dispose of in any lawful manner any and all property, real and personal, owned by the Council.

(15) To borrow money, incur debts and liabilities, pledge Council assets, mortgage and encumber Council property.

(16) Conduct studies of the region's resources.

(17) Participate with other governmental agencies, educational institutions, and private organizations in the coordination or conduct of its activities.

(18) Enter into contracts to provide, at cost, such services related to its responsibilities as may be requested by local governments within the region which the Council finds feasible to perform.

Specific Authority 160.06, 163.01 FS. Law Implemented 160.06, 160.07, 163.01(5), 380.06(8), 380.06(11), 380.06(22) FS. History—New 9-24-75, Amended 8-10-78, 12-10-80, Formerly 29E-1.06, Amended \_\_\_\_\_.

#### 29E-1.007 Officers.

The officers of the Council and their terms and duties shall be as follows:

(1) A ~~Chair~~ ~~Chairman~~, who shall preside at meetings of the Council; sign as authorized by the Council, any contracts or other instruments which are deemed to be in the best interest of the Council; and perform such other duties incident to the office as may be prescribed by the Council.

(2) A Vice ~~Chair~~ ~~Chairman~~, who shall act in the ~~Chair's~~ ~~Chairman's~~ absence. The Vice ~~Chair~~ ~~Chairman~~ shall perform such other functions as the Council shall, from time to time, assign.

(3) A Secretary, who shall be responsible for such duties as may be assigned by the ~~Chair~~ ~~Chairman~~ or the Council. The Secretary shall act in the absence of the ~~Chair~~ ~~Chairman~~ and Vice ~~Chair~~ ~~Chairman~~.

(4) No two or more officers as provided for herein shall be from the same county.

(5) There shall be an annual meeting for the election of officers in December each year.

(6) Officers elected at the annual meeting shall assume office effective on the date of the first meeting of the following year and shall serve for a term of one (1) year or until their respective successors have been elected.

(7) Any officer may be reelected for an additional term or terms.

(8) Vacancies in the office shall be filled by majority vote of the Council for the remainder of the unexpired term.

(9) The officers of the Council shall perform the duties herein described as well as those duties customarily performed by the holders of such offices as set forth in Robert's Rules of Order.

Specific Authority 160.06, FS. Law Implemented 160.06(1) FS. History--New 9-24-75, Amended 8-10-78, 12-10-80, Formerly 29E-1.07, Amended \_\_\_\_\_.

29E-1.008 Executive Committee.

There shall be an Executive Committee of six (6) Council representatives, consisting of the ~~Chair~~ ~~Chairman~~, Vice ~~Chair~~ ~~Chairman~~, Secretary and three (3) members designated by the Council. The Executive Committee must include a representative living in each member county and a proportional number of Governor's appointees and minorities. The past ~~Chair~~ ~~Chairman~~ of the Council shall also sit as an ex-officio, non-voting member of the Executive Committee.

(1) The Executive Committee shall normally handle routine administrative matters, and shall also act for the Council when necessary to meet any emergency or to deal with any matters when it would be impracticable or inconvenient to convene a meeting of the full Council.

(2) The Executive Committee may carry out any of the powers of the Council except with regard to the appropriation of funds or the modification of previously established assessments.

Specific Authority 160.04, 160.06, FS. Law Implemented 160.04(3), 160.06(1) FS. History--New 9-24-75, Amended 8-10-78, 12-10-80, Formerly 29E-1.08, Amended \_\_\_\_\_.

29E-1.009 Staff.

The Council shall appoint an Executive Director who shall employ other personnel in accordance with the Council Staffing Plan and compensate such personnel in accordance with the Council Pay ~~Classification~~ Plan.

(1) The Executive Director shall be responsible to the officers, the Executive Committee and the Council for supervising and administering the work program of the Council and the clerical and technical employees of the Council.

(2) The Executive Director shall act as Assistant to the Secretary of the Council and shall be responsible for the preparation of the minutes of each meeting and be responsible for distributing copies to members of the Council and shall perform such other duties as the Council may direct.

Specific Authority 160.06 FS. Law Implemented 160.06(4), 286.01(2) FS. History--New 9-24-75, Amended 8-10-78, 12-10-80, Formerly 29E-1.09, Amended \_\_\_\_\_.

29E-1.010 Office.

The Council shall establish an office at 1241 S. W. 10th Street, Ocala, Florida ~~34471~~ ~~32670~~, or such other place or places within the region as may be authorized by the Council, to house its Executive Director and staff and to serve as headquarters for its functions.

Specific Authority 160.06 FS. Law Implemented 160.06(3) FS. History--New 9-24-75, Amended 8-10-78, 12-10-80, Formerly 29E-1.10, Amended \_\_\_\_\_.

29E-1.011 Meetings.

Meetings of the Council shall be open to the public and held at regular intervals.

(1) Regular meetings of the Council shall be held on the days and times established by the Council.

(2) There shall be an annual meeting for the election of officers during the month of December each year.

(3) Special meetings may be called by the ~~Chair~~ ~~Chairman~~ or by the Executive Committee at any time and place upon five (5) days written notice to the members of the Council.

(4) A simple quorum for a full Council meeting shall be one-third of the full Council, representing at least three (3) counties. A majority quorum for a full Council meeting shall be a majority of the full Council, representing at least three (3) counties. A quorum for an Executive Committee meeting shall be the attendance of voting representatives from at least three (3) counties.

(5) All official meetings of the Council shall be open to the public as required by the Florida Sunshine Law, Chapter 286, F.S., and shall meet the requirements of the applicable sections of the Florida Administrative Procedures Act, Chapter 120, F.S.

Specific Authority 120.53(1), 160.06, 286.011 FS. Law Implemented 120.53(1), 160.06(1), 160.06(6), 286.011(1), 286.26 FS. History–New 9-24-75, Amended 8-10-78, 12-10-80, Formerly 29E-1.11, Amended.

#### 29E-1.0121 Committees.

(1) The ~~Chair~~ ~~Chairman~~, with the advice and consent of the Council, may appoint such Council subcommittees, citizen advisory committees or technical advisory committees as are deemed necessary to carry out the purposes and objectives of the Council.

(2) Members of citizen advisory committees shall serve without compensation but shall be entitled to be reimbursed for traveling expenses as provided for in Section 112.061, F.S., up to the amount of money budgeted for that expenditure within the Council Annual Budget.

Specific Authority 160.06 FS. Law Implemented 160.06(18) FS. History–New 9-24-75, Amended 8-10-78, 12-10-80, Formerly 29E-1.121, Amended.

#### 29E-1.013 Budget.

(1) The Council shall prepare ~~an a tentative annual budget and shall forward copies of same to the governing bodies of member governmental units at least three (3) weeks prior to the adoption of a final budget of the Council.~~

(2) The budget may be amended from time to time by action of the Council.

Specific Authority 160.06, 163.01 FS. Law Implemented 160.06(9), 160.06(4), 160.08(8), 160.06(9), 160.06(12), 160.06(13), 160.06(14), 160.06(19), 163.01(5), 163.01(7), 163.01(10) FS. History–New 9-24-75, Amended 8-10-78, 12-10-80, Formerly 29E-1.13, Amended.

#### 29E-1.014 Finances.

Each county represented on the Council shall appropriate funds on a per capita basis for the purpose of carrying out the powers, duties, and responsibilities of the Council.

(1) The above mentioned per capita appropriation shall be based upon the most current annual population estimates of the Department of Administration, State of Florida.

(2) The appropriation shall not exceed fifty (50) cents per capita of the population of each constituent county.

(3) The per capita appropriation of each member county shall be paid quarterly commencing October 1st of each budget year ~~1973~~, unless said per capita appropriation is modified or

amended by a ~~majority three-fifths (3/5)~~ vote of the Council, and approved by the Board of County Commissioners of all member counties.

Specific Authority 160.06, 163.01 FS. Law Implemented 160.06(9), 160.06(12), 163.01(5) FS. History–New 9-24-75, Amended 8-10-78, 12-10-80, Formerly 29E-1.14, Amended.

#### 29E-1.016 Procedure for Presentation to Council.

(1) ~~Chair~~ ~~Chairman~~ participation. The presiding ~~Chair~~ ~~Chairman~~ shall not be deprived of any rights and privileges of a Council member by reason of being the presiding ~~Chair~~ ~~Chairman~~ but may move or second a motion only after the gavel has been passed to the Vice ~~Chair~~ ~~Chairman~~ or another member of the Council.

(2) Debate and discussion. The ~~Chair~~ ~~Chairman~~ shall preside over debates and discussions of matters before the Council.

(3) The question. Upon the closing of debate the ~~Chair~~ ~~Chairman~~ shall call the question by voice or roll call vote. Any member may give a statement or file a written explanation of his vote.

#### (4) Presentation to the Council.

(a) Agenda items shall be considered in the order in which they have been listed except that for good cause stated in the record, items on the agenda may be considered out of their stated order with the approval of the person designated to preside.

(b) The person designated to preside may make specific changes or add items not on the agenda after it has been made available for distribution only for good cause shown and stated in the record.

(c) Any person desiring to speak before the Council shall be required to state his name, address, the person represented or on whose behalf the person appears.

Specific Authority 120.53(1), 160.06 FS. Law Implemented 120.53(1), 160.06(1) FS. History–New 9-24-75, Amended 8-10-78, 12-10-80, Formerly 29E-1.16, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Michael R. Moehlman, Executive Director, Withlacoochee Regional Planning Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael R. Moehlman, Executive Director, Withlacoochee Regional Planning Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2008

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-401.401  
 RULE TITLE: Use of Tobacco Products

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to limit the amount of tobacco consumed by inmates, limit the availability of tobacco as contraband in the institutions, and increase the overall health of inmates and employees.

SUMMARY: The proposed rule restricts inmates in administrative confinement, disciplinary confinement, close management, and maximum management housing from possessing tobacco products or lighters. The rule is amended to limit inmates on death row at Union Correctional Institution to the purchase and possession of no more than two packages of tobacco products per week, restrict death row inmates from possessing lighters, and limit inmates on death row at Florida State Prison and Lowell Correctional Institution to the purchase and possession of no more than two packages of smokeless tobacco per week.

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

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

SPECIFIC AUTHORITY: 944.09, 944.115 FS.

LAW IMPLEMENTED: 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 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: Jamie Leigh Jordan, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-401.401 Use of Tobacco Products.

(1) through (5) No change.

(6) Inmates in administrative confinement, disciplinary confinement, close management, and maximum management housing at all institutions shall not be allowed to possess any tobacco products or lighters.

(7) Inmates on death row shall be limited to purchase of 2 packages of tobacco products per week, and shall not exceed the possession limit of 2 packages. Inmates on death row shall not be allowed to possess lighters; lighting devices are available on the recreation yards. Inmates on death row at Union Correctional Institution shall be allowed to purchase cigarettes or smokeless tobacco. Inmates on death row at

Florida State Prison and Lowell Correctional Institution shall be allowed to purchase and possess smokeless tobacco products only.

(6) through (7) renumbered (8) through (9) No change.

Specific Authority 944.09, 944.115 FS. Law Implemented 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 FS. History—New 12-31-80, Formerly 33-20.01, Amended 3-12-86, 2-24-92, 1-4-94, Formerly 33-20.001, Amended 2-3-00, 10-1-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-1.004  
 RULE TITLE: Certification Procedure

PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-1.004, Florida Administrative Code, to allow for the acceptance of certain accreditation organization inspection reports in lieu of Agency site inspections.

SUMMARY: The proposed amendment specifies that the reports identified in subsection 59A-1.009(2), Florida Administrative Code, will be accepted as an alternative to a site inspection by the Agency.

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

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

SPECIFIC AUTHORITY: 765.541(2) FS.

LAW IMPLEMENTED: 765.541 FS.

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

DATE AND TIME: April 1, 2008, 1:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tara E. Ehlers by e-mail at ehlerst@ahca.myflorida.com or by phone at (850)922-0791. If

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)487-0641

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-1.004 Certification Procedure.

(1) through (5) No change.

(6) Site inspection. Upon receipt of a completed application, the AHCA shall conduct a site inspection or review the inspection report from an approved accreditation organization as specified in subsection 59A-1.009(2), Florida Administrative Code to determine agency compliance with the standards.

(7) through (21) No change.

Specific Authority 765.541(2), 381.6021(2), 381.6024(1) FS. Law Implemented 765.541, 765.542, 765.544, 381.6021, 381.6022, 381.6024, 873.01 FS. History--New 11-26-92, Amended 8-20-96, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)487-0641

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeff Gregg, Bureau of Health Facility Regulation, Division of Health Quality Assurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2007

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-1.009                      RULE TITLE: Inspections; Acceptance of Accreditation Inspection Reports; Annual Reporting Requirements

PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-1.009, Florida Administrative Code. The proposed amendments will allow for the acceptance of certain accreditation organization inspection reports in lieu of Agency inspections and provide for off-site inspections.

SUMMARY: The proposed amendments to this rule identify the reports and accrediting organizations that will be accepted and the time frames and procedures for providing those reports to the Agency.

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

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

SPECIFIC AUTHORITY: 765.541(2) FS.

LAW IMPLEMENTED: 765.541 FS.

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

DATE AND TIME: April 1, 2008, 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tara E. Ehlers by e-mail at ehlerst@ahca.myflorida.com or by phone at (850)922-0791. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)487-0641

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-1.009 Inspections; Acceptance of Accreditation Inspection Reports ~~Plan of Corrective Action; Annual Reporting Requirements.~~

(1) The AHCA may inspect each organ procurement organization, tissue bank and eye bank on no less than a biennial period. AHCA is permitted at its sole discretion to inspect any organ procurement organization, eye bank or tissue bank by on-site inspection, off-site inspection or acceptance of documentation from an accreditation inspector's report of findings, the organization's responses and the final determination. The purpose of these inspections is to: ~~The AHCA shall make or cause to be made such unannounced inspections and investigations:~~

(a) Ensure ~~To ensure~~ compliance with the standards of Rule Chapter 59A-1, F.A.C.;

(b) Evaluate the accreditation organization's process ~~To evaluate the accrediting process of professional organizations;~~ or

(c) Respond ~~To respond to~~ written complaints submitted to the AHCA.

(2) Acceptance of Accreditation Organization Inspection Reports.

(a) For certifying organ procurement activities, each accredited organ procurement organization shall submit the results of each Association of Organ Procurement Organization (AOPO) inspection report and proof of accreditation or reaccreditation to the Agency within 30 days of receipt of such reports and accreditation or reaccreditation.

(b) For certifying tissue banking activities, each accredited tissue bank organization shall submit the results of each American Association of Tissue Banks (AATB) inspection report and proof of accreditation or reaccreditation to the Agency within 30 days of receipt of such reports and accreditation or reaccreditation.

(c) For certifying eye bank activities, each accredited eye bank shall submit the results of each Eye Bank Association of America (EBAA) inspection report and proof of accreditation or reaccreditation to the Agency within 30 days of receipt of such reports and accreditation or reaccreditation.

(d) If the certified organization voluntarily forfeits its accreditation by AOPO, AATB or EBAA, if the accreditation is suspended or terminated, or if the certified organization is denied accreditation or re-accreditation by any of these accrediting organizations, the certified organization must provide written notification to AHCA within 30 days of the forfeiture or denial.

(e) Failure to submit the required accreditation inspection report and final determination or written notification of forfeiture, suspension, termination or denial of accreditation shall be considered a failure to submit to an inspection and will result in administrative action as provided in Chapter 408, Part II, F.S. and these rules.

(f) The AHCA shall conduct a biennial certification inspection of all agencies to ensure compliance with the standards in Rule 59A-1.005, F.A.C. All deficiencies to the standards will be submitted in writing to the agency by the AHCA. ~~Within ten (10) working days of written notification by the AHCA, the agency shall submit to the AHCA for approval a written plan of correction, including a time table when corrections will be made. If a written plan of correction is insufficient to correct the deficiencies, The~~ the AHCA shall conduct additional inspections to determine agency compliance with the standards. If an agency fails to correct the deficiencies ~~noted in the plan of correction,~~ the AHCA shall take administrative action as specified in Rule 59A-1.012, F.A.C.

(3) If, as the result of an inspection in response to a complaint, the AHCA determines that an agency is out of compliance with the standards in Rule 59A-1.005, F.A.C., or other sections of this rule, the AHCA shall take administrative action as specified in subsection 59A-1.012(1), F.A.C. If the agency remains out of compliance with the standards and rules

of this chapter upon subsequent inspection by the AHCA, further administrative action as specified in subsection 59A-1.012(1), F.A.C., shall be taken. ~~In addition, the agency shall submit a plan of correction to the AHCA for approval completion of the plan of correction and.~~

(4) Each certified agency shall submit to the AHCA its most recently completed annual audit within 30 days after the anniversary date of certification.

(5) Each certified OPO shall submit to the AHCA the Annual Report for Organ Procurement, Distribution, Revenues and Expenses, AHCA Form 3140-2002-OCT 95, incorporated herein by reference, within 30 days after the anniversary date of certification.

(6) Each certified tissue bank shall submit to the AHCA the Annual Report for Tissue Procurement, Distribution, Revenues and Expenses, AHCA Form 3140-2004-OCT 95, incorporated herein by reference, within 30 days after the anniversary date of certification.

(7) Each certified eye bank shall submit to the AHCA the Annual Report for Eye Procurement, Distribution, Revenues and Expenses, AHCA FORM 3140-2005-OCT 95, incorporated herein by reference, within 30 days after the anniversary date of certification.

(8) These forms shall be available on the Agency website at: [http://ahca.myflorida.com/MCHQ/Health\\_Facility\\_Regulation/Laboratory\\_Licensure/organ.shtml](http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Laboratory_Licensure/organ.shtml), or from the Agency for Health Care Administration, Division of Health Quality Assurance, Laboratory Licensure Unit, 2727 Mahan Drive, MS# 32, Tallahassee, Florida 32308. The data to be submitted to the AHCA are described in subsection 59A-1.005(17)(48), F.A.C. All reported donor information shall be based on the previous calendar year. All revenue and expense information shall be based on the most recently completed fiscal or operational year.

Specific Authority 765.541(2) ~~381.6021(2)~~ FS. Law Implemented 765.541 ~~381.6021, 381.6023~~ FS. History—New 11-26-92, Amended 8-20-96,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)487-0641

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeff Gregg, Bureau of Health Facility Regulation, Division of Health Quality Assurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-15.001  
 RULE TITLE: Qualification for Certification  
 PURPOSE AND EFFECT: The Board proposes the rule amendment to consider alternate experience verification methods.

SUMMARY: The rule amendment will allow the Board to consider alternate experience verification methods.

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

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

SPECIFIC AUTHORITY: 489.111 FS.

LAW IMPLEMENTED: 489.111 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.001 Qualification for Certification.

(1)(a) An applicant for certification must, as a precondition thereto, submit proof that he meets the eligibility requirements set forth in Section 489.111(2)(c), F.S., for the particular category in which he seeks to qualify. An applicant who seeks to meet the educational standard set forth in Section 489.111(2)(c)1., 2., or 3., F.S., must direct the college, university, junior college, or community college which he attended to submit proof to the Department that the applicant received the requisite amount of education. Active experience in the category in which the applicant seeks to qualify shall be verified by affidavits prepared or signed by a state certified Florida contractor, or an architect or engineer, in the applicant's category, who is licensed in good standing or a licensed building official, who is active in the applicant's category, employed by a political subdivision of any state, territory or possession of the United States who is responsible for inspections of construction improvements, listing chronologically the active experience in the trade, including the name and address of employers and dates of employment (which may be corroborated by investigation by the Board), along with copies of the applicant's W-2 Forms evidencing the required 1 year of supervisory experience. Said affidavit shall be subscribed to in front of a notary.

(b) No change.

(c) For purposes of this rule, 1 year of experience is equal to 2,000 hours.

(2)(a) No change.

(b) An applicant (other than those contractors designated in Sections 489.111(2)(c)4.b. and c., F.S.) for certification in the general contractor classification must submit proof that the applicant ~~he~~ possesses at least one year of "active experience" or "proven experience" as defined above, as a foreman employed by a Florida (or comparable out of state jurisdiction) certified general contractor in the construction of structures not less than four stories in height.

(c) An applicant (other than those contractors designated in Sections 489.111(2)(c)4.a., F.S.) for certification in the building contractor classification must submit proof that the applicant possesses at least one year of "active experience" or "proven experience" as defined above, as a foreman employed by a Florida (or comparable out of state jurisdiction) certified general contractor or certified building contractor in the construction of commercial buildings, which construction required licensure as a general contractor or as a building contractor in order to obtain the required construction permits.

(3) through (5) No change.

Specific Authority 489.111 FS. Law Implemented 489.111 FS. History—New 1-6-80, Amended 12-16-80, 6-30-82, 4-11-83, Formerly 21E-15.01, Amended 12-11-90, 8-21-91, 4-16-92, Formerly 21E-15.001, Amended 7-18-94, 12-16-01, 2-6-03, 6-23-04, 1-15-07, 6-19-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-15.028  
 RULE TITLE: Precision Tank Testers  
 PURPOSE AND EFFECT: The Board proposes the rule amendment to delete reference to subsection 62-761.200(83), F.A.C. (effective 11-99), and to add the correct subsection and effective date which will bring the rule up to date with the Florida Department of Environmental Protection rules.

SUMMARY: The rule amendment will delete reference to subsection 62-761.200(83), F.A.C. (effective 11-99), and to add the correct subsection and effective date which will bring the rule up to date with the Florida Department of Environmental Protection rules.

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

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

SPECIFIC AUTHORITY: 489.108, 489.113(3), (7) 489.129(3), 489.133 FS.

LAW IMPLEMENTED: 455.213, 489.113(3), (7), (8), 489.115(4), 489.133 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.028 Precision Tank Testers.

(1) No change.

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

b. Who meets the standards established by the Florida Department of Environmental Protection pursuant to subsection 62-761.200(52), F.A.C. (effective 06-04) ~~subsection 62-761.200(83), F.A.C. (effective 11-99)~~. The Florida Department of Environmental Protection shall certify to the Board that an applicant for registration as a precision tank tester meets these standards before the applicant is registered.

(b) No change.

Specific Authority 489.108, 489.113(3), (7), 489.129(3), 489.133 FS. Law Implemented 489.113(3), (7), (8), 489.115(4), 489.133, 455.213 FS. History—New 2-1-00, Amended 7-7-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-15.029 RULE TITLE: Tank Lining Applicators

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language to clarify persons who can be registered as a tank lining applicator.

SUMMARY: The rule amendment will delete unnecessary language and to add language to clarify persons who can be registered as a tank lining applicator.

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

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

SPECIFIC AUTHORITY: 489.108, 489.113(3),(7), 489.129(3), 489.133 FS.

LAW IMPLEMENTED: 455.213, 489.113(3),(7),(8), 489.115(4), 489.133 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.029 Tank Lining Applicators.

(1) No change.

(2) Registration Procedures for Tank Lining Applicators:

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

b. Who meets the standards established by the Florida Department of Environmental Protection pursuant to paragraph 62-761.700(6)(c), F.A.C. (effective 06-04) ~~paragraph 62-761.700(2)(c), F.A.C. (effective 11-99)~~. The Florida Department of Environmental Protection shall certify to the Board that an applicant for registration as a tank lining applicator meets these standards before the applicant is registered.

(b) No change.

Specific Authority 489.108, 489.113(3), (7), 489.129(3), 489.133, FS. Law Implemented 489.113(3), (7), (8), 489.115(4), 489.133, 455.213 FS. History—New 2-1-00, Amended 7-7-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Construction Industry Licensing Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-18.003  
RULE TITLE: Registration of Course Providers  
PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify disciplinary actions to be taken for failure to attend a continuing education seminar and to provide verification of attendance.

SUMMARY: The rule amendment will add language to clarify disciplinary actions to be taken for failure to attend a continuing education seminar and to provide verification of attendance.

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

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

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.213, 455.2177, 455.2178, 489.115 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-18.003 Registration of Course Providers.

(1) through (4) No change.

(5) The board shall deny approval of, suspend, or revoke the registration of any course provider for any of the following acts or omissions:

(a) through (e) No change.

(f) Failing to adequately train the staff responsible for taking attendance at any approved course, failing to verify attendance through photo identification or through a method of

identification approved with the course application, and ~~or~~ for failing to submit the attendance files electronically to the Department in the format and timeframe specified by the Department.

(g) through (l) No change.

(m) Failing to attend at least one continuing education seminar during each provider renewal cycle as required by subsection 61G4-18.014(2), F.A.C. which for a first offense will result in suspension of the provider's registration until such time as the provider completes a subsequently offered continuing education seminar.

(n) through (o) No change.

(6) No change.

Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS. Law Implemented 455.213, ~~455.213(6)~~, 455.2177, 455.2178, 455.2179, 489.115 FS. History—New 12-2-93, Amended 1-18-95, 6-5-95, 8-10-95, 11-25-97, 4-15-99, 3-25-01, 7-7-05. \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE NO.: 61G7-5.005  
RULE TITLE: Deficiency in Tangible Accounting and Accounting Net Worth; Guaranty Form Acceptable to Board; Sufficient Evidence of Guarantor's Adequate Resources

PURPOSE AND EFFECT: To correct typographical errors and clarify the requirements for applicants seeking initial or renewal licensure.

SUMMARY: proposed rule clarifies the use of guaranties and irrevocable letters of credit by initial and renewal licensure applicants seeking to offset deficiencies in tangible accounting net worth, accounting net worth, and working capital.

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

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

SPECIFIC AUTHORITY: 468.522, 468.525(3)(d) FS.

LAW IMPLEMENTED: 468.525(3) 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: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-5.005 Deficiency in Tangible Accounting and Accounting Net Worth; Guaranty Form Acceptable to Board; Sufficient Evidence of Guarantor’s Adequate Resources.

(1) When an applicant chooses to have a guaranty to offset any deficiency in tangible accounting net worth regarding an initial application, accounting net worth; or working capital regarding a renewal application, such guaranty shall be made on Form DBPR EL 4505, entitled “Board Approved Guaranty Form,” effective 3-18-04, which is incorporated herein by reference and available from the Board at 1940 North Monroe Street, Tallahassee, Florida 32399-0750; and from its Website located at www.myflorida.com; ~~and~~ Such guaranty shall be irrevocable until such time that the deficiency causing the guaranty has been corrected.

(2) Initial ~~a~~ Applicants and licensed employee leasing companies who submit a guaranty in accordance with subsection (1) shall also show that the guarantor has adequate resources to satisfy the obligation of the guaranty. Upon the Board’s finding that the guarantor’s resources and the guaranty are acceptable, the applicant or licensed employee leasing company shall provide the original guaranty to the Board to keep with the leasing company’s file.

(3) When an initial applicant or a licensed leased employee leasing company chooses to submit an irrevocable letter of credit to offset any deficiency in tangible accounting net worth regarding an initial applicant, accounting net worth ~~work~~, or net working capital regarding a licensed employee leasing company, such irrevocable letter of credit is acceptable so long as:

- (a) through (c) No change

Specific Authority 468.522, 468.525(3)(d) FS. Law Implemented 468.525(3) FS. History—New 9-6-93, Amended 5-29-94, 5-26-96, 9-5-04,\_\_\_\_\_.

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 20, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF JUVENILE JUSTICE**

**Staff Training**

RULE NOS.:	RULE TITLES:
63H-2.003	Contracted Residential Staff
63H-2.004	Contracted Non-Residential Staff
63H-2.005	State Residential Staff
63H-2.006	State Non-Residential Staff

PURPOSE AND EFFECT: The amendments bring greater specificity and uniformity to the rule provisions implementing Sections 985.02(3)(c) and .601(8), F.S.

SUMMARY: The rule amendments expand and specify pre-service and in-service training requirements to provide more uniform descriptions of training topics for direct-care staff in state operated and contracted residential and non-residential programs.

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

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

SPECIFIC AUTHORITY: 20.316(1), 985.601(8) FS.

LAW IMPLEMENTED: 985.02(3)(c), 985.601(8) FS.

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

DATE AND TIME: Tuesday, April 1, 2008, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Dr., General Counsel’s Conference Room 3223, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lydia Monroe, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: [lydia.monroe@djj.state.fl.us](mailto:lydia.monroe@djj.state.fl.us)

THE FULL TEXT OF THE PROPOSED RULES IS:

63H-2.003 Contracted Residential Staff.

(1) Pre-service training requirements are as follows:

(a) Staff must complete all training within 180 days of being hired.

(b) Staff must complete a minimum of 120 hours of pre-service training (computer based and/or instructor led) to include the following:

1. PAR training as required by Rule Chapter 63H-1, F.A.C.;
2. CPR/First Aid;
3. Professionalism and ethics, including standards of conduct;
4. Suicide prevention;
5. Emergency procedures;
6. Mission/Program philosophy/ Program culture;
7. Adolescent behavior specific to the population served;
8. Confidentiality/ HIPAA requirements ~~HIPPA~~;
9. Infection control/Blood borne pathogens;
10. Gangs awareness;
11. Safety, security, and supervision, including incident reporting;
12. Human Diversity ~~Cultural competency~~;
13. Behavior management;
14. DJJ: The organization;
15. Mental health and substance abuse services;
16. Sexual harassment;
17. Communication skills;
18. Child abuse reporting.

(c) All contracted residential facilities/programs will submit, in writing a list of pre-service training to Staff Development and Training that includes course names, descriptions, objectives, and training hours for any instructor-led training based on the above topics.

(d) Staff must complete all of the on the job training associated with the above topics.

(2) Contracted residential employees are authorized to be in the presence of youth prior to the completion of the training requirements outlined above. However, the following essential skills training must be completed first:

- (a) PAR trained;
- (b) CPR/First Aid certified;
- (c) Professionalism and ethics, including standards of conduct training;
- (d) Suicide prevention ~~training~~;
- (e) Emergency procedures ~~training~~;
- (f) Child abuse reporting.

(3) Contracted residential facilities that provide enhanced treatment of sex offenders, pregnant youth and young mothers, youth with developmental disabilities, or youth with identified substance abuse or mental health needs shall provide specialized training for direct care staff on the special needs population for whom they are assigned supervision responsibilities.

~~(4)(3)~~ Upon request by a Regional Director, the Director for Staff Development and Training will grant a 90-day extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

- (a) Death of an immediate family member;
- (b) Serious chronic condition, illness or injury;
- (c) Immediate family crisis;
- (d) Court appearance;
- (e) Military duty;
- (f) Family medical leave;
- (g) Other emergency circumstances.

~~(5)(4)~~ Testing requirements for pre-service training are as follows:

(a) A passing score of at least 70 percent on all applicable computer based courses.

(b) PAR testing and evaluation requirements as outlined in Chapter 63H-1, F.A.C.

(c) Successful completion of all written and practical requirements for CPR/First Aid training.

~~(6)(5)~~ Contracted residential staff must complete 24 hours of annual in-service training beginning the calendar year after the staff has completed pre-service training.

~~(7)(6)~~ The following are mandatory training topics that must be completed each year:

- (a) PAR update (Chapter 63H-1, F.A.C.);
- (b) CPR;

(c) First aid, unless the specific certification is good for more than one year, in which case training is only necessary as required by certification;

(d) Professionalism and ethics;

(e) Suicide prevention.

~~(8)(7)~~ All contracted residential facilities/programs will submit to Staff Development and Training a written list of in-service training that includes course names, descriptions, objectives, and training hours for any instructor-led in-service training other than the above topics.

~~(9)(8)~~ As part of the 24 hours of in-service training required for direct-care staff, supervisory staff shall complete 8 hours of training in the areas of management, leadership, personal accountability, employee relations, communication skills or fiscal training each year.

~~(10)(9)~~ Returning staff who return less than one year from separation shall complete the following:

- (a) PAR update consisting of a minimum of 8 hours training (Chapter 63H-1, F.A.C.)
- (b) CPR/First Aid certification (if not current).
- (c) Overview of facility/program operating procedures.

~~(11)(10)~~ Returning staff who return more than one year from separation shall complete all requirements set forth in subsection 63H-2.003(1), F.A.C., as they are no longer considered trained.

~~(12)~~<sup>(11)</sup> Contracted Staff who cross over from non-residential to residential shall complete all training requirements set forth in subsection 63H-2.003(1), F.A.C.

~~(13)~~<sup>(12)</sup> Procedures for documentation of training are as follows:

(a) Administrators will ensure that a training file is maintained for each direct care staff, and that they meet all requirements.

(b) Completion of all training requirements shall be documented on the department's computer based tracking system.

(c) Facilities and programs shall develop an annual in-service training calendar which must be updated as changes occur.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History—New 6-11-07, Amended 9-30-07, \_\_\_\_\_.

63H-2.004 Contracted Non-Residential Staff.

(1) Pre-service training requirements are as follows:

(a) Staff must complete all training within 180 days of being hired.

(b) Staff must complete a minimum of 120 hours of pre-service training (web-based and/or instructor led) to include the following:

1. PAR;
2. CPR/First aid;
3. Suicide prevention;
4. Emergency procedures;
5. Understanding youth;
6. Legal;
7. Interpersonal/Communication skills;
8. Professionalism and ethics;
9. Supervision;
10. Changing offender behavior;
11. Mental health and substance abuse;
12. Risk and needs assessment;
13. Sexual harassment;
14. Human diversity.

(c) All contracted non-residential programs will submit, in writing a list of pre-service training to Staff Development and Training that includes course names, descriptions, objectives, and training hours for any instructor-led training based on the above topics.

(d) Staff must complete all on the job training associated with the above topics.

(2) Contracted non-residential employees are authorized to be in the presence of youth prior to the completion of the training requirements outlined above. However, the following essential skills must be completed first:

- (a) PAR trained;
- (b) CPR/First aid certified;

- (c) Professionalism and ethics training;
- (d) Suicide prevention training;
- (e) Emergency procedures training.

(3) Upon request by a Regional Director, the Director for Staff Development and Training will grant a 90-day extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

- (a) Death of an immediate family member;
- (b) Serious chronic condition, illness or injury;
- (c) Immediate family crisis;
- (d) Court appearance;
- (e) Military duty;
- (f) Family medical leave;
- (g) Other emergency circumstances.

(4) Testing requirements for pre-service training are as follows:

- (a) A passing score of at least 70 percent on all applicable computer based courses;
- (b) PAR testing and evaluation requirements as outlined in Chapter 63H-1, F.A.C.;
- (c) Successful completion of all written and practical requirements for CPR/First Aid training.

(5) Contracted non-residential staff must complete 24 hours of annual in-service training beginning the calendar year after the staff has completed pre-service training.

(6) The following are mandatory training topics that must be completed each year:

- (a) PAR update (Chapter 63H-1, F.A.C.);
- (b) CPR;
- (c) First aid, unless the specific certification is good for more than one year, in which case, training is only necessary as required by certification;
- (d) Professionalism and ethics.

(7) All contracted non-residential programs will submit to Staff Development and Training a written list that includes course names, descriptions, objectives, and training hours for any instructor-led in-service training other than the above topics.

(8) As part of the 24 hours of in-service training required for direct-care staff, supervisory staff shall complete 8 hours of training in the areas of management, leadership, personal accountability, employee relations, communication skills or fiscal training each year.

(9) Returning staff who return less than one year from separation shall complete the following:

- (a) PAR update consisting of a minimum of 8 hours training (Chapter 63H-1, F.A.C.).
- (b) CPR/First Aid/AED certification (if not current).
- (c) Overview of facility/program operating procedures.

(10) Returning staff who return more than one year from separation shall complete all requirements set forth in subsection 63H-2.004(1), F.A.C., as they are no longer considered trained.

(11) Contracted Staff who cross over from residential to non-residential shall complete all training requirements set forth in subsection 63H-2.004(1), F.A.C.

(12) Documentation procedures are as follows:

(a) Administrators will ensure that a training file is maintained for each direct care staff, and that they meet all requirements.

(b) Completion of all training requirements shall be documented on the department's computer based tracking system.

(c) Facilities and programs shall develop an annual in-service training calendar which must be updated as changes occur.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History—New 6-11-07, Amended.

63H-2.005 State Residential Staff.

(1) All staff shall be certified within 180 days of being hired.

(2) The training shall be in two phases. Phase one is workplace training. Phase two is training at the academy.

(a) Phase one shall consist of 120 hours of certification training (web-based and instructor led) in the following areas:

1. Orientation training to include:-

a. Confidentiality;

b. Child abuse reporting;

c. Incident reporting; and

d. Standards of conduct.

2. Information security awareness;

3. DJJ residential facility operations (to include training on the unit log, admissions, releases, and transfers);

4. PAR;

5. CPR/First Aid;

6. Mental health and substance abuse services;

7. Safety, security, and supervision, including emergency plans and procedures;

8. Legal;

9. DJJ: The organization;

10. Gang awareness;

11. Interpersonal/Communication skills;

12. Case management in residential facilities.

(b) Staff must complete all on the job training associated with the above topics.

(c) Phase Two is academy training, which shall consist of 120 hours of certification training in the following areas:

1. Restorative justice;

2. Professionalism and ethics;

3. Adolescent and gender-specific behaviors and needs;

4. Health-care services;

5. Effective written communication;

6. Mental health;

7. Suicide recognition, prevention, and intervention;

8. Human diversity;

9. Interpersonal/Communication skills.

(d) Staff must demonstrate satisfactory performance in all categories for at least seven (7) days on the Phase One Daily Observation Reports using the standardized evaluation guidelines. The Daily Observation Report (ADSD-21, revised 12/15/06) is incorporated by reference, and is available through Staff Development and Training, 2737 Centerview Dr., Tallahassee, FL 32399.

(3) State Residential staff are authorized to be in the presence of youth prior to the completion of the training requirements outlined above. However, the following essential skills training must be completed first:

(a) PAR trained;

(b) CPR/First Aid/AED certified training;

(c) Mental health and substance abuse services;

(d) Suicide recognition, prevention, and intervention;

(e) Safety, security, and supervision, including emergency plans and procedures;

(f) DJJ residential facility operations.

(4) State operated residential facilities that provide enhanced treatment of sex offenders, pregnant youth and young mothers, youth with developmental disabilities, or youth with identified substance abuse or mental health needs shall provide specialized training for direct care staff on the special needs population for whom they are assigned supervision responsibilities.

~~(5)~~(4) Once the trainee has completed these essential skills, the trainee may be in the presence of youth while the remaining training requirements are completed. However, until the trainee completes the remaining training requirements, he or she shall, at all times, be under the direct supervision of a fully certified Juvenile Justice Residential Officer (JJRO).

~~(6)~~(5) Testing requirements for certification training are as follows:

(a) A passing score of at least 70 percent on all applicable computer-based courses;

(b) PAR testing and evaluation requirements as outlined in Chapter 63H-1, F.A.C.;

(c) Successful completion of all written and practical requirements for CPR/First Aid/AED training;

(d) Staff must receive a minimum score of 75 percent on the certification examination;

(e) Staff will be given three attempts to pass the certification examination within the 180-day timeframe.

~~(7)(6)~~ Upon request by a Regional Director, the Director for Staff Development and Training will grant a 90-day extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

- (a) Death of an immediate family member;
- (b) Serious chronic condition, illness or injury;
- (c) Immediate family crisis;
- (d) Court appearance;
- (e) Military duty;
- (f) Family medical leave;
- (g) Other emergency circumstances.

~~(8)(7)~~ State residential staff must complete 24 hours of annual in-service training beginning the calendar year after the staff has completed certification training.

~~(9)(8)~~ The following are mandatory training topics that must be completed each year:

- (a) PAR update (Chapter 63H-1, F.A.C.);
- (b) CPR/AED;
- (c) First aid, unless the specific certification is good for more than one year, in which case, training is only necessary as required by certification;
- (d) Suicide prevention;
- (e) Professionalism and ethics.

~~(10)(9)~~ Each region will submit to Staff Development and Training a written list of in-service trainings that includes course names, descriptions, objectives, and training hours for any instructor-led in-service training other than the above topics.

~~(11)(10)~~ As part of the 24 hours of in-service training required for direct-care staff, supervisory staff shall complete 8 hours of training in the areas of management, leadership, personal accountability, employee relations, communication skills or fiscal training each year.

~~(12)(11)~~ Returning staff who return more than four years from separation shall complete all requirements set forth in subsection 63H-2.005(1), F.A.C., as they are no longer considered trained.

~~(13)(12)~~ Returning staff that return less than four years from the date of separation shall meet the following requirements within sixty calendar days of their return to the Department:

- (a) All PAR training pursuant to Chapter 63H-1, F.A.C.;
- (b) CPR/First aid/AED certification;
- (c) Overview of facility operating procedures.
- (d) In-service training to include:
  - 1. Professionalism and ethics;
  - 2. Suicide prevention;
  - 3. Adolescent behavior;
  - 4. DJJ residential facility operations;
  - 5. Safety, security, and supervision.

~~(14)(13)~~ Staff who crossover from contracted residential facilities, contracted non-residential programs, or state operated non-residential programs must complete all certification requirements outlined in this section.

~~(15)(14)~~ Staff who crossover from detention facilities must complete all certification requirements outlined in this section that are non-duplicative of their detention certification, including the Juvenile Justice Detention Officer (JJDO) to Juvenile Justice Residential Officer (JJRO) examination.

~~(16)(15)~~ Procedures for the documentation of training are as follows:

(a) Administrators will ensure that a training file is maintained for each direct care staff, and that they meet all requirements.

(b) Completion of all training requirements shall be documented on the department's computer based tracking system.

(c) Facilities and programs shall develop an annual in-service training calendar which must be updated as changes occur.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History—New 6-11-07, Amended.

63H-2.006 State Non-Residential Staff.

(1) All staff shall be certified within 180 days of hiring.

(2) The certification training shall be in two phases. Phase one is workplace training. Phase two is training at the academy.

(a) Phase one shall consist of 96 hours of training in the following areas:

- 1. Orientation training;
- 2. Juvenile Justice Information System;
- 3. Information security awareness;
- 4. Mental health and substance services;
- 5. Professionalism and ethics;
- 6. Restorative justice;
- 7. Human diversity;
- 8. Personal safety;
- 9. Adolescent behavior;
- 10. Legal;
- 11. Interpersonal/Communication skills;
- 12. Screening and intake;
- 13. Supervision;
- 14. Transfer, commitment and termination of supervision.

(b) Staff must complete all on the job training associated with the above topics.

(c) Phase two shall consist of 224 hours of training at the academy in the following areas:

- 1. PAR;
- 2. CPR/First aid;
- 3. DJJ overview;
- 4. Legal;

5. Adolescent behavior;
6. Restorative justice;
7. Interpersonal/Communication skills;
8. Human diversity;
9. Screening and intake;
10. Legal;
11. Supervision;
12. Transfer, commitment and termination of supervision;
13. Personal safety;
14. Professionalism and ethics;-
15. Suicide recognition, prevention and intervention.

(d) Staff must demonstrate satisfactory performance in all categories for at least seven (7) days on the Phase One Daily Observation Reports using the standardized evaluation guidelines incorporated by reference in paragraph 63H-2.005(2)(d), F.A.C.

(3) State non-residential staff are not required to be PAR certified and CPR/First Aid certified prior to contact with youth. However, the following requirements shall apply:

(a) The staff shall be assigned to a fully certified officer who has successfully completed all certification requirements outlined in this section.

(b) The staff shall not supervise a caseload or have direct contact with youth where department certified staff are not present until they complete all certification requirements in this section.

(4) Testing requirements for certification training are as follows:

(a) A passing score of at least 70 percent on all computer-based certification courses.

(b) PAR testing and evaluation requirements as outlined in Chapter 63H-1, F.A.C.

(c) Successful completion of all written and practical requirements for CPR/First Aid training.

(d) Staff must receive a minimum score of 75 percent on the certification examination.

(e) Staff may be given up to three attempts to pass the certification examination within the 180-day timeframe.

(5) Upon request by a Regional Director, the Director for Staff Development and Training will grant a 90-day extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

- (a) Death of an immediate family member.
- (b) Serious chronic condition, illness or injury.
- (c) Immediate family crisis.
- (d) Court appearance.
- (e) Military duty.
- (f) Family medical leave.
- (g) Other emergency circumstances.

(6) State non-residential staff must complete 24 hours of annual in-service training beginning the calendar year after the staff has completed certification training.

(7) The following are mandatory training topics that must be completed each year:

(a) PAR update (Chapter 63H-1, F.A.C.);

(b) CPR;

(c) First aid, unless the specific certification is good for more than one year, in which case, training is only necessary as required by certification;

(d) Suicide recognition, prevention and intervention;

(e) Professionalism and ethics.

(8) Each region will submit to Staff Development and Training a written list of in-service trainings that includes course names, descriptions, objectives, and training hours for any instructor-led in-service training other than the above topics.

(9) As part of the 24 hours of in-service training required for direct-care staff, supervisory staff shall complete 8 hours of training in the areas of management, leadership, personal accountability, employee relations, communication skills or fiscal training each year.

(10) Returning staff who return more than four years from separation shall complete all requirements set forth in subsection 63H-2.006(1), F.A.C., as they are no longer considered trained.

(11) Returning staff that return less than four years from the date of separation shall meet the following requirements within sixty calendar days of their return to the department:

(a) All PAR training pursuant to Chapter 63H-1, F.A.C.;

(b) CPR/First aid certification;

(c) Overview of program operating procedures;

(d) In-service training to include:

1. Professionalism and ethics;
2. Suicide prevention;
3. Adolescent behavior;
4. Risk and needs assessment;
5. Supervision.

(12) Staff who crossover from contracted residential or detention facilities, contracted non-residential programs, state operated residential facilities, or state operated detention facilities must complete all certification requirements outlined in this section.

(13) Procedures for the documentation of training are as follows:

(a) Administrators will ensure that a training file is maintained for each direct care staff, and that they meet all requirements.

(b) Completion of all training requirements shall be documented on the department's computer based tracking system.

(c) Facilities and programs shall develop an annual in-service training calendar which must be updated as changes occur.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History–New 6-11-07, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Duane Pace, DJJ Staff Development and Training  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael McCaffrey, Director of DJJ Staff Development and Training  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2008

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-2.0144  
RULE TITLE: Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language to bring the rule into compliance with the 2006 legislative change.

SUMMARY: The rule amendment will delete unnecessary language to bring the rule into compliance with the 2006 legislative change.

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

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

SPECIFIC AUTHORITY: 456.067, 466.004, 466.007 FS.

LAW IMPLEMENTED: 466.007 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 Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.0144 Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges.

(1) through (9) No change.

~~(10) Proof of having completed an HIV course that meets the requirements of Rule 64B5-12.019, F.A.C.; proof of having completed a medical errors course that meets the requirements of subsection 64B5-12.019(11), F.A.C.; and proof of having completed a domestic violence course that meets the requirements of subsection 64B5-12.019(8), F.A.C.;~~

~~(10)(11)(a) through (c) No change.~~

Specific Authority 466.004, 466.007, 456.067 FS. Law Implemented 466.007 FS. History–New 1-18-95, Formerly 59Q-2.0144, Amended 8-19-97, 8-20-97, 5-20-01, 12-21-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care Specialists**

RULE NO.: 64B32-2.001  
RULE TITLE: License by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to change home study course requirements.

SUMMARY: The rule amendment will change home study course requirements.

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: 468.353(1), 468.358(3) FS.

LAW IMPLEMENTED: 468.358(2),(3), 468.365 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Acting Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-2.001 License by Endorsement.

(1) No change.

(2) Every applicant for licensure as a registered respiratory therapist or certified respiratory therapist shall demonstrate the following:

(a) through (c) No change.

(d) An applicant who has been out of the practice of respiratory care for 2 years or more must complete a Board-approved comprehensive review course in order to ensure that he or she has the sufficient skills to re-enter the profession. Board-approved comprehensive course means any course or courses which includes, at a minimum, fourteen (14) ~~direct contact education~~ hours in the topics and numbers of hours as follows ~~(for the purpose of this section, home study courses are not permitted):~~

Patient assessment	3 hours
Hemodynamics	2 hours
Pulmonary Function	1 hour
Arterial blood gases	1 hour
Respiratory equipment	2 hours
Airway Care	1 hour
Mechanical ventilation	2 hours
Emergency care/special procedures	1 hour
General respiratory care (including medication)	1 hour

Specific Authority 468.353(1), 468.358(3) FS. Law Implemented 468.358(2), (3), 468.365 FS. History—New 4-29-85, Formerly 21M-34.02, 21M-34.002, 61F6-34.002, 59R-71.002, 64B8-71.002, Amended 7-22-02, 8-28-05, 6-12-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care Specialists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care Specialists**

RULE NO.: 64B32-4.002  
RULE TITLE: Reactivation of Retired Status License

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify course requirements for reactivation of retired status licenses.

SUMMARY: The rule amendment will clarify course 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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.036(7), (9), 468.353 FS.

LAW IMPLEMENTED: 456.036(7), (9) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Acting Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-4.002 Reactivation of Retired Status License.

(1) A retired status licensee for less than five years may change to active status provided:

(a) through (c) No change.

(d) A licensee must ~~take a attend HIV and~~ medical errors courses pursuant to Rule 64B32-6.007, F.A.C.

(2) A retired status licensee for five years or more may change to active status provided:

(a) through (d) No change.

(e) A licensee must ~~take a attend HIV and~~ medical errors courses pursuant to Rule 64B32-6.007, F.A.C.

(3) Board-approved comprehensive review course means any course or courses which includes, at a minimum, fourteen (14) direct contact education hours in the topics and number of hours as follows: ~~For the purpose of this section, home study courses are not permitted.~~

Patient assessment	3 hours
Hemodynamics	2 hours
Pulmonary function	1 hour
Arterial blood gases	1 hour
Respiratory equipment	2 hours
Airway care	1 hour
Mechanical ventilation	2 hours
Emergency care/special procedures	1 hour
General respiratory care (including medication)	1 hour

Specific Authority 456.036(7), (9), 468.353(1) FS. Law Implemented 456.036(7), (9) FS. History—New 4-19-07, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care Specialists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2008

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care Specialists**

RULE NO.: 64B32-6.001  
RULE TITLE: Continuing Education Requirement

PURPOSE AND EFFECT: The Board proposes the rule amendment to add Emergency Preparedness to Continuing Education Requirements.

SUMMARY: The rule amendment will add Emergency Preparedness to Continuing Education Requirements.

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

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

SPECIFIC AUTHORITY: 456.013(8), 468.361(2) FS.

LAW IMPLEMENTED: 456.013(8), 468.361(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Acting Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.001 Continuing Education Requirement.

(1) through (4) No change.

(5) A licensee needs twenty-four (24) hours per biennium in order to renew the license.

The hours can be obtained in the following manner:

- (a) Direct Delivery of Respiratory Care Services  
Mandatory for all licensees: A minimum of 16 hours each biennium must be obtained by each licensee in the approved offerings pursuant to subsection 64B32-6.004(3), F.A.C.

1. through 2. No change.

- 3. Emergency Preparedness  
Mandatory part of Direct Delivery Services Requirements for all licensees: 2 hour course offered by a board approved CE provider.

(b) through (d) No change.

Specific Authority 456.013(8), 468.361(2) FS. Law Implemented 468.361 FS. History—New 4-29-85, Formerly 21M-38.01, Amended 9-29-86, Formerly 21M-38.001, Amended 1-2-94, Formerly 61F6-38.001, Amended 11-1-94, Formerly 59R-75.001, Amended 6-9-99, Formerly 64B8-75.001, Amended 5-15-05, 10-28-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care Specialists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

RULE NOS.: 64I-6.001  
RULE TITLES: Title

64I-6.002 Program Components

PURPOSE AND EFFECT: Chapter 64I-6, F.A.C., entitled, Comprehensive Statewide Tobacco Education and Use Prevention Program, has been created to implement Section 27, Article X of the State Constitution and Section 381.84, Florida Statutes, which require funding and implementation of a comprehensive statewide tobacco education and use prevention program.

SUMMARY: The proposed rules require implementation of specific program components in accordance with the Federal Centers for Disease Control and Prevention Best Practices for Comprehensive Tobacco Control Programs, October 2007, as amended.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are no regulatory costs anticipated with the adoption of the proposed rules.

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

SPECIFIC AUTHORITY: 381.84(3) FS.

LAW IMPLEMENTED: 381.84 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: Carlos Martinez; telephone: (850)245-4144, ext. 2473; e-mail: carlos\_martinez@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

64I-6.001 Title.

These rules shall be known as “Comprehensive Statewide Tobacco Education and Use Prevention Program”.

Specific Authority 381.84 FS. Law Implemented 381 FS. History—New \_\_\_\_\_.

64I-6.002 Program Components.

(1) The Comprehensive Statewide Tobacco Education and Use Prevention Program shall be implemented in accordance with the United States Centers for Disease Control (CDC) Best Practices for Comprehensive Tobacco Control Programs-October 2007, as amended.

(2) The (CDC) Best Practices for Comprehensive Tobacco Control Programs – October 2007, as amended, is incorporated herein by reference.

Specific Authority 381.84(3) FS. Law Implemented 381 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Carlos Martinez

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Alan Rowan

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.900  
RULE TITLE: Overpayment and Benefit Recovery  
PURPOSE AND EFFECT: Amendment to the proposed rule aligns policies for recovery of overpayment in the public assistance programs. Technical and non-substantive changes in the rule language are included.

SUMMARY: The proposed rule amends language about who is responsible for repayment of overpayment of public assistance benefits.

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

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

SPECIFIC AUTHORITY: 409.919, 414.41, 414.45 FS.

LAW IMPLEMENTED: 24.115(4), 414.31, 414.41 FS.

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

DATE AND TIME: April 2, 2008, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Whitford, Economic Self-Sufficiency, Telephone (850)410-3479

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.900 Overpayment and Benefit Recovery.

The purpose of this section is to define the administrative policies applicable to the establishment and recovery of overpayment in the public assistance programs.

(1) Administrative Definitions Applicable to Overpayment and Benefit Recovery.

(a) Overpayment: The amount of public assistance received for which an individual was not entitled ~~The term overpayment is synonymous with the term overissuance as used in 7 C.F.R. 273.18.~~

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

2. Shelter expense will include rent or mortgage payments; taxes and insurance on the home; cost of fuel, electricity or both with which to heat, cool and cook; and the basic service fee for one telephone. These expenses will not be considered if paid by someone outside those residing together.

3. through 5. No change.

(2) Persons Responsible for Repayment of Overpayment.

(a) Persons who received AFDC and cash assistance overpayments as an adult shall be responsible for repayment of the overpayment recovered from the participant as that term is defined in Section 414.0252, F.S. ~~Cash assistance benefits will not be paid to offset recovery prior to October 1, 2007 from individuals who were children in the overpaid assistance group.~~

(b) Food stamp overpayments shall be recovered from an ~~the individuals~~ as specified in 7 CFR 273.18 (incorporated by reference).

(c) Persons who received Medicaid overpayments as an adult shall be responsible for repayment of the overpayment recovered as required in Section 414.41, F.S.

(d) Adults who apply for and receive assistance on behalf of others if they provide inaccurate information.

(e) For the purpose of this rule, an adult is defined as:

1. Eighteen (18) years of age or older.

2. A teen parent receiving assistance for themselves as an adult.

3. An emancipated minor or

4. An individual who has been married even if the marriage ended in divorce.

(3) through (11)(c) No change.

(d) The department will consider evidence presented timely by an individual in receipt of such notification described in paragraph ~~(11)(9)(c)~~ above that indicates all or part of their debt is not past-due or legally enforceable, and will make a determination as to the status of that debt prior to referral for offset. This consideration process is separate and apart from the administrative hearings appeals process and will address only the past-due status or legal enforceability of all or part of the debt.

(e) No change.

(12) The following notices, hereby incorporated by reference, are used by the department in the process of establishing and recovering overpayment: CF-ES Form 3057, 09/2006 Aug. 2001, Information Concerning Administrative Disqualification Hearings; CF-ES Form 3400, 10/96 Aug. 83, Request for Additional Information; CF-ES Form 3410, 09/2006 Aug. 2001, Waiver of Administrative Disqualification Hearing With a Program Loss; CF-ES Form 3410A, 09/2006 Aug. 2001, Waiver of Administrative Disqualification Hearing Without a Program Loss; and, CF-ES Form 3414, 03/2004 Aug. 99, Disqualification Consent Agreement. Each of these forms listed as incorporated by reference may be obtained without cost from any Benefit Recovery office or by written request to the ACCESS Florida Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

Specific Authority 409.919, 414.41, 414.45 FS. Law Implemented 24.115(4), 414.31, 414.41 FS. History—New 7-21-92, Amended 1-5-93, 9-5-93, Formerly 10C-1.900, Amended 7-9-98, 4-2-00, 2-26-02, 3-18-03, 7-21-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Nathan Lewis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Lange

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-16.002	Bald Eagle ( <i>Haliaeetus leucocephalus</i> )

PURPOSE AND EFFECT: The purpose and effect of this rule is to establish rules necessary for the conservation and management of bald eagles in Florida. The Fish and Wildlife Conservation Commission found that delisting the bald eagle was warranted. However, it also found that a specific rule addressing bald eagles was necessary for the conservation and management of this species in Florida.

SUMMARY: The proposed rule change establishes prohibitions relating to impacts on bald eagles, provides for exceptions to those prohibitions, defines the term “disturb” for purposes of this rule section, and adopts the Permitting Framework by reference.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121 FS.

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

DATES AND TIME: During the Commission’s regular meeting, April 9-10, 2008, 8:30 a.m. – 5:00 p.m., each day

PLACE: Ramada Inn, 2900 North Monroe Street, Tallahassee, FL 32303

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-16.002 Bald Eagle (*Haliaeetus leucocephalus*).

(1) No person shall take, feed, disturb, possess, sell, purchase or barter, or attempt to engage in any such conduct, any bald eagle or parts thereof, or their nests or eggs, except:

(a) As authorized from the executive director by specific permit, which will be issued based upon whether the permit would advance the management plan goal and objectives;

(b) When such conduct is consistent with the FWC Eagle Management Guidelines;

(c) When such conduct is consistent with a previously issued permit, exemption, or authorization issued by the FWC under imperiled species regulations (Chapter 68A-27, F.A.C.) or by the USFWS under the Endangered Species Act (U.S.C. 1531 et seq.).

(2) For purposes of this section, the term “disturb” is defined as, “To agitate or bother a bald eagle to the degree that causes, or is likely to cause (a) injury to an eagle, (b) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (c) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

(3) On public land, it is unlawful for any person to knowingly enter any area posted as closed for the protection of bald eagles, their nests, or their nest trees, except the staff or authorized agents of the managing public entity for that area, or as authorized pursuant to subsection (1).

(4) The section of the Bald Eagle Management Plan entitled "Permitting Framework April 2008," which includes the FWC Eagle Management Guidelines, is incorporated herein by reference.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Tim Breault, Division of Habitat and Species Conservation  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-27.004  
RULE TITLE: Designation of Threatened Species; Prohibitions; Permits

PURPOSE AND EFFECT: The purpose of this proposed revised rule is to remove the bald eagle from the state list of threatened species. This rule is based on the Commission’s two-phase listing process specified in Rule 68A-27.0012, F.A.C. A biological status report was presented to the Commission at their June 2006 meeting, where the Commission accepted the findings and recommendation that delisting the bald eagle was warranted. This completed phase one of the listing process. Phase two required development and Commission approval of a management plan before the bald eagle could be delisted. The bald eagle management plan will be presented to the Commission at the same time that this rule amendment removing the bald eagle from the threatened species list is considered at a final public hearing. The effect of this rule amendment will be to recognize the improved condition of this species while continuing to protect the species with a new rule and management plan.

SUMMARY: Rule 68A-27.004, F.A.C., is amended to delete the bald eagle from the threatened species list.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution, 372.121 FS.

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

DATES AND TIME: During the Commission’s regular meeting, April 9-10, 2008, 8:30 a.m. – 5:00 p.m. each day

PLACE: Ramada Inn, 2900 North Monroe Street, Tallahassee, FL 32303

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.004 Designation of Threatened Species; Prohibitions; Permits.

(1) The following species, listed prior to June 23, 1999, are hereby declared to be threatened, and shall be afforded the protective provisions specified.

(a) No person shall take, possess, transport, molest, harass or sell any of the threatened species included in this subsection or parts thereof or their nests or eggs except as authorized by specific permit from the Executive Director, permits being issued only for scientific or conservation purposes and only upon a showing by the applicant that the permitted activity will not have a negative impact on the survival potential of the species.

- ~~(a)1-~~ Crystal darter (*Crystallaria asprella*).
- ~~(b)2-~~ Key silverside (*Menidia conchorum*).
- ~~(c)3-~~ Loggerhead seaturtle (*Caretta caretta*).
- ~~(d)4-~~ Bluetail mole skink (*Eumeces egregius lividus*).
- ~~(e)5-~~ Sand skink (*Neoseps reynoldsi*).
- ~~(f)6-~~ Key ringneck snake (*Diadophis punctatus acricus*).
- ~~(g)7-~~ Rim rock crowned snake (*Tantilla oolitica*).
- ~~(h)8-~~ Short-tailed snake (*Stilosoma extenuatum*).
- ~~(i)9-~~ Florida brown snake (*Storeria dekayi victa*) (lower keys population only).

- ~~(j)10~~: Florida ribbon snake (*Thamnophis sauritus sackeni*) (lower keys population only).
- ~~(k)11~~: Eastern Indigo snake (*Drymarchon corais couperi*)
- ~~(l)12~~: Atlantic salt marsh water snake (*Nerodia clarkii taeniata*).
- ~~13~~: Bald eagle (*Haliaeetus leucocephalus*).
- ~~(m)14~~: Southeastern American kestrel (*Falco sparverius paulus*).
- ~~(n)15~~: Crested caracara (*Caracara cheriway*).
- ~~(o)16~~: Florida sandhill crane (*Grus canadensis pratensis*)
- ~~(p)17~~: Roseate tern (*Sterna dougalli*).
- ~~(q)18~~: Least tern (*Sterna antillarum*).
- ~~(r)19~~: White-crowned pigeon (*Columba leucocephala*).
- ~~(s)20~~: Florida scrub jay (*Aphelocoma coerulescens*).
- ~~(t)21~~: Snowy plover (*Charadrius alexandrinus*).
- ~~(u)22~~: Piping plover (*Charadrius melodus*).
- ~~(v)23~~: Big Cypress fox squirrel (*Sciurus niger avicennia*).
- ~~(w)24~~: Florida black bear (*Ursus americanus floridanus*) (other than those found in Baker and Columbia counties or in Apalachicola National Forest or which are held in captivity under permit).
- ~~(x)25~~: Everglades mink (*Mustela vison evergladensis*)
- ~~(y)26~~: Southeastern beach mouse (*Peromyscus polionotus niveiventris*)
- (2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-85, Formerly 39-27.04, Amended 6-1-86, 5-10-87, 4-27-89, 6-23-99, Formerly 39-27.004, Amended 9-29-03, 11-8-07.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Tim Breault, Division of Habitat and Species Conservation  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NOS.:	RULE TITLES:
68B-24.001	Purpose and Intent
68B-24.002	Definitions
68B-24.006	Gear: Traps, Buoys, Identification Requirements, Prohibited Devices
68B-24.007	Other Prohibitions

68B-24.008 Slipper Lobster; Prohibitions Relating to Eggbearing Slipper Lobster

68B-24.009 Trap Reduction Schedule

PURPOSE AND EFFECT: The purpose of these rule amendments and rule repeal is to amend several rule elements of the Commission’s Spiny Lobster Rule. The purpose of amending Rules 68B-24.001, 68B-24.002, and 68B-24.007 and repealing Rule 68B-24.008 is to prohibit the harvest of any eggbearing species of lobster. The effect of this rule will be to provide an added measure of protection to lobster species that occur in Florida waters where the taking of eggbearing individuals is not already prohibited, thus ensuring an added measure of protection to these lobster populations which are part of a healthy ecosystem. The purpose of amending Rule 68B-24.006 is to add rule language to allow up to two spiny lobster endorsement numbers (C-numbers) to be displayed on one vessel to facilitate entry-level participants in the commercial spiny lobster fishery. The effect will be to help facilitate new entrants into the commercial spiny lobster fishery by allowing them to work their gear from another spiny lobster endorsement holder’s vessel. The purpose of amending Rule 68B-24.009 is to extend the moratorium on the lobster trap reduction schedule for one year. The effect will be to maintain the moratorium on trap reduction to allow agency staff to continue to work with representatives of the spiny lobster fishery on a management strategy that will ensure both a healthy and sustainable spiny lobster fishery while reducing impacts on the environment.

SUMMARY: Rule 68B-24.001, F.A.C., (Purpose and Intent), 68B-24.002, F.A.C., (Definitions), and 68B-24.007 F.A.C., (Other Prohibitions), are amended, and Rule 68B-24.008, F.A.C., (Slipper Lobster; Prohibitions Relating to Eggbearing Slipper Lobster) is repealed to prohibit the harvest of any eggbearing lobster in the spiny, furry and slipper lobster families. Rule 68B-24.006, F.A.C., (Gear: Traps, Buoys, Identification Requirements, Prohibited Devices) is amended to allow up to two spiny lobster (trap) endorsement numbers to be displayed per vessel. Rule 68B-24.009, F.A.C., (Trap Reduction Schedule) is amended to continue the moratorium on the trap reduction schedule until July 1, 2009.

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

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

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.  
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.  
 A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the Commission’s regular meeting, April 9-10, 2008, 8:30 a.m. – 5:00 p.m., each day  
 PLACE: Ramada Inn, 2900 North Monroe Street, Tallahassee, FL 32303

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)488-9542

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-24.001 Purpose and Intent.

(1) through (2) No change.

(3) It is also the intent of this chapter to prohibit the molestation of any eggbearing ~~slipper~~ lobster.

(4) Spiny lobster is designated as a restricted species pursuant to Section 370.01(23)(20), Florida Statutes.

(5) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History–New 7-2-87, Amended 7-2-90, 3-1-92, 6-1-94, 10-4-95, Formerly 46-24.001, Amended \_\_\_\_\_.

68B-24.002 Definitions.

(1) through (12) No change.

~~(13) “Slipper lobster,” also known as Spanish, sand, shovelnose, and bulldozer lobster, means any crustacean of the species *Seyllarides nodifer*, or any part thereof. *Seyllarides nodifer*, or any part thereof.~~

~~(13)(14) “Spiny lobster” or “crawfish” means any crustacean of the species *Panulirus argus*, or any part thereof.~~

~~(14)(15) “Untreated pine” means raw pine wood that has not been treated with any preservative or pine wood that has been pressure treated with no more than 0.40 pounds of chromated copper arsenate (CCA) compounds per cubic foot of wood.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-2-87, Amended 7-2-90, 3-1-92, 6-1-94, 10-4-95, Formerly 46-24.002, Amended 7-7-03, 4-1-04, \_\_\_\_\_.

68B-24.006 Gear: Traps, Buoys, Identification Requirements, Prohibited Devices.

(1) through (10) No change.

(11) Except as provided in subsection (7) of this rule, no more than two spiny lobster (trap) endorsement numbers (C-numbers) shall be used on a single vessel.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-2-87, Amended 7-2-90, 3-1-92, 7-1-92, 6-1-94, 10-4-95, 9-30-96, 6-1-99, Formerly 46-24.006, Amended 7-1-01, 7-9-02, 7-7-03, 4-1-04, \_\_\_\_\_.

68B-24.007 Other Prohibitions.

(1) The harvest or possession of eggbearing spiny lobster, or any other species of lobster belonging to the families *Palinuridae* (spiny lobsters), *Scyllaridae* (slipper lobsters), or *Synaxidae* (furry lobsters) is prohibited. Eggbearing spiny lobster, or any other species of lobster in the families listed in this subsection, found in traps shall be immediately returned to the water free, alive, and unharmed. The practice of stripping or otherwise molesting eggbearing spiny lobster, or any other species of lobster in the families listed in this subsection, in order to remove the eggs is prohibited and the possession of spiny lobster or spiny lobster tails from which eggs, swimmerettes, or pleopods have been removed or stripped is prohibited.

(2) through (5) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-2-87, Amended 7-2-90, 10-4-95, Formerly 46-24.007, Amended \_\_\_\_\_.

68B-24.008 Slipper Lobster; Prohibitions Relating to Eggbearing Slipper Lobster.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-2-87, Amended 7-2-90, Formerly 46-24.008, Repealed \_\_\_\_\_.

68B-24.009 Trap Reduction Schedule.

(1) through (3) No change.

(4) Notwithstanding the provisions of subsections (1)-(3) of this rule, no trap reductions shall take place in the license years beginning with the 2004-2005 license year and continuing through the 2008-2009 ~~2007-2008~~ license year.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 3-1-92, Amended 6-1-94, 6-3-96, 3-5-97, Formerly 46-24.009, Amended 6-29-00, 7-1-01, 4-1-04, \_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Mark Robson, Director, Division of Marine Fisheries  
 Management, 2590 Executive Center Circle East, Suite 201,  
 Tallahassee, Florida 32301, (850)488-9542  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive  
 Director  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: December 6, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: February 29, 2008

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-1.039	Supplemental Educational Services in Title I Schools

**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. 34, No. 4, January 25, 2008 issue of the Florida Administrative Weekly.

Subsection (10) was amended to read:

(10) Confidentiality. The identity of any student who is eligible for or receiving supplemental educational services shall not be disclosed to the public without prior written consent of the parents of the student, however, unless a student is a dependent student as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954), when a student has attained 18 years of age, prior written consent of the student is required before disclosure under this subsection occurs. Providers shall abide by the procedures of the school district and the Department for the security, privacy and retention of student records in accordance with the requirements of Section 1002.22, Florida Statutes and 20 U.S.C. § 1232g.

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NOS.:	RULE TITLES:
33-601.800	Close Management
33-601.820	Maximum Management

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 8, February 22, 2008 issue of the Florida Administrative Weekly.

The following information was inadvertently omitted from the notice of proposed rulemaking for the above proposed rules.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 George Sapp, Assistant Secretary of Institutions  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy  
 Secretary

DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: December 21, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: January 18, 2008

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:	RULE TITLE:
40D-1.002	Delegation of Authority

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 8, February 22, 2008 issue of the Florida Administrative Weekly. The date the notice of proposed rule development published in the Florida Administrative Weekly is corrected to February 15, 2008.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

**Division of Hotels and Restaurants**

RULE NO.:	RULE TITLE:
61C-8.004	Program Requirements

**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. 34, No. 1, January 4, 2008 issue of the Florida Administrative Weekly.

61C-8.004 Program Requirements.

(1) Grant Application Requirements.

(a) Grant applications shall be submitted on DBPR Form HR 5025-200, GRANT APPLICATION TO SUPPORT HOSPITALITY TRAINING PROGRAMS, incorporated herein by reference and effective 2007 October 4 ~~1-18-98~~, to the Program Administrator ~~Director of Education~~, Hospitality Education Program (HEP), Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1014. ~~Applications are available upon written request to the Director of Education as cited above.~~

~~(f)(e)~~ The application must be accompanied by DBPR Form HR 5025-201, PROPOSAL NARRATIVE FORMAT, incorporated herein by reference and effective 2007 October 4

~~1-18-98. Copies of this form may be obtained from the Hospitality Education Program at the address provided in paragraph 61C-8.004(1)(a), F.A.C.~~

(2) Review and Processing of Grant Applications.

(b) ~~DBPR Form HR 5025-206, EVALUATION FORM, incorporated herein by reference and effective 2007 October 4, shall be used by all reviewers to evaluate all school-to-career transition programs grant applications submitted. DBPR Form HR 5025-204, EVALUATION FORM FOR HOSPITALITY TRAINING PROGRAM GRANT APPLICATIONS, incorporated herein by reference and effective 2007 October 4 1-18-98, shall be used by all reviewers to evaluate all other the grant applications submitted. Copies of this form may be obtained from the Hospitality Education Program at the address provided in paragraph 61C-8.004(1)(a), F.A.C.~~

(3) Program Review and Disbursement of Funds.

(g) Written status reports shall be submitted as indicated ~~on in~~ the grant application narrative but not more less than 60 30 days following the end of each quarter, using DBPR Form HR 5025-202, QUARTERLY STATUS REPORT FORM FOR HOSPITALITY TRAINING PROGRAMS, incorporated herein by reference and effective 2007 October 4 1-18-98. ~~Copies of this form may be obtained from the Hospitality Education Program at the address provided in paragraph 61C-8.004(1)(a), F.A.C.~~ Quarterly requests for payment shall be submitted with the status reports. Such requests shall contain an invoice requesting payment and a detailed accounting of quarterly expenditures for the quarter. Payment requests for expenditures accrued during the first quarter of the grant period shall include only those expenditures accrued on or after July 1 or the date of grant contract execution, whichever is later. All other payment requests shall contain only those expenditures accrued during the previous quarter.

(4) Annual Program Reports. An annual report shall be submitted within 60 days following the end of each state fiscal year and the grant period using DBPR Form HR 5025-203, ANNUAL PROGRAM REPORT FORM FOR HOSPITALITY TRAINING PROGRAMS GRANTS, incorporated herein by reference and effective 2007 October 4 1-18-98, and which is available upon written request from the director of education shall be used to submit an annual report within 30 days following the end of the grant period. Copies of this form may be obtained from the Hospitality Education Program at the address provided in paragraph 61C-8.004(1)(a), F.A.C.

(5) Obtaining forms. All forms incorporated in this section are available from the Division of Hotels and Restaurants Internet website [www.MyFloridaLicense.com/dbpr/hr](http://www.MyFloridaLicense.com/dbpr/hr); by e-mail to [call.center@dbpr.state.fl.us](mailto:call.center@dbpr.state.fl.us); by phone request to the department at (850)487-1395; or upon written request to the Hospitality Education Program, Division of Hotels and

Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1014.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

## DEPARTMENT OF HEALTH

### Division of Medical Quality Assurance

RULE NO.: 64B-9.002  
 RULE TITLE: Physician Survey Procedures  
 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. 33, No. 50, December 14, 2007 issue of the Florida Administrative Weekly.

The changes are in response to written comments received from the Joint Administrative Procedures Committee. The rule as amended to address the JAPC concerns shall read as follows:

(1) At time of licensure renewal, each medical doctor and osteopathic physician who renews his or her license on line at [www.FLHealthSource.com](http://www.FLHealthSource.com) must fully complete on line all applicable portions of the physician workforce survey, form DH-MQA 1119, entitled Physician Workforce Survey, effective 02/08, which is incorporated herein by reference and also may be viewed at <http://www.doh.state.fl.us/mqa/medical/index.html> or at <http://www.doh.state.fl.us/mqa/osteopath/index.html>. The address where physicians who do not renew online are required to obtain, complete and submit a paper copy of the survey with their renewal is 4052 Bald Cypress Way, Bin # C10, Tallahassee, FL 32399.

(2) The nondisciplinary citation issued to a licensee for failing to complete the survey shall be sent by regular U.S. mail to the licensee's last address of record. The license renewal notice warning of the prohibition against renewal without first completing the survey shall be sent by regular U.S. mail to the licensee's last address of record, and the license shall not be renewed until the survey has been completed.

Specific Authority 458.3191(4), 459.0081(4) FS. Law Implemented 381.4018, 458.3191, 459.0081 FS. History--New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lola Pouncey, Bureau Chief, Bureau of Operations, Department of Health, 4052 Bald Cypress Way, Bin C-10, Tallahassee, Florida 32399-3250

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NOS.:	RULE TITLES:
64B7-25.001	Examination Requirements
64B7-25.004	Endorsements

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 7, February 15, 2008 issue of the Florida Administrative Weekly.

The correction will revise the first paragraph, second line of the Notice of Correction to read as "Notice of RuleMaking" in place of "Notice of Change".

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.:	RULE TITLE:
64B7-26.002	Licensure of Massage Establishments

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 9, February 29, 2008 issue of the Florida Administrative Weekly.

The correction will revise the first paragraph, second line to read as "Notice of RuleMaking in place of "Notice of Change".

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.:	RULE TITLES:
65C-13.022	Background Screening Requirements
65C-13.023	Pre-Service Training
65C-13.024	Initial Licensing Procedures
65C-13.025	In-Service Training
65C-13.026	Changes During the Licensed Year
65C-13.027	Re-Licensing
65C-13.028	Licensed Out-of-Home Caregiver's Role as a Team Member
65C-13.029	Standards for Licensed Out-of-Home Caregivers
65C-13.030	Terms of a License
65C-13.031	Capacity, Placement and Waivers
65C-13.032	Babysitting, Respite and Other Supervision
65C-13.033	Complaint Investigations

65C-13.034	Administrative Actions, Appeals and Closures
65C-13.035	Administrative Actions, Appeals and Closures

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 6, February 8, 2008 issue of the Florida Administrative Weekly.

The correction has been made to the Notice of Change published in the February 8, 2008 issue of the Florida Administrative Weekly in Vol. 34, No. 6 whereas "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. 32, No. 48, December 1, 2006 issue of the Florida Administrative Weekly." should have read the following: "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. 33, No. 47, November 21, 2007 issue of the Florida Administrative Weekly."

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.:	RULE TITLE:
65C-20.008	Application

**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. 33, No. 33, August 17, 2007 issue of the Florida Administrative Weekly.

65C-20.008 Application.

(1) through (3) No change.

(a) An employment history check is required as part of background screening, must include the previous two (2) years and must be maintained in the department's licensing file. ~~An employment history check conducted under this rule~~, which shall include the applicant's position description, confirmation of employment dates from previous job(s), and level of job performance.

~~(b)2-~~ CF Form 1649A, January 2007, an Attestation of Good Moral Character, which is incorporated by reference, must be completed for all operators/applicants and all adult household members annually or in accordance with local licensing agency compliance and must be maintained in the department's licensing file. CF-FSP 1649 may be obtained from the licensing authority or on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) by clicking on the forms link.

~~(c)3.~~ For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.

~~(4)a.~~ A screening conducted under this rule is valid for five (5) years, at which time a five (5) year re-screen must be conducted.

~~(a)1.~~ The five (5) year re-screen is required for the operator/applicant and all other household members, including juveniles and substitutes, and must be maintained in the department's licensing file.

~~(b)1.~~ The five (5) year re-screen must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check.

~~(c)11.~~ An operator/applicant must be re-screened following a break in operation of the family day care home that exceeds 90 days. A person in this category must undergo the same level of screening that was required at the time of initial operation of the family day care home. If operator/applicant takes a leave of absence, such as maternity leave, extended sick leave, etc., re-screening is not required unless the five (5) year re-screen has come due during the leave of absence.

Specific Authority 402.313 FS. Law Implemented 402.302(13), 402.313 FS. History—New 7-2-98, Amended 7-13-03, 9-12-04, 4-12-07, \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.:                   RULE TITLE:  
65C-20.010                 Health and Safety Related Requirements

**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. 33, No. 33, August 17, 2007 issue of the Florida Administrative Weekly.

65C-20.010 Health and Safety Related Requirements.

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

(b) All areas and surfaces accessible to children shall be free from toxic substances and hazardous materials. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items as well as knives, sharp tools and other potentially dangerous hazards shall be stored separately and locked or inaccessible and out of a child's reach.

(c) through (e) No change.

(f) Family day care homes caring only for infants under 12 months of age, shall not be required to have an outdoor play area; however, infants in care shall be provided opportunities for outdoor time each day that weather permits. For all other

family day care homes, including those providing evening care, the outdoor play area space shall ~~be fenced~~ maintain safe and adequate fencing or walls, a minimum of four (4) feet in height if the family day care home property borders any of the following:

1. through 4. No change.

(g) No change.

~~(h) Outdoor Play Area and Outdoor Equipment. Space~~

1. All family day care homes' play activities shall be suitable to each child's age and development. shall provide outdoor play equipment and

2. through 5. No change.

(i) through (m) No change.

~~(n)4.~~ Children up to one (1) year of age must be in an individual crib, portacrib or playpen with sides. Crib sides must be raised and secured while an infant is in the crib and bar spacings may not exceed two and three-eighths inches. Cribs must meet the construction regulations as outlined in Title 16, Parts 1508.7 & 1509.8, Code of Federal Regulations, January 1, 2004. No double or multi-deck cribs, cots or beds may be used. When napping or sleeping, young infants that are not capable of rolling over on their own shall be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternative position is authorized in writing by a physician. The documentation shall be maintained in the child's record.

(o) through (t) No change.

(2) through (5)(f) No change.

(g) All medicine must have child resistant caps and shall be stored separately and locked or inaccessible and out of a child's reach.

(h) No change.

(6) Child Discipline.

(a) Family day care homes shall adopt a discipline policy consistent with Section 402.305(12), F.S., including standards that prohibit children from being subjected to discipline which is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited.

(b) All family day care home operators, including substitutes, must comply with the family day care home's written discipline policy.

(c) A copy of the written discipline policy must be available for review by the parents or legal guardian and the licensing authority.

(7) Child Abuse or Neglect.

(a) Acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S., constitute a violation of the standards in Sections 402.301-319, F.S. Pursuant to Section 402.301(1), F.S., a

(b) Failure to perform the duties of a mandatory reporter pursuant to Section 39.201, F.S., constitutes a violation of the standards in Sections 402.301-319, F.S.

(8) Transportation.

(a) When any vehicle is regularly used by a family day care home to provide transportation, the driver shall have a valid Florida driver's license in accordance with Section 322.03(1)-703, F.S.

(b) All family day care homes must maintain current insurance coverage on all vehicles used to transport children in care and documentation thereof.

(c) The maximum number of individuals transported in a vehicle shall not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

(d) Each child, when transported, must be in an individual factory installed seat belt or federally approved, properly installed, child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute.

(e) An adult must remain within sight and hearing of children being transported in a vehicle so as to be able to respond to the needs of the children at all times.

(f) Prior to transporting children and upon the vehicle(s) arrival at its destination, the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:

1. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of six months. The log shall include each child's name, date, time of departure and time of arrival, and signature of the driver to verify the fact that all children have left the vehicle.

2. Upon arrival at the destination, the driver of the vehicle shall:

a. Mark each child off the log as the child departs the vehicle.

b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

c. Sign, date and record the driver's log immediately, verifying that all children were all accounted for and that the visual sweep was conducted.

(g) Smoking is prohibited in all vehicles while being used to transport children.

(h) Emergency medical forms signed by the custodial parent or legal guardian and emergency contact numbers must accompany the children on all field trips.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History—New 7-2-98, Amended 1-4-01, 7-13-03, 9-12-04, 4-12-07,

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.: 65C-20.011  
 RULE TITLE: Health Records

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. 33, No. 33, August 17, 2007 issue of the Florida Administrative Weekly.

65C-20.011 Health Records.

(1) through (2) No change.

(a) The operator shall obtain enrollment information from the child's custodial parent or legal guardian prior to accepting the child into care. This information shall be documented on CF-FSP Form 5219, January 2008 ~~June 2005~~, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent that contains all the information required by the department's form. CF-FSP Form 5219 may be obtained from the ~~local~~ Department of Children and Family Services' website at www.myflorida.com/childcare ~~district service center~~ or from the local licensing agency.

(b) through (c) No change.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.: 65C-20.012  
 RULE TITLE: Enforcement

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. 33, No. 33, August 17, 2007 issue of the Florida Administrative Weekly.

65C-20.012 Enforcement.

~~(1) Pursuant to Section 402.313, F.S., family day care homes may be fined a maximum of \$100 per violation, per day for noncompliance with any of the applicable provisions of Sections 402.301-319, F.S.~~

(1) Definitions.

(a) "Day" means a weekday, excluding weekends and holidays calendar day.

(b) "Probation" is a licensing status wherein the department or local licensing agency issues a disciplinary action imposing a deadline for a facility to remedy a violation or violations, a deadline for a home to remedy a violation or violations which are within the control of the facility, to become compliant with licensing standards.

~~(e)~~ “Provisional” is a licensing status wherein the Department or local licensing agency allows a facility to operate for a designated period of time although one or more licensing standards, beyond the control of the operator, have not been met.

~~(c)(d)~~ “Standards” are requirements that must be met for licensure as a family day care home and a large family child care home that are identified on the CF-FSP Form 5318, ~~October August~~ 2007, Family Day Care Home Standards Classifications Summary, and CF-FSP Form 5317, ~~October August~~ 2007, Large Family Child Care Home Standards Classification Summary, which is incorporated by reference.

~~(d)(e)~~ “Violation” means a finding of noncompliance by the department or local licensing agency with a licensing standard.

1. “Class I Violation” is an incidence of noncompliance with a Class standard as described on CF-FSP Form 5318 and CF-FSP Form 5317. Class I violations are the most serious in nature, pose an imminent threat to a child including ~~overt~~ abuse or ~~neglect~~ negligence and which could or does result in death or serious harm to the health, safety or ~~and~~ well-being of a child.

2. “Class II Violation” is the second or subsequent incidence of noncompliance with an individual Class II standard as described on CF-FSP Form 5318 and CF-FSP Form 5317. Class II violations are less serious in nature than Class I violations and could be anticipated to pose a threat to the health, safety or ~~and~~ well-being of a child, although ~~but~~ the threat is not imminent.

3. through 4. No change.

(2) No change.

(3) Disciplinary Sanctions.

(a) Enforcement of disciplinary sanctions shall be applied progressively for each standard violation. In addition, providers will be offered technical assistance in conjunction with any disciplinary sanction. The department shall ~~may~~ take into consideration the actions taken by the facility to correct the violation when determining the appropriate disciplinary sanction.

~~(b)~~ ~~Some violations may have disciplinary sanctions levied for each child or employee record or action found in noncompliance within a standard on any one inspection.~~

~~(b)(e)~~ Each standard violation has an assigned classification. Some based on the nature or severity of the violation(s) as identified within CF-FSP Form 5318, October August 2007, Family Day Care Home Standards Classifications Summary, and CF-FSP Form 5317, October August 2007, Large Family Child Care Home Standards Classification Summary, may escalate from one class to another based on the nature, severity, and/or repetition of the violation within a two (2) year period.

~~(c)(d)~~ A violation of a Class II standard ~~any standard(s)~~ that results in death or serious harm to a child shall ~~may~~ escalate to a Class I violation.

~~(d)(e)~~ Disciplinary sanctions for licensing violations that occur within a (two) 2 year period shall be progressively enforced as follows:

1. Class I Violations.

a. For the first and second Class I violation, the department shall upon applying the factors in Section 402.310(1), F.S., ~~at a minimum,~~ issue an administrative complaint imposing a fine not less than \$100 nor more than \$500 per day for each violation and ~~The department~~ may impose other disciplinary sanctions in addition to the fine.

~~b.~~ ~~For the second Class I violation, the Department shall at a minimum, issue an administrative complaint placing the provider’s license on probation status for a period not to exceed 6 (six) months. The Department may also levy a fine not less than \$100 nor more than \$500 per day for each violation in addition to any other disciplinary sanction.~~

b.e. For the third and subsequent Class I violations, the department shall issue an administrative complaint to suspend, deny or revoke the license or registration. The department, upon applying the factors in Section 402.310(1), F.S., may also levy a fine not less than \$100 nor more than \$500 per day for each violation in addition to any other disciplinary sanction.

2. Class II Violations.

a. No change.

b. For the second Class II violation, the department shall issue an administrative complaint imposing a fine of \$50 ~~per day~~ for each violation. This violation, and subsequent violations, of the same standard within a two (2) year period will be classified as “Class II.”

c. For the third Class II violation of that standard, the department shall issue an administrative complaint imposing a fine ~~in the amount~~ of \$60 per day for each violation.

~~d.~~ For the fourth Class II violation, the department shall, ~~at a minimum,~~ issue an administrative complaint placing the provider’s license or registration on probation status for a period not to exceed six (6) months, and ~~(The department shall~~ may also issue an administrative complaint imposing an additional fine of \$75 per day for each violation.

e. For the fifth and subsequent Class II violations, the department shall issue an administrative complaint to suspend, deny, or revoke the license, and ~~(The department shall~~ may also issue an administrative complaint imposing an additional fine of \$100 per day for each violation.

3. Class III Violations.

a. through b. No change

c. For the third Class III violation, the department shall issue an administrative complaint imposing a fine of \$25 per day for each violation. This Class III violation, and subsequent Class III violations of the same standard within a two-year period will be classified as "Class III."

d. No change.

e. For the fifth Class III violation, the department shall, at a minimum, issue an administrative complaint placing the provider's license on probation status for a period not to exceed six (6) months, and the department shall also issue an administrative complaint imposing a fine of \$40 per day for each violation.

f. For the sixth and subsequent Class III violations, the department shall issue an administrative complaint to suspend, deny, or revoke the license, and the department shall also issue an administrative complaint imposing an additional fine not to exceed of \$50 per day for each violation.

4. Children's Health/Immunization Records Disciplinary Sanctions.

a. For the first Class III Children's Health and or Immunization violation, technical assistance shall be provided. The violation will be classified as "Technical Support."

b. For the second Class III Children's Health and or Immunization violation, the department shall issue a formal warning letter stating the department's intent to take administrative action if further violations of the standard are found. The violation will be classified as "Technical Support."

c. For the third Class III Children's Health and or Immunization violation, the department shall issue an administrative complaint imposing a fine in the amount of \$25 per day for each violation. This Class III violation, and subsequent Class III violations, of the same standard within a two-year period, will be classified as "Class III."

d. For the fourth Class III violation, the department shall issue an administrative complaint imposing a fine in the amount of \$30 per day for each violation.

e. For the fifth Class III Children's Health and or Immunization violation, the department shall issue an administrative complaint imposing a fine in the amount of \$40 per day for each violation.

f. For the sixth and subsequent Class III Children's Health and or Immunization violations, the department shall issue an administrative complaint placing the provider's license or registration on probation status for a period not to exceed six (6) months, and the department may shall also issue an administrative complaint imposing an additional fine of \$50 per day for each violation.

~~(3)~~(4) No change.

(5) Child Discipline.

(a) Family day care homes shall adopt a discipline policy consistent with Section 402.305(12), F.S., including standards that prohibit children from being subjected to discipline which

~~is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited.~~

~~(b) All family day care home operators, including substitutes, must comply with the family day care home's written discipline policy.~~

~~(c) A copy of the written discipline policy must be available for review by the parents or legal guardian and the licensing authority.~~

~~(6) Child Abuse or Neglect.~~

~~(a) Pursuant to Section 402.301(1), F.S., acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S., constitute a violation of the standards in Sections 402.301-319, F.S.~~

~~(b) Failure to perform the duties of a mandatory reporter pursuant to Section 39.201, F.S. constitutes a violation of the standards in Sections 402.301-319, F.S.~~

~~(7) Transportation.~~

~~(a) When any vehicle is regularly used by a family day care home to provide transportation, the driver shall have a valid Florida driver's license in accordance with Section 322.01-703(1), F.S.~~

~~(b) All family day care homes must maintain current insurance coverage on all vehicles used to transport children in care and documentation thereof.~~

~~(c) The maximum number of individuals transported in a vehicle shall not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.~~

~~(d) Each child, when transported, must be in an individual factory installed seat belt or federally approved, properly installed, child safety restraint, unless the vehicle is excluded from this requirement by Florida Statutes.~~

~~(e) An adult must remain within sight and hearing of children being transported in a vehicle so as to be able to respond to the needs of the children at all times.~~

~~(f) Prior to transporting children and upon the vehicle(s) arrival at its destination, the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:~~

~~1. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of six months. The log shall include each child's name, date, time of departure and time of arrival, and signature of the driver to verify the fact that all children have left the vehicle.~~

~~2. Upon arrival at the destination, the driver of the vehicle shall:~~

~~a. Mark each child off the log as the child departs the vehicle;~~

~~b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and~~

~~e. Sign, date and record the driver's log immediately, verifying that all children were all accounted for and that the visual sweep was conducted.~~

~~(g) Smoking is prohibited in all vehicles while being used to transport children.~~

~~(h) A permission and transportation release form signed by the custodial parent or legal guardian of the children in care must be on file for planned and unplanned activities.~~

~~(i) A telephone or other means of instant communication shall be available to the operator, employee or other adult responsible for children during all field trips. Cellular phones, two-way radio devices, citizen band radios, and other means of instant communication are acceptable.~~

~~(j) Emergency medical forms signed by the custodial parent or legal guardian and emergency contact numbers must accompany the children on all field trips.~~

Specific Authority 402.313 FS. Law Implemented 402.310, 402.319(5) FS. History--New 7-2-98, Amended 7-13-03, 9-12-04, 4-12-07.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.: RULE TITLE:  
65C-20.013 Large Family Child Care Homes (LFCCH)

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. 33, No. 33, August 17, 2007 issue of the Florida Administrative Weekly.

65C-20.013 Large Family Child Care Homes (LFCCH).

(1) through (5)(b) No change.

1. Possess a CF-FSP Form 5206, April 2005, Staff Credential Verification Confirmation or one (1) of the following credentials for a minimum of one (1) year: prior to Large Family Child Care Home Licensure:

~~⊖~~ An active National Early Childhood Credential (NECC); an active Birth Through Five or School-Age Florida Child Care Professional Credential (FCCPC) (formerly known as the Child Development Associate Equivalency); an active Florida Department of Education Child Care Apprenticeship Certificate (CCAC), Early Childhood Professional Certificate (ECPC) or School-Age Professional Certificate (SAPC); or meet the formal educational qualification requirement outlined on CF-FSP Form 5211, January 2008 April, Staff Credential Application, which is incorporated by reference. An Employment History Recognition Exemption will not be accepted to meet the minimum staff credential requirements for Large Family Child Care Homes.

a. A candidate must complete CF-FSP Form 5211, January 2008, Staff Credential Application.

b. through (f) No change.

(6) through (7) No change.

(8) Transportation

(a) When any vehicle is regularly used by a large family child care home to provide transportation, the driver shall have a valid current Florida driver's license in accordance with Section ~~322.01-703(1)~~, F.S.

(b) through (h) No change.

(9) through (11)(b) No change.

(c) Outdoor Play Area Space and Outdoor Equipment.

1. At all large family child care homes the outdoor play area space shall maintain safe and adequate fencing, or walls, a minimum of four (4) feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free from erosion or buildup, to prevent inside or outside access by children or animals.

2. All large family child care homes must have a minimum of 270 square feet of usable outdoor play area space located on their property and which is exclusively used for the children attending or residing at the large family child care home. Large family child care homes caring only for infants under 12 months of age, shall not be required to have an outdoor play area space; however, infants in care shall be provided opportunities for outdoor time each day that weather permits.

3. through 7. No change.

(d) No change.

Specific Authority 402.3131 FS. Law Implemented 402.302(13), 402.305, 402.3131 FS. History--New 5-21-00, Amended 1-4-01, 7-13-03, 9-12-04, 4-12-07.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.: RULE TITLE:  
65C-22.001 General Information

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. 33, No. 33, August 17, 2007 issue of the Florida Administrative Weekly.

65C-22.001 General Information.

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

(c) The ~~licensed capacity, as reflected on the annual license, may never exceed~~ the total number of children in care on site and while on field trips may never exceed the licensed capacity as reflected on the annual license.

(3) through (9) No change.

(10) Attendance. Daily attendance of children shall be taken and recorded by the child care facility personnel, documenting the time when each child enters and departs a child care facility or program. The custodial parent or guardian

may document the time when their child(ren) enter and depart the child care facility or program. However, child care facility personnel are responsible for ensuring that attendance records are complete and accurate. Such records shall be maintained for a minimum of four (4) months. Attendance forms used for Voluntary PreKindergarten or School Readiness may be used if applicable.

~~(11) Child Safety. Pursuant to Section 402.301, F.S., acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S., constitute a violation of the standards in Section 402.301-319, F.S.~~

(11) Child Safety.

a. Acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S., constitutes a violation of the standards in Sections 402.301-319, F.S. Pursuant to ~~Section 402.301, F.S., a~~

b. Failure to perform the duties of a mandatory reporter pursuant to Section 39.201, F.S., constitutes a violation of the standards in Sections 402.301-319, F.S.

Specific Authority ~~402.281~~, 402.305 FS. Law Implemented ~~402.281~~, 402.305, 402.3055, 402.308, 402.310, ~~402.315~~ FS. History–New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04, 4-12-07.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.:                      RULE TITLE:  
65C-22.003                      Training

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. 33, No. 33, August 17, 2007 issue of the Florida Administrative Weekly.

- 65C-22.003 Training.
- (1) through (6) No change.
- (7) Staff Credentials.

(a) Staff Credential Requirement. Pursuant to s. 402.305(3), F.S., a licensed child care facility must have one (1) credentialed staff member ~~of~~ for every 20 children.

1. A credentialed staff member is defined as a child care professional who has been issued a CF-FSP Form 5206, January 2008 April, Staff Credential Verification, which is incorporated by reference, by the department.

2. To apply for a CF-FSP Form 5206, a candidate must complete CF-FSP Form 5211, January 2008 April, Staff Credential Application, which is incorporated by reference, copies of which may be obtained on the Department of Children and Family Services’ website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare), and meet one (1) of the following six (6) qualifications as cited on CF-FSP Form 5211:

- a. through f. No change.

- (b) through (e) No change.
- (8) No change.

Specific Authority 402.305 FS. Law Implemented 402.305, 402.309 FS. History–New 6-1-97, Amended 3-17-99, 7-26-00, 4-2-02, 7-13-03, 9-12-04, 4-12-07.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.:                      RULE TITLE:  
65C-22.004                      Health Related Requirements

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. 33, No. 33, August 17, 2007 issue of the Florida Administrative Weekly.

- 65C-22.004 Health Related Requirements.
- (1) through (3) No change.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History–New 6-1-97, Amended 3-17-99, 7-26-00, 4-2-02, 7-13-03, 9-12-04, 4-12-07.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.:                      RULE TITLE:  
65C-22.006                      Record Keeping

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. 33, No. 33, August 17, 2007 issue of the Florida Administrative Weekly.

- 65C-22.006 Record Keeping.
- (1) through (2) No change.
- (3) The facility operator shall obtain enrollment information from the child’s custodial parent or legal guardian, prior to accepting a child in care. This information shall be documented on CF-FSP 5219, January 2008 June, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent form that contains all information required by the Department of Children and Family Services on CF-FSP 5219. CF-FSP 5219 may be obtained from the licensing authority or on the Department of Children and Family Services’ website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(a) through (c) No change.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.:                      RULE TITLE:  
65C-22.008                      School Age Requirements

## 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. 33, No. 33, August 17, 2007 issue of the Florida Administrative Weekly.

65C-22.008 School Age Requirements.

(1) through (3)(e)2. No change.

3. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, as well as knives and sharp tools and other potentially dangerous hazards, shall be stored separately and locked or inaccessible and out of a child's reach.

4. through 8. No change.

(f) through (m)4.f. No change.

g. All medication must have child resistant caps and shall be stored separately and locked or inaccessible and out of a child's reach.

h. No change.

(n) No change.

(o) Nutrition.

1. If a school-age child care program chooses to supply food, it shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA My Pyramid, April 2005 shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children ages two (2) and older. Using the USDA My Pyramid, breakfast shall consist of at least three (3) different food groups, lunch and dinner shall consist of at least four (4) different food groups, and snacks shall consist of at least two (2) different food groups. The categories "oils" and "discretionary calories" may not be considered food groups. Copies of the USDA My Pyramid, may be obtained from the licensing authority, the local county health department or from the USDA website at [www.mypyramid.gov](http://www.mypyramid.gov).

2. through 4. No change.

(p) through (t)5.c. No change.

d. Documentation of staff members that have met the first aid and ~~infant and~~ child cardiopulmonary resuscitation (CPR) training requirement as referenced in sub-subparagraph 65C-22.008(3)(m)2.b., F.A.C.

e. through j. No change.

k. Daily meal and snack menus, including meal substitutions. Must be maintained for one (1) month year as referenced in subparagraph 65C-22.008(3)(o)4., F.A.C.

(4) No change.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## Family Safety and Preservation Program

RULE NO.:  
65C-22.009

RULE TITLE:

Gold Seal Quality Care Program

## 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. 33, No. 33, August 17, 2007 issue of the Florida Administrative Weekly.

65C-22.009 Gold Seal Quality Care Program.

(1) No change.

(2) Provider Requirements.

(a) Gold Seal Quality Care Provider Designation Certificate.

Pursuant to Section 402.281(1), F.S., a child care facility ~~family day care homes and large family child care homes~~ seeking to obtain a designation as a Gold Seal Quality Care provider shall provide the department with documentation of accreditation by an accrediting association that has been approved by the department. A list of approved accrediting associations may be obtained from the licensing authority or on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(b) Gold Seal Quality Care Enforcement

1. Gold Seal Quality Care providers must maintain national accreditation in order to retain their designation. A child care facility's ~~family day care home's~~ Gold Seal designation will be terminated upon expiration of accreditation. In order to obtain and maintain Gold Seal Quality Care provider designation, a child care facility ~~family day care home~~ must meet the additional criteria outlined in Section 402.281(3), F.S.

2. If Gold Seal Quality Care designation is revoked by the department, termination of the designation will be effective on the last day of the current period of licensure.

3. If the child care facility's ~~family day care home's~~ accreditation is revoked by the accrediting agency, the child care facility's ~~family day care home's~~ Gold Seal Quality Care designation will be terminated effective the date of revocation.

(3) Accrediting Association Requirements.

(a) Accrediting associations seeking recognition as a Gold Seal Quality Care Accrediting Association must complete and attest to the requirements referenced on CF-FSP Form 5315, August 2007, Gold Seal Quality Care Accrediting Application, which is incorporated by reference. CF-FSP Form 5315 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

Applications are accepted during the months of January and July. Denial of an application requires a minimum of a six (6) month waiting period from the date of denial before re-submission during the next scheduled acceptance month.

(b) through (c) No change.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.: RULE TITLE:

65C-22.010 Enforcement

**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. 33, No. 33, August 17, 2007 issue of the Florida Administrative Weekly.

65C-22.010 Enforcement.

(1) Definitions.

(a) "Day" means a weekday, excluding weekends and holidays ~~calendar day~~.

(b) No change.

~~(e) "Provisional" is a licensing status wherein the Department or local licensing agency allows a facility to operate for a designated period of time although one or more licensing standards, beyond the control of the operator, have not been met.~~

~~(c)(d) "Standards" are requirements that must be met for licensure as a child care facility and that are identified on the CF-FSP Form 5316, October August 2007, Child Care Facility Standards Classification Summary, which is incorporated in this rule by reference.~~

~~(d)(e) "Violation" means a finding of noncompliance by the department or local licensing agency with a licensing standard.~~

1. "Class I Violation" is an incidence of noncompliance with a Class I standard as described on CF-FSP Form 5316, October August 2007. Class I violations are the most serious in nature, pose an imminent threat to a child including ~~over~~ abuse or neglect negligence and which could or does result in death or serious harm to the health, safety or ~~and~~ well-being of a child.

2. "Class II Violation" is the second or subsequent incidence of noncompliance with an individual Class II standard as described on CF-FSP Form 5316. Class II violations are less serious in nature than Class I violations and could be anticipated to pose a threat to the health, safety or ~~and~~ well-being of a child, although the threat is not imminent.

3. through 4. No change.

(2) Disciplinary Sanctions.

(a) Enforcement of disciplinary sanctions shall be applied progressively for each standard violation. In addition, providers will be offered technical assistance in conjunction

with any disciplinary sanction. The department ~~shall~~ may take into consideration the actions taken by the facility to correct the violation when determining the appropriate disciplinary sanction.

~~(b) Some violations may have disciplinary sanctions levied for each child or employee record or action found in noncompliance within a standard on any one inspection.~~

~~(b)(e) Each standard violation has an assigned classification. Some based on the nature or severity of the violation(s) as identified within the Child Care Facility Standards Classification Summary CF-FSP Form 5316, may escalate from one class to another based on the nature, severity, and/or repetition of the violation within a two (2) year period.~~

~~(c)(d) A violation of a Class II standard any standard(s) that results in death or serious harm to a child shall may escalate to a Class I violation.~~

~~(d)(e) Disciplinary sanctions for licensing violations that occur within a two (2) year period shall be progressively enforced as follows:~~

1. Class I Violations.

a. For the first and second Class I violation, the department shall, upon applying the factors in Section 402.310(1), F.S., at a minimum, issue an administrative complaint imposing a fine not less than \$100 nor more than \$500 per day for each violation; and ~~The department~~ may impose other disciplinary sanctions in addition to the fine.

~~b. For the second Class I violation, the department shall at a minimum, issue an administrative complaint placing the provider's license on probation status for a period not to exceed 6 (six) months. The department may also levy a fine not less than \$100 nor more than \$500 per day for each violation in addition to any other disciplinary sanction.~~

~~b.e. For the third and subsequent Class I violation, the department shall issue an administrative complaint to suspend, deny or revoke the license. The department, upon applying the factors in Section 402.310(1), F.S., may also levy a fine not less than \$100 nor more than \$500 per day for each violation in addition to any other disciplinary sanction.~~

2. Class II Violations.

a. No change.

b. For the second Class II violation, the department shall issue an administrative complaint imposing a fine of \$50 ~~per day~~ for each violation. This violation, and subsequent violations of the same standard within a two (2) year period will be classified as "Class II."

c. For the third Class II violation ~~of the standard~~, the department shall issue an administrative complaint imposing a fine of \$60 per day for each violation.

d. For the fourth Class II violation, the department shall, ~~at a minimum,~~ issue an administrative complaint placing the provider's license on probation status for a period not to

exceed six (6) months, ~~and the department shall may~~ also issue an administrative complaint imposing an additional fine of \$75 per day for each violation.

e. For the fifth and subsequent Class II violations, the department shall issue an administrative complaint to suspend, deny, or revoke the license, ~~and the department shall may~~ also issue an administrative complaint imposing an additional fine of \$100 per day for each violation.

3. Class III Violations.

a. through b. No change.

c. For the third Class III violation, the department shall issue an administrative complaint imposing a fine of \$25 ~~per day~~ for each violation. This violation, and subsequent violations of the same standard within a two (2) year period will be classified as "Class III."

d. No change.

e. For the fifth Class III violation, the department shall, ~~at a minimum,~~ issue an administrative complaint placing the provider's license on probation status for a period not to exceed six (6) months, ~~and the department shall may~~ also issue an administrative complaint imposing a fine of \$40 per day for each violation.

f. For the sixth and subsequent Class III violation, the department shall issue an administrative complaint to suspend, deny, or revoke the license, ~~and the department shall may~~ also issue an administrative complaint imposing a fine of ~~not to exceed~~ \$50 per day for each violation.

4. Children's Health/Immunization Records Disciplinary Sanctions.

a. For the first Class III Children's Health and or Immunization violation, technical assistance shall be provided. The violation will be classified as "Technical Support."

b. For the second Class III Children's Health and or Immunization violation, the department shall issue a formal warning letter stating the department's intent to take administrative action if further violations of the standard are found. The violation will be classified as "Technical Support."

c. For the third Class III Children's Health and or Immunization violation, the department shall issue an administrative complaint imposing a fine in the amount of \$25 for each violation. This Class III violation, and subsequent Class III violations of the same standard within a two (2) year period will be classified as "Class III."

d. For the fourth Class III violation, the department shall issue an administrative complaint imposing a fine in the amount of \$30 for each violation.

e. For the fifth Class III Children's Health and or Immunization violation, the department shall issue an administrative complaint imposing a fine in the amount of \$40 per day for each violation.

f. For the sixth and subsequent Class III Children's Health and or Immunization violations, the department shall issue an administrative complaint placing the provider's license or

registration on probation status for a period not to exceed six (6) months, and the department shall also issue an administrative complaint imposing an additional fine of \$50 per day for each violation.

~~(3) Child Abuse or Neglect Sanctions:~~

a. Pursuant to Section 402.301, F.S., Acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S., constitutes a violation of the standards in Sections 402.301-319, F.S.

b. Failure to perform the duties of a mandatory reporter pursuant to Section 39.201, F.S. constitutes a violation of the standards in Sections 402.301-319, F.S.

Specific Authority 402.305, 402.310, ~~39.201~~ FS. Law Implemented 402.305, 402.310 FS. History-New \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NOS.:	RULE TITLES:
69O-204.010	Purpose and Scope
69O-204.020	Definitions
69O-204.030	Forms Incorporated by Reference
69O-204.040	Prohibited Practices
69O-204.070	Anti-Fraud

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. 33, No. 50, December 14, 2007 issue of the Florida Administrative Weekly.

The rule will read as follows:

69O-204.010 Purpose and Scope.

The purpose of this Rule Chapter is to implement the provisions of Chapter 626, Part X, Florida Statutes.

Specific Authority 626.9925 FS. Law Implemented 626.991 FS. History-New \_\_\_\_\_.

69O-204.020 Definitions.

In addition to the definitions in Section 626.9911, F.S., the following definitions apply to this regulation:

(1) "Control" or "effective control" as used in the Viatical Settlement Act and this rule chapter means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a person.

(2) "Secondary market" means the assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of a viaticated life insurance policy or viaticated certificate of insurance.

Specific Authority 626.9925 FS. Law Implemented 626.9911(2), 626.9912(4), 626.9913(2), 626.9922(2), 626.9924, 626.9913(2) FS. History-New \_\_\_\_\_.

690-204.030 Forms Incorporated by Reference.

(1) The following forms are incorporated by reference to implement the provisions of Chapter 626, Part X, Florida Statutes.

(a) Form OIR-A3-1288, Viatical Settlement Provider Annual Report (REV 2/08).

(b) Form OIR-C1-1294, Notice of Intent to Use a Related Provider Trust (REV 10/05).

(2) All of the above referenced forms are available from the Office's website: <http://www.floir.com>.

(3) All applications, annual report filings, forms submitted by licensees for approval and associated documentation shall be submitted electronically to <http://iportal.fldfs.com>.

Specific Authority 626.9925 FS. Law Implemented 626.9912(2), 626.9912(3), 626.9913(2), 626.9921(3), 626.9921(4), 626.9928 FS. History—New \_\_\_\_\_.

690-204.040 Prohibited Practices.

A viatical settlement provider shall not act also as a viatical settlement broker, whether entitled to collect a fee directly or indirectly, in the same viatical settlement.

Specific Authority 626.9925 FS. Law Implemented 626.9911(9), 626.9916(1), 626.9916(5) FS. History—New \_\_\_\_\_.

690-204.070 Anti-Fraud.

Every licensed viatical settlement provider shall establish and maintain in accordance with the provisions of Section 626.9922, F.S.:

(1) Documentation of compliance with its anti-fraud plan and procedures filed in accordance with Section 626.99278, F.S.

(2) All documentation pertaining to resolved and unresolved material inconsistencies between medical records and insurance applications.

(3) Documentation pertaining to the mandatory reporting of possible fraudulent acts and prohibited practices set forth in Section 626.99275, F.S., to the Division of Insurance Fraud of the department.

Specific Authority 626.9925 FS. Law Implemented 626.99278, 626.9922, 626.99275 FS. History—New \_\_\_\_\_.

The remainder of the rules read as previously published.

## Section IV Emergency Rules

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

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

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Florida Department of Transportation has issued an order denying the petition of Lamar Outdoor Advertising – Lakeland, seeking a variance from the provisions of paragraph 14-10.007(2)(b), F.A.C. The Petition was received by the Department on November 28, 2007. The Department published its notice of receipt of the petition in the December 14, 2007, edition of the F.A.W. Paragraph 14-10.007(2)(b), F.A.C., prohibits modifications to the height above ground level for nonconforming billboards. The Department's order, issued in DOT Case No. 07-114, denied the petition because Lamar Outdoor Advertising – Lakeland failed to demonstrate that the purpose of the underlying statute would be met or that strict application of the rule would create a substantial hardship or violate principles of fairness.

A copy of the Order may be obtained by contacting: Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458.

For additional information, contact James C. Myers at (850)414-5393.

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

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

### WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on February 12, 2008, the South Florida Water Management District (District), received a petition for waiver from Okeechobee Utility Authority, Application No. 08-0129-1, for utilization of Works or Lands of the District known as the L-63N Canal, Okeechobee County, for a proposed parallel run of a 4" force main transmission line within the east right of way of L-63N, Section 35, Township 36 East, Range 35 West, Sections 2, 11, 13, 24, 25 Township 37 South, Range 35 East and Sections 30, 31, 32, Township 37 South, Range 36 East. The petition seeks

relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the use of the District's Right of Way for placement of parallel transmission (force main) facilities within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Triola at (561)682-6268 or e-mail at [jtriola@sfwmd.gov](mailto:jtriola@sfwmd.gov). The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on February 26, 2008, the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, Docket No. 2008010658, received a petition for Waiver.

Whether Scape Investments, Inc., a bulk sale purchaser at bankruptcy of 82 units in the Residences at Whispering Pines, a condominium, who intends to market the units for sale to the public is entitled to a waiver of the definition of developer in Rule 61B-15.007, Florida Administrative Code, and therefore exempt from complying with the statutory requirements for filing, offering, and selling.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

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NOTICE IS HEREBY GIVEN THAT on February 1, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Brick House located in Monticello. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of forty (40).

A copy of the Petition for Variance or Waiver may be obtained by contacting: [Xenia.Bailey@dbpr.state.fl.us](mailto:Xenia.Bailey@dbpr.state.fl.us).

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NOTICE IS HEREBY GIVEN THAT on February 8, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Speedie Doggs located in Ponce De Leon. The above referenced F.A.C. states that all bathrooms

shall be of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment and have seating for ten.

A copy of the Petition for Variance or Waiver may be obtained by contacting: [Xenia.Bailey@dbpr.state.fl.us](mailto:Xenia.Bailey@dbpr.state.fl.us).

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NOTICE IS HEREBY GIVEN THAT on February 13, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on February 7, 2008, for an Emergency Variance for subsection 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Antojos Latinos Catering located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on February 13, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on February 4, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Domino's Pizza located in Miami. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment, Westchester Barber Shop.

This variance request was approved and is contingent upon the Petitioner ensuring the bathrooms located inside of Westchester Barber Shop are functional, has running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Petitioner will have no seats and all provisos shall be met prior to licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on February 13, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on January 30, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Exquisite Subs and Deli located in Tampa. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has two unisex bathrooms for patrons and they are requesting a variance to have a seating capacity of twenty-four (24) and two bathrooms with a unisex designation.

This variance request was approved and is contingent upon the Petitioner ensuring the two unisex public bathrooms are functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on February 13, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on February 5, 2008, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Quiznos Subs located in Maitland. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty-five (25).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (25) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on February 13, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on January 31, 2008, for a Routine Variance for subsection 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Rod's Catering located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on February 15, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Baskin Robins located in Pace. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of twenty (20).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from El Sanguchon located in Orlando. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of twenty-three (23).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on February 4, 2008, the Board of Accountancy, received a petition for Louise Huey, seeking a variance from subsection 61H1-33.006(2), Florida Administrative Code, which requires that an applicant for reactivation demonstrate successful completion of the required number of continuing professional education hours. Petitioner also seeks a variance from subsection 61H1-33.001(1), F.A.C., which requires that a CPA complete the laws and rules examination by December 31 of the licensee's reestablishment period. Petitioner also seeks a variance of subsection 61H1-33.003(6), F.A.C., which requires that licensees who complete the continuing professional education requirements timely but who are found to be deficient after December 31 of their renewal year must correct the error and pay a \$50.00 fine within 60 days.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN THAT on February 20, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on October 23, 2007, by Alan S. Burggaller. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 46, of the November 16, 2007, F.A.W. The Petitioner sought a waiver or variance of subsection 61H1-31.001(10), F.A.C., entitled "Fees" and the requirement that a licensee pay a \$50.00 delinquency fee for submitting a CPE reporting form after July 15th of the licensee's reestablishment period. Petitioner also sought a waiver or variance of paragraph 61H1-33.003(1)(b), F.A.C., entitled "Continuing Professional Education" with regard to the requirement that a licensee submit an additional 8 hours of CPE as penalty for not meeting the deadline for obtaining the required continuing education hours within their reestablishment period. The Board considered the instant Petition at a duly-noticed public meeting, held December 7, 2007, in Tallahassee, Florida.

The Board's Order denied the petition finding that Petitioner failed to establish that the purpose of the underlying statute, Section 473.305, Florida Statutes, would be met by granting a variance or waiver from subsection 61H1-31.001(10), F.A.C. The Board also found that Petitioner failed to establish that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-33.003(1)(b), F.A.C. The Board further found that Petitioner failed to establish that the Board's full application of the aforementioned rules to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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NOTICE IS HEREBY GIVEN THAT on February 20, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on October 25, 2007, by Stuart K. Furman. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 46, of the November 16, 2007, F.A.W. The Petitioner sought a waiver or variance of paragraph 61H1-33.003(1)(b), F.A.C., entitled "Continuing Professional Education" that requires that the licensee complete an additional 8 hours of CPE as penalty, if they do not timely meet the initial CPE requirements within their reestablishment period. Petitioner also sought a waiver or variance of subsection 61H1-33.003(6), F.A.C., which requires that licensees who complete the continuing professional education requirements timely but who are found to be deficient after December 31 of their renewal years must correct the error and pay a \$50.00 fine within sixty days. The Board considered the instant Petition at a duly-noticed public meeting, held December 7, 2007, in Tallahassee, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-33.003(1)(b), and 61H1-33.003(6), F.A.C. The Board further found that Petitioner established that the Board's full application of the aforementioned rules to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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NOTICE IS HEREBY GIVEN THAT on February 20, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on November 6, 2007, by Emma Guerra. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 46, of the November 16, 2007, F.A.W. The Petitioner sought a waiver or variance of paragraph 61H1-33.003(1)(b), F.A.C., entitled "Continuing Professional Education" to be allowed to count the Board-approved ethics course she completed on July 14, 2007, as being timely completed and, thus, she would owe no penalty hours. The Board considered the instant Petition at a duly-noticed public meeting, held December 7, 2007, in Tallahassee, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-33.003(1)(b), F.A.C. The Board further found that Petitioner established that the Board's

full application of the aforementioned rules to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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NOTICE IS HEREBY GIVEN THAT on February 20, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on October 1, 2007, by Charles L. Moore. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 43, of the October 26, 2007, F.A.W. The Petitioner sought a waiver or variance of subsection 61H1-31.001(10), F.A.C., entitled "Fees" and the requirement that a licensee pay a \$50.00 delinquency fee for failure to timely submit a CPE reporting form. The Board considered the instant Petition at a duly-noticed public meeting, held December 7, 2007, in Tallahassee, Florida.

The Board's Order denied the petition finding that Petitioner failed to establish that the purpose of the underlying statute, Section 473.305, Florida Statutes, would be met by granting a variance or waiver from subsection 61H1-31.001(10), F.A.C. The Board further found that Petitioner failed to establish that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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NOTICE IS HEREBY GIVEN THAT on February 20, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on October 2, 2007, by H. Allan Shore. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 44, of the November 2, 2007, F.A.W. The Petitioner sought a waiver or variance of paragraph 61H1-33.003(1)(b), F.A.C., entitled "Continuing Professional Education" that requires that the licensee complete an additional 8 hours of CPE as penalty, if they do not timely meet the initial CPE requirements within their reestablishment period. Petitioner also sought a waiver or variance of subsection 61H1-33.003(6), F.A.C., which requires that licensees who complete the continuing professional education requirements timely but who are found to be deficient after December 31 of their renewal years must correct the error and pay a \$50.00 fine within sixty days. The Board considered the instant Petition at a duly-noticed public meeting, held December 7, 2007, in Tallahassee, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-33.003(1)(b), and

61H1-33.003(6), F.A.C. The Board further found that Petitioner established that the Board's full application of the aforementioned rules to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN that on February 25, 2008, the Board of Accountancy, received a petition for Albert A. Haab, seeking a variance or waiver of subsection 61H1-33.001(1), Florida Administrative Code, which requires that each licensee complete on-line or mail completed answers to the examination on Chapters 455 and 473 F.S., and related administrative rules with a passing score of at least 80, on or before December 31, prior to the licensee's biennial renewal period.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE IS HEREBY GIVEN THAT on February 14, 2008, the Department of Environmental Protection has issued an order.

Petitioner withdrew the petition for variance under Section 120.542, F.S., received from Motiva Enterprises LLC on January 22, 2008. The notice of receipt of this petition was published in the F.A.W., on February 8, 2008. The petition requested a variance from the requirement to install an impervious dike field area around a new aboveground field-erected tank under subparagraph 62-762.501(2)(c)1., Florida Administrative Code, and requested to install an overflow retention and shell monitoring system on new tank #3 at their Tampa Terminal. On February 14, 2008, Petitioner withdrew its petition for variance and requested an alternate procedure pursuant to subsection 62-762.851(1), F.A.C.

A copy of the Order may be obtained by contacting: John Svec, Department of Environmental Protection, MS 4525, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8845, e-mail: [john.svec@dep.state.fl.us](mailto:john.svec@dep.state.fl.us).

NOTICE IS HEREBY GIVEN THAT on January 23, 2008, the Bureau of Beaches and Coastal Systems has issued an order.

Notice of receipt of this petition was published in the F.A.W., on January 19, 2007. The variance request was requested by the Town of Hillsboro Beach c/o Coastal Engineering Consultants and received by the Department on December 13, 2006. The petition requested a variance from paragraph 62B-41.0075(1)(b), F.A.C., for an experimental coastal construction project. This rule states that, "the proposed location must be properly suited for a non-biased comprehensive analysis of the results of the proposed coastal construction." No public comment was received. The Order, file number 0269543-001-JC and OGC file number 07-2736, granted the Petition, based on a showing that the Petitioner demonstrated that a strict application of the rule would result in substantial hardship to the Petitioner or would affect Petitioner differently than other similarly situated applicants and because Petitioner had successfully fulfilled the requirements of the underlying statute by other means.

A copy of the Order may be obtained by contacting: Lizbeth Childs, Department of Environmental Protection, 3900 Commonwealth Blvd. MS 300, Florida 32399-3000, (850)413-7787.

NOTICE IS HEREBY GIVEN THAT on February 19, 2008, the Department of Environmental Protection, received a petition for variance or waiver from James R. and Michelle M. Spires. The petition requests a variance or permanent waiver of subparagraph 62B-33.0051(1)(a)1., F.A.C., which provides the conditions under which construction of armoring shall be authorized. The petition has been assigned File No. WL-934 AR ATF V and OGC No. 08-0303.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham, (850)488-7815, or by e-mail: [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us). The petition is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 5050 West Tennessee Street, Bldg. B, Suite 160, Tallahassee, Florida 32304. Any comments should be filed in writing with the Department at 3900 Commonwealth Blvd., M.S. 300, Tallahassee, Florida, 32399-3000, and should be submitted within 14 days of the date of this publication.

#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on January 15, 2008, the Board of Chiropractic Medicine, received a petition for Todd M. Reiter, D.C., M.D., seeking a variance or waiver of Rule 64B2-13.004, Florida Administrative Code, which requires that for the purpose of renewing or reactivating a license, an applicant must demonstrate to the Board that he/she has participated in at least forty (40) classroom hours of Board approved continuing chiropractic education.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with the Board of Chiropractic Medicine within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN THAT on February 26, 2008, the Board of Chiropractic Medicine, received a petition for Frederick D. Yost, seeking a variance or waiver of Rule 64B2-13.004, Florida Administrative Code, which requires that for the purpose of renewing or reactivating a license, an applicant must demonstrate to the Board that he/she has participated in at least forty (40) classroom hours of Board approved continuing chiropractic education.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with the Board of Chiropractic Medicine within 14 days of publication of this notice.

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NOTICE OF CHANGE – The Board of Dentistry hereby gives notice that it has received an amended petition, filed on February 20, 2008, by Lan-Chen Kuo, D.D.S., seeking a waiver or variance of subsection 64B5-2.0146(2), F.A.C., with respect to the following licensure requirement: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Board of Dentistry, received a petition for a waiver or variance of paragraph 64B5-9.011(4)(b), F.A.C., by Angela T. Cannon, with respect to the following licensure requirement: that dental assistants may be certified as a dental radiographers if they have completed at least 3 months of continuous on-the-job training through assisting in the positioning and exposing of dental radiographic film under the direct supervision of a Florida licensed dentist.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Board of Dentistry, received a petition for a waiver or variance of Rules 64B5-14.003 and 64B5-14.005, F.A.C., by Douglas S. Most, D.D.S., with respect to the following licensure requirements: That each applicant must meet the training, education, certification, requirements for issuance and application for permits to administer conscious sedation anesthesia.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Board of Dentistry, received a petition for a waiver or variance of paragraph 64B5-9.011(4)(b), F.A.C., by Brenda L. Pedroza, with respect to the following licensure requirement: that dental assistants may be certified as a dental radiographers if they have completed at least 3 months of continuous on-the-job training through assisting in the positioning and exposing of dental radiographic film under the direct supervision of a Florida licensed dentist.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Board of Dentistry, received a petition for a waiver or variance of paragraph 64B5-9.011(4)(b), F.A.C., by Jennifer J. Schuttig, with respect to the following licensure requirement: that dental assistants may be certified as a dental radiographers if they have completed at least 3 months of continuous on-the-job training through assisting in the positioning and exposing of dental radiographic film under the direct supervision of a Florida licensed dentist.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Board of Dentistry, received a petition for a waiver or variance of paragraph 64B5-9.011(4)(b), F.A.C., by Kesia C. Sexton, with respect to the following licensure requirement: that dental assistants may be certified as a dental radiographers if they have completed at least 3 months of continuous on-the-job training through assisting in the positioning and exposing of dental radiographic film under the direct supervision of a Florida licensed dentist.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Board of Dentistry, received a petition for a waiver or variance of paragraph 64B5-9.011(4)(b), F.A.C., by Karen T. Way, with respect to the following licensure requirement: that dental assistants may be certified as a dental radiographers if they have completed at least 3 months of continuous on-the-job training through assisting in the positioning and exposing of dental radiographic film under the direct supervision of a Florida licensed dentist.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on December 20, 2007, the Board of Medicine, received a petition for waiver or variance filed by Prabhu Negi, M.D., from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

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NOTICE IS HEREBY GIVEN THAT on February 18, 2008, the Board of Orthotists and Prosthetists, received a petition for Variance or Waiver, which was filed on February 18, 2008, on behalf of Terrance Stock. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., petitioner seeks a waiver from certain requirements mandated under Section 468.803, F.S., entitled "Licensure Requirements." Specifically, given the background and level of experience of the Petitioner, as described and documented in the Petition, the Petitioner requests on the grounds of principles of fairness a waiver with respect to the requirement that he "return to the classroom or meet intern/residency requirements" and "obtain a certificate in Orthotics."

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3258.

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NOTICE IS HEREBY GIVEN THAT on February 6, 2008, the Department of Health, Bureau of Emergency Medical Services, received a petition for Variance or Waiver from Arnold J. Moss, M.D., Air Ambulance Worldwide, Inc.

Nature of Rule: Requires a medical director shall be board certified and active in a broad-based clinical medical specialty with demonstrated experience in prehospital care and hold an ACLS certificate or equivalent as determined in Rule 64E-2.032, F.A.C. Prehospital care experience shall be documented by the provider.

Date and Place of Notice: Notice was published on March 7, 2008 in the F.A.W.

All comments and requests for copies of the petitions must be received in writing by March 21, 2008.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.

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NOTICE IS HEREBY GIVEN THAT on February 22, 2008, the Department of Health, received a petition for Waiver from Rule 64E-15.010, Florida Administrative Code, from William Campbell, on behalf of Cedar Key United Methodist Church. That rule requires a permit to operate a mobile home park that has five or more sites set aside for recreational vehicles. The Petitioner requests a waiver from the rule to allow construction volunteers which travel in recreational vehicles to work on a proposed church expansion without having to be permitted as a park. Comments on this Petition should be filed with the Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition for Waiver may be obtained by contacting: David B. Wolfe, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4444, extension 2454.

NOTICE IS HEREBY GIVEN THAT on February 22, 2008, the Department of Health, received a petition for variance from subsection 64E-3.002(1), F.A.C., from the following persons:

- Samid Oliva
- Odalgis G. Jojas Parras
- Michel Perez Sanchez
- Ibrahim Navarro
- Alfredo Carreras
- Yovany Marquez Roman

The Petitions request a variance from the rule that defines “approved program” due to the date that the program from which they graduated is anticipated to meet the parameters of the rule. Comments on these Petitions should be filed with: Elizabeth B. Hines, Administrator, 4052 Bald Cypress Way, Bin #C85, Tallahassee, FL 32399-3255.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Elizabeth B. Hines, Administrator, 4052 Bald Cypress Way, Bin #C85, Tallahassee, FL 32399-3255.

### Section VI

## Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: March 25, 2008, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director’s reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans’ Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department’s mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee,

Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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#### DEPARTMENT OF STATE

The **Florida Historical Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 3, 2008, 9:00 a.m.

PLACE: R. A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting of the Florida Historical Commission.

A copy of the agenda may be obtained by contacting: Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or by calling 1(800)847-7278.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bureau of Historic Preservation by telephone at (850)245-6300, or by Fax at (850)245-6437. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Bureau of Historic Preservation by telephone at (850)245-6300 or by Fax at (850)245-6437.

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The **Division of Cultural Affairs** announces a public meeting to which all persons are invited.

DATES AND TIME: March 31 through April 1, 2008, 9:00 a.m. conclusion each day

PLACE: Turlington Building, 325 W. Gaines St., Room 1721/25, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Historical Museum Grant Panel Meeting.

A copy of the agenda may be obtained by contacting Scott Moore at (850)245-6478.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Morgan Lewis at (850)245-6356. If you are hearing

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Scott Moore at (850)245-6478.

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Coordinating Council on Mosquito Control**, Subcommittee on Managed Marshes announces a public meeting to which all persons are invited.

DATE AND TIME: March 26, 2008, 9:30 a.m.

PLACE: Field trip and the group will meet at the entrance to The Bear Point Sanctuary. Several sites will be visited during the course of the day. The entrance to The Bear Point Sanctuary is located approximately 1.5 miles south of the Ft. Pierce Inlet on South SR A1A

Quarterly Business Meeting

DATE AND TIME: March 27, 2008, 8:30 a.m.

PLACE: Florida Medical Entomology Laboratory's Boathouse, 200 9th Street Southeast (Oslo Road), Vero Beach, Florida, 32962, (561)778-7200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Business Meeting and a field trip. General topics to be discussed are fish stocking, wetland restoration, etc.

For more information, you may contact: Mr. Doug Carlson, Chairman at (772)562-2393 or dcarlson1@hotmail.com.

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The **Florida Food and Nutrition Advisory Council** announces a public meeting to which all persons are invited.

DATES AND TIMES: April 3, 2008, 8:30 a.m. – 5:00 p.m.; April 4, 2008, 8:30 a.m. – 12:00 Noon

PLACE: Marriot Courtyard, 1972 Raymond Diehl Road, Tallahassee, Florida 32308, (850)422-0600

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and review the status of food and nutrition programs and initiatives in the State of Florida.

A copy of the agenda may be obtained by contacting: Cathy Quick, Mayo Building, Second Floor (M39), 407 S. Calhoun Street, Tallahassee, FL 32399-0800.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 19 days before the workshop/meeting by contacting: Cathy Quick at (850)487-6694 by March 15, 2008.

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

For more information, you may contact Cathy Quick at (850)487-6694.

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The **Division of Marketing and Development** announces a public meeting to which all persons are invited.

DATE AND TIME: April 7, 2008, 8:30 a.m. – 4:30 p.m.

PLACE: Betty Easley Conference Center, Conference Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: the purpose and effect of these proposed rules (5H-26.001, 5H-26.002, 5H-26.003, 5H-26.004) is to prevent unfair or deceptive trade practices relating to the sale and purchase of horses in Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kerry Flack, Assistant Division Director, or Andreka Byers at (850)488-4031. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kerry Flack, Assistant Division Director, or Andreka Byers at (850)488-4031.

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The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 13, 2008, 10:00 a.m.

PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Consumers' Council will be meeting to discuss; proposed legislation for the 2008 Florida session addressing issues of interest to consumers; and issues to advise and assist the department.

A copy of the agenda may be obtained by contacting: Mrs. LuAnn F. Stiles, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

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## DEPARTMENT OF EDUCATION

The **Department of Education, Division of Blind Services**, Business Enterprises Program announces a public meeting to which all persons are invited.

DATES AND TIME: March 18, 2008, 1:30 p.m.; and on subsequent days, 8:00 a.m. – 5:00 p.m. or until all business is concluded

PLACE: Division of Blind Services, District Office; 415 S. Armenia Avenue, Tampa, Florida 33609

GENERAL SUBJECT MATTER TO BE CONSIDERED: Interview and recommend candidates for the January 2008 Business Opportunities in the Business Enterprises Program.

A copy of the agenda may be obtained by contacting: Eugene Newcomb, Compliance Director; Department of Education, Division of Blind Services' Business Enterprises Program, 325 W. Gaines Street, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Eugene Newcomb, Compliance Director, Department of Education, Division of Blind Services' Business Enterprises Program, 325 W. Gaines Street, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Division of Blind Services**, Business Enterprises Program and State Committee of Vendors announces a public meeting to which all persons are invited.

DATE AND TIME: March 14, 2008, 8:30 a.m. – until all business in concluded; March 15, 2008, 8:30 a.m. – 12:00 Noon

PLACE: Embassy Suites Hotel, Orlando North, 225 Shorecrest Drive, Altamonte Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Administration for the Business Enterprises Program will discuss any general topic that is required at the time of meeting. The State Committee of Vendors will present reports from their subcommittees: Transfer and Promotion; Training and Retraining; Audit, Budget and Finance; Policy Imitative Development; any other non-standing subcommittees the Chair wishes to create for this term, and General Topics of interest brought up by the District Representatives at the meeting.

A copy of the agenda may be obtained by contacting: <http://dbs.myflorida.com/bep/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 14 days before the workshop/meeting by calling (850)245-0312. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida School for the Deaf and the Blind**, President Search Committee commissioned by the Board of Trustees of the Florida School for the Deaf and the Blind announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 14, 2008, 9:00 a.m.

PLACE: Wartman Hall Conference Room, Campus of the Florida School for the Deaf and the Blind

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the search for President of the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting Elaine Ocuto.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, March 15, 2008, 9:00 a.m.

PLACE: Center for Leadership and Development – Moore Hall, FSDB campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: L.Daniel Hutto, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, or by calling (904)827-2000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

#### DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission**, “the COMMISSION” announces a public meeting to which all persons are invited.

DATES AND TIME: March 17-19, 2008, 8:00 a.m. – completion

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612, (813)977-7066

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
March 17, 2008

9:00 a.m. Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: 200 Brickell, S. W. 2nd Street and S. W. 1st Street, Fort Lauderdale; Boca Raton High School Stadium Bleachers, 1501 N. W. 15th Court, Boca Raton; City of Hialeah Fire Station #6, 780 West 25th Street, Hialeah; The Hew Hotel, 7337 Harding Avenue, Miami Beach; Florida Legal Services, Inc., 2425 Torreya Drive, Tallahassee; “The Ranch” Polo Pavilion, State Road 60, Indian River County; Nickelodeon Hotel Suites 4D Theater, 14500 Continental Gateway, Orlando; and Midtown Miami North Block Building, Samuel Art Gallery, 3401 North Miami Avenue, Miami; Eden Roc Hotel, 4525 Collins Avenue, Miami Beach.

10:00 a.m. Product Approval System Training Session

1:00 p.m. Meeting of the Product Approval/Manufactured Buildings Oversight Committee.

2:00 p.m. Accessibility Code Interpretation workshop

3:00 p.m. Meeting of the Energy Technical Advisory Committee.

3:00 p.m. Meeting of the Accessibility Technical Advisory Committee.

March 18, 2008

8:00 a.m. Meeting of the Fire Technical Advisory Committee.

8:00 a.m. Meeting of the Fire Code Advisory Council.

10:00 a.m. Meeting of the Code Administration Technical Advisory Committee.

1:00 p.m. Meeting of the Education Program Oversight Committee.

1:00 p.m. Meeting of the Structural Technical Advisory Committee.

March 18, 2008

3:00 p.m. Meeting of the Plenary Session of the Florida Building Commission.

Review and approval of the Agenda.

Review and approval of the January 29 and 30, 2008 Minutes and Facilitator’s Summary Report. Chair’s Discussion of Issues and Recommendations.

Review and Update of Commission Workplan.

Consideration of requests for waiver from accessibility code requirements: 200 Brickell, S. W. 2nd Street and S. W. 1st Street, Fort Lauderdale; Boca Raton High School Stadium Bleachers, 1501 N. W. 15th Court, Boca Raton; City of Hialeah Fire Station #6, 780 West 25th Street, Hialeah; The Hew Hotel, 7337 Harding Avenue, Miami Beach;

Florida Legal Services, Inc., 2425 Torreya Drive, Tallahassee; “The Ranch” Polo Pavilion, State Road 60, Indian River County; Nickelodeon Hotel Suites 4D Theater, 14500 Continental Gateway, Orlando; and Midtown Miami North Block Building, Samuel Art Gallery, 3401 North Miami Avenue, Miami; Eden Roc Hotel, 4525 Collins Avenue, Miami Beach.

Consideration of Applications for Product and Entity Approval.

Consideration of Legal Issues and Petitions for Declaratory Statement

Binding Interpretations: Report(s) Only.

Declaratory Statements:

Second Hearing:

DCA07-DEC-179 by Alan Fallik, Interim City Attorney, City of Hollywood, Florida.

DCA07-DEC-290 by George Coleman, Building Official, City of West Melbourne /Intervener David Hudson, AIA, Artech Design Group, Inc.

DCA08-DEC-004 by Karen Wallen Oliver, Wallen Service Corp.

First Hearing:

DCA07-DEC-085 by Walter A. Tillit, Jr., PE, TilTeco Inc.

DCA08-DEC-002 by Scott Hampton P.E.

DCA08-DEC-047 by Abe Sacks, Chairman, Structa Wire Corp.

DCA08-DEC-059 by Dwight E. Holmes, FAIS, Holmes Hepner & Assoc. Architects

DCA08-DEC-062 by Fred R. Dudley, Holland & Knight LLP

Recess

March 19, 2008

8:30 a.m. Reconvene the Plenary Session of the Florida Building Commission.

Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Code Administration TAC Report; Energy TAC Report; Fire TAC Report; Structural TAC Report; Education POC Report; Product Approval/Manufactured Buildings POC Report; Hurricane Research Advisory Committee Report; Window/Wall Workgroup Report.

Legislative Report

Discussion of Core Course requirement for Florida Building Code.

Discussion of Contractor License Fee Surcharge Rule Adoption Hearing on Chapter 9B-70, F.A.C., Education

Rule Development Workshop on Chapter 9B-13, F.A.C., Energy Code

Rule Development Workshop on Rule 9B-3.050, F.A.C., Amendments to the Florida Building Code.  
Rule Development Workshop on Rule 9B-3.053, F.A.C., Alternate Plans Review and Inspection forms.

Rule Adoption Hearing on Rule 9B-7.042, F.A.C., Florida Accessibility Code

Presentation on State of the Construction Industry Sector of the Economy

Commission Member Comments and Issues

General Public Comment

Review Committee Assignments and Issues for the May 5-7, 2008 Commission Meeting.

Summary Review of Meeting Work Products  
Adjourn.

March 19, 2008

1:00 p.m. Meeting of the Mitigation Workgroup.

A copy of the agenda may be obtained by contacting: Ms. Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax (850)414-8436, or go to the web site at [www.floridabuilding.org](http://www.floridabuilding.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax (850)414-8436, or go to the web site at [www.floridabuilding.org](http://www.floridabuilding.org).

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#### DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: March 18, 2008, 1:00 p.m.

PLACE: FDLE Jacksonville Regional Operations Center, 921 North Davis Street, Building E, Jacksonville, Florida 32209

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Criminal Justice Professionalism Program announces a public meeting for a Probable Cause Determination to which all persons are invited to attend. The purpose is to determine if probable cause exists to proceed with possible disciplinary action against certain criminal justice officers.

A copy of the agenda may be obtained by contacting: Brenda Presnell, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Professional Compliance Section, P. O. Box 1489, Tallahassee, FL 32302, (850)410-8648 or by email at [brendapresnell@fdle.state.fl.us](mailto:brendapresnell@fdle.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 14 days before the workshop/meeting by calling Donna Hunt at (850)410-8615. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Training and Research Manager Glen Hopkins, FDLE Professional Compliance Section at (850)410-8645.

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

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

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#### DEPARTMENT OF CITRUS

The Florida **Department of Citrus**, Marketing Alternatives Subcommittee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 18, 2008, 2:00 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Subcommittee will receive a presentation on how staff and outside resources determine the best way to market Florida orange juice that reflects production research and current supply issues, as well as current orange juice market dynamics. The Subcommittee will also discuss any other issues that may properly come before them.

A copy of the agenda may be obtained by contacting Teresa Czerny at (863)499-2500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting Bill Jones at (863)499-2500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Teresa Czerny at (863)499-2500.

The Florida **Department of Citrus**, Florida Citrus Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 19, 2008, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida 33801

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Commission will convene for the purpose of standing committee meetings and the regular monthly meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, program evaluation measurements, licensing, rulemaking, and other matters addressed during monthly meetings of the Commission. The Commission may also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to discuss Citrusuco, et al v. Department of Citrus, et al. The parties attending the closed session will be Benny W. Albritton, Jr., Robert M. Behr, Wesley W. Brumback, Michael L. Carrere, E. Stanley Carter, W. Cody Estes, Sr., Michael W. Haycock, Virginia S. Pena, Steven M. Smith, George H. Streetman, Michael O. Taylor, David P. Wheeler, Ken Keck, Executive Director, Hank B. Campbell, Esq., and Edwin A. Scales, III, Esq.

A copy of the agenda may be obtained by contacting: Linda Gurney at (863)499-2500 or lgurney@citrus.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Bill Jones at (863)499-2500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Linda Gurney at (863)499-2500 or lgurney@citrus.state.fl.us.

#### **FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 26, 2008, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, FL 32399-2450

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, FL 32399-2450.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, FL 32399-2450 (850)488-3417. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, FL 32399-2450, (850)488-3417.

#### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a prehearing conference and a hearing in the following dockets to which all persons are invited:

**DOCKET NOS. AND TITLES:** Docket Number 070234-EQ – Petition for approval of renewable energy tariff standard offer contract, by Florida Power & Light Company; Docket Number 070235-EQ – Petition for approval of standard offer contract for purchase of firm capacity and energy from renewable energy producer or qualifying facility less than 100 kW tariff, by Progress Energy Florida, Inc.; and Docket Number 070236-EQ – Petition for approval of standard offer contract for small qualifying facilities and producers of renewable energy, by Tampa Electric Company.

##### **PREHEARING CONFERENCE**

DATE AND TIME: Monday, March 24, 2008, 1:00 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

**HEARING**

**DATES AND TIME:** Thursday – Friday, April 10-11, 2008, 9:30 a.m.

**PLACE:** Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of this hearing is for the Commission to take final action on the petitions regarding Standard Offer Contracts, filed on April 2, 2007, by Florida Power & Light Company (FPL), Progress Energy Florida, Inc. (PEF), and Tampa Electric Company (TECO), respectively, and to consider any motions or other matters that may be pending at the time of the hearing. The Commission may rule on any such motions from the bench or may take the matters under advisement. This proceeding shall: (1) allow FPL, PEF and TECO to present evidence and testimony in support of their petitions; (2) permit any intervenors to present testimony and exhibits concerning this matter; and (3) allow for such other purposes as the Commission may deem appropriate.

The hearing will be governed by the provisions of Chapter 120, Florida Statutes; and Chapters 25-22 and 28-106, Florida Administrative Code. Only issues relating to the Standard Offer Contracts will be heard at the April 10-11, 2008, hearing. **Emergency Cancellation of Customer Meeting** – If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Any person requiring some accommodation at this hearing because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

**EXECUTIVE OFFICE OF THE GOVERNOR**

The **Governor's Office of Film and Entertainment** and the **Florida Film and Entertainment Advisory Council** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, March 18, 2008, 12:00 Noon – 4:00 p.m.

**PLACE:** The Capitol, Conference Room, 21st Floor, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss issues concerning the OFE and the FFEAC, the film and entertainment industry they serve, and hear public input and advisement.

A copy of the agenda may be obtained by contacting: OFE at (850)410-4765.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the OFE at (850)410-4765. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**REGIONAL PLANNING COUNCILS**

The **Withlacoochee Regional Planning Council**, Board of Directors announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, March 20, 2008, 7:00 p.m.

**PLACE:** Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34471-0323

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the Council.

A copy of the agenda may be obtained by contacting: Executive Director, Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34471-0323.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, March 20, 2008, 9:00 a.m.

**PLACE:** Southwest Florida Regional Planning Council, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The monthly board meeting of the Southwest Florida Regional Planning Council to discuss and take action on issues affecting the Southwest Florida Region.

A copy of the agenda may be obtained by contacting: Mrs. Nichole Gwinnett via email [ngwinnett@swfrpc.org](mailto:ngwinnett@swfrpc.org) or phone (239)338-2550, ext. #232 or visit our website at [www.swfrpc.org](http://www.swfrpc.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mrs. Deb Koon via email [dkoon@swfrpc.org](mailto:dkoon@swfrpc.org) or phone (239)338-2550, ext. #210. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mrs. Nichole Gwinnett via email [ngwinnett@swfrpc.org](mailto:ngwinnett@swfrpc.org) or phone (239)338-2550, ext. #232 or visit our website at [www.swfrpc.org](http://www.swfrpc.org).

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The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 20, 2008, 11:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SWFRPC's Lower West Coast Watersheds Subcommittee will meet immediately following the board meeting to discuss the water quality and quantity issues affecting Southwest Florida.

A copy of the agenda may be obtained by contacting: Mr. David Crawford via email [dcrawford@swfrpc.org](mailto:dcrawford@swfrpc.org) or (239)338-2550, ext. #226.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mrs. Deb Kooi via email [dkooi@swfrpc.org](mailto:dkooi@swfrpc.org) or (239)338-2550, ext. #210. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. James Beever via email [jbeever@swfrpc.org](mailto:jbeever@swfrpc.org) or (239)338-2550, ext. #224.

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The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 13, 2008, 2:00 p.m. – 3:30 p.m.

PLACE: Central Broward Regional Park-Field House, 3700 N. W. 11th Place, Lauderhill, FL 33311

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Road 7/U.S. 441 Collaborative Steering Committee will continue deliberations regarding economic development, aesthetic improvement and increased intergovernmental cooperation along the corridor.

A copy of the agenda may be obtained by contacting: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by calling (954)967-4152, ext. 40 (TDD). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: David Dahlstrom, South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021, (954)985-4416.

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#### REGIONAL TRANSPORTATION AUTHORITIES

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 14, 2008, 9:00 a.m.

PLACE: Board Room of SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Property Task Force Meeting.

A copy of the agenda may be obtained by contacting SFRTA Planning Office at (954)788-7916.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 18, 2008, 2:00 p.m.

PLACE: Main Conference Room, SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Marketing Committee Meeting.

A copy of the agenda may be obtained by contacting SFRTA Marketing Office at (954)788-7935.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting SFRTA Marketing Office at (954)788-7935. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 19, 2008, 10:00 a.m.

PLACE: Board Room, SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning Technical Advisory Committee Meeting.

A copy of the agenda may be obtained by contacting SFRTA Planning Office at (954)788-7928.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 20, 2008, 10:00 a.m.

PLACE: Office of Transportation, Broward County, 3201 West Copans Road, Pompano, FL 33066

GENERAL SUBJECT MATTER TO BE CONSIDERED: Operations Technical Committee Meeting.

A copy of the agenda may be obtained by contacting SFRTA Operations Office at (954)788-7945.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Executive Office, 800 N. W. 33rd Street, Suite 100,

Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Tampa Bay Regional Area Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 28, 2008, 9:30 a.m. – 12:00 Noon

PLACE: Florida Department of Transportation, District Seven Office, 11201 North McKinley Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The TBARTA Board is convening to discuss developing a comprehensive Regional Transportation Master Plan for Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee and Sarasota Counties.

The Citizens Advisory Committee (CAC) will meet at the FDOT District Seven office at 11201 North McKinley Drive in Tampa, on Wednesday, March 19, 2008 at 10:00 a.m. This group of volunteers provides region-oriented advice to the Board from a citizen's perspective.

The Transit Management Committee (TMC) will meet at the FDOT District Seven office at 11201 North McKinley Drive in Tampa, on March 19, 2008 at 1:30 p.m. Consisting of representatives of the region's transit agencies, this group advises the Board on the technical development of the Master Plan and its future implementation.

Agendas for the Board, CAC, and TMC meetings will be available online about five days prior to each meeting at <http://www.tbarta.com>.

These meetings are being conducted pursuant to Section 120.525, Florida Statutes, and Title VI and Title VIII of the United States Civil Rights Acts of 1964 and 1968.

Individuals requiring accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Brandie Miklus, Transportation Planner, (813)217-4037, at least three (3) days prior to the meeting. Public participation is solicited without regard to race, color, religion, sex, age, nation origin, disability, or family status.

A copy of the agenda may be obtained by contacting: [www.tbarta.com](http://www.tbarta.com).

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## WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District**, Environmental Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 10, 2008, 1:30 p.m.  
PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Environmental Advisory Committee to discuss committee business and issues. A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899, or 1(800)423-1476 (FL only) or (352)796-7211, ext. 4400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: General Services Department at 1(800)423-1476, ext. 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Paula McCleery at the above address.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 14, 2008, 10:00 a.m.  
PLACE: Peace River/Manasota Regional Water Supply Authority, Water Treatment Plant, 8998 S. W. County Road 769, Arcadia, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY FACILITY TOUR: Tour of Facility and reservoir construction. Ad Order 45563.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 20, 2008, 9:30 a.m.  
PLACE: Green Swamp West Field Office, 13645 Ranch Road, Dade City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: BASIN BOARD LAND RESOURCES COMMITTEE MEETING: Consider Committee business. Ad Order 45563.

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The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: March 25, 2008, 9:00 a.m.  
PLACE: The Southwest Florida Water Management District Headquarters, Governing Board Room, 2379 Broad Street, Brooksville, FL 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tampa Bay Water has requested a hearing pursuant to Section 120.54(3)(c), F.S., regarding the District's proposed Rule 40D-8.041, F.A.C., published in Vol. 32, No.1, January 6, 2006 issue of the F.A.W., to establish minimum flows for the freshwater segment of the Alafia River. A hearing was held November 30, 2006 and continued to February 27, 2007, to April 24, 2007, to October 30, 2007, to January 29, 2008, then to February 26, 2008. On February 26, 2008, the hearing was continued to the date, time and place described above.

A copy of the agenda may be obtained by contacting: Karen Lloyd, Assistant General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dianne Lee at (352)796-7211 or 1(800)423-1476, ext. 4658, TDD only number 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**REGIONAL UTILITY AUTHORITIES**

The **Withlacoochee Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: March 19, 2008, 4:30 p.m.

PLACE: Inverness Government Center, Council Chambers, 212 West Main Street, Inverness, FL 34450

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by contacting: Withlacoochee Regional Water Supply Authority, 1107 Shalimar Drive, Tallahassee, FL 32312 or at [www.WRWSA.org](http://www.WRWSA.org) under "Minutes and Notices," "current agenda."

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Jackson Sullivan at (850)385-0220.

**SPACE FLORIDA**

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 4, 2008, 9:00 a.m. – 5:00 p.m.

PLACE: Capitol Hill, Washington, DC

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Industry Issues and Legislation.

A copy of the agenda may be obtained by contacting: [ygreen@spaceflorida.gov](mailto:ygreen@spaceflorida.gov).

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

For more information, you may contact: [ygreen@spaceflorida.gov](mailto:ygreen@spaceflorida.gov).

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 4, 2008, 5:00 p.m. – 7:00 p.m.

PLACE: Rayburn House Office Building, Room 2325, Washington, DC

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Industry Issues and Legislation.

A copy of the agenda may be obtained by contacting: [ygreen@spaceflorida.gov](mailto:ygreen@spaceflorida.gov).

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

For more information, you may contact: [ygreen@spaceflorida.gov](mailto:ygreen@spaceflorida.gov).

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 13, 2008, 10:00 a.m.

PLACE: Agency for Health Care Administration, Conference Room A, 2727 Mahan Drive, Tallahassee, Florida. Any person interested in participating by telephone may dial (713)481-0090/Pass Code: 9701442#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the State Consumer Health Information and Policy Advisory Council to which all interested parties are invited. The purpose is to conduct a meeting of key health care stakeholders to discuss issues relating to implementing Florida Statutes mandating transparency in health care through public reporting of health care data.

A copy of the agenda may be obtained by contacting: Cheryl Barfield, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at <http://ahca.myflorida.com/SCHS/chismetings.shtml> seven (7) days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Cheryl Barfield at (850)414-5422. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Cheryl Barfield at (850) 414-5422.

The **Agency for Health Care Administration**, in conjunction with the **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 10, 2008, 10:00 a.m. – 12:00 Noon (Eastern)

PLACE: Medicaid Area 11 office, Conference Room, 8355 N. W. 53 St., 2nd Floor, Miami, FL 33166

GENERAL SUBJECT MATTER TO BE CONSIDERED: Section 409.912(5), Florida Statutes, provides authorization for the Agency for Health Care Administration, in partnership with the Department of Elder Affairs, to implement an integrated, fixed-payment delivery program (Florida Senior Care) for Medicaid beneficiaries who are 60 years of age and older and persons 21 and older who are dually eligible for Medicare and Medicaid. Florida Senior Care shall be implemented initially on a pilot basis in Brevard, Orange, Osceola and Seminole counties and Miami-Dade and Monroe counties. Enrollment in Florida Senior Care is voluntary. The primary purpose of this public meeting is to educate Medicaid service providers about Florida Senior Care. An overview of the program will be provided, as well as an opportunity for public comment.

A copy of the agenda may be obtained by contacting: GP. Mendie, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)487-2618, e-mail: managedilte@ahca.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: GP. Mendie, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308, (850)487-2618, e-mail: managedilte@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Department of Management Services** announces a public meeting to which all persons are invited.

DATE AND TIME: March 26, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Election of a New Steering Committee Chair
2. Approve Proposed 2008 Calendar of Events
3. Schedule Meeting Dates & Times to Begin Review of 2008 Applications
4. Schedule Meeting Dates & Times to Begin Review of 2007 Direct Local Services Certification Forms

A copy of the agenda may be obtained by contacting: Erin Thoresen, Department of Management Services, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950, (850)922-1274.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting. If you are

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Erin Thoresen, Department of Management Services, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950, (850)922-1274.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: March 25, 2008, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeff Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeff Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Board of Professional Engineers**, Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 11, 2008, 8:30 a.m.

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Committee.

A copy of the agenda may be obtained by contacting Carrie A. Flynn.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Carrie A. Flynn. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Carrie A. Flynn.

The Florida **Board of Professional Engineers**, Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 11, 2008, 1:00 p.m.

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

A copy of the agenda may be obtained by contacting Carrie A. Flynn.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Carrie A. Flynn. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Carrie A. Flynn.

The **Board of Veterinary Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 21, 2008, 9:00 a.m.

PLACE: Access Phone: 1(888)808-6959 Conference code 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting portions which are closed to the public.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited. announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 17, 2008, 2:30 p.m. or the soonest thereafter. (Portions of the probable cause proceedings are not open to the public.)

PLACE: University Center Club, Doak Campbell Stadium, Building B, 1 Champions Way, 3rd Floor, Tallahassee, Florida 32306

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

For more information, you may contact: Division of Real Estate at (407)481-5632 (between the hours of 8:30 a.m. – 4:30 p.m.).

The **Florida Mobile Home Relocation Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 25, 2008, 9:30 a.m.

PLACE: Sniffen Law Firm, P.A., General Counsel to Florida Mobile Home Relocation Corporation, 211 East Call Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come

before the board. A schedule for the next meeting will be determined. At the conclusion of its general business, the board will discuss possible changes to existing Rules 61M-1.001, 61M-1.002 and 61M-1.003, and Forms 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009 and 1010. The board will also consider possible new Rules relating to late fees, determination of mobile home park status, rental agreement status, timeframes to apply for assistance and a grievance procedure.

A copy of the agenda may be obtained by contacting: Janet Garrett, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Janet Garrett, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Janet Garrett, Executive Director, FMHRC, P. O. Box 14125 Tallahassee, FL 32317-4125, 1(888)862-7010.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 13, 2008, 9:00 a.m.

PLACE: Ed Ball Bldg., 1st Floor, Training Room, 214 N. Hogan Street, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Lower St. Johns Tributaries (LSJT) Fecal Coliform Technical Working Group was formed to provide a forum for stakeholders to discuss issues related to the LSJT Fecal Coliform Basin Management Action Plan (BMAP).

A copy of the agenda may be obtained by contacting: Ms. Amy Tracy, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS 3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8506.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Ms. Amy Tracy at (850)245-8506. If you are

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

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The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

Action Team Meeting

DATE AND TIME: March 17, 2008, 9:00 a.m. – 4:00 p.m. or until completion of business

PLACE: The location is to be posted on the following website no later than the date of the publication of this notice: <http://www.dep.state.fl.us/climatechange/>

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Governor's Action Team on Energy and Climate Change to continue discussion of policy issues regarding the development of a comprehensive Energy and Climate Change Action Plan that will address statewide greenhouse gas reductions specified in Executive Order 07-127.

A copy of the agenda may be obtained by contacting: Florida Department of Environmental Protection, Attn: Allena Nelson ([allena.nelson@dep.state.fl.us](mailto:allena.nelson@dep.state.fl.us)), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Department of Environmental Protection, Attn: Allena Nelson ([allena.nelson@dep.state.fl.us](mailto:allena.nelson@dep.state.fl.us)), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Department of Environmental Protection, Attn: Allena Nelson ([allena.nelson@dep.state.fl.us](mailto:allena.nelson@dep.state.fl.us)), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002.

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#### DEPARTMENT OF HEALTH

The **Correctional Medical Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: March 20, 2008, 10:00 a.m. – 11:30 a.m.

PLACE: 4030 Esplanade Way, 2nd Floor, Room 280N, Tallahassee, FL 32399-1732. Conference Call: 1(888)808-6959 (Toll Free) Conference Code: 2454583.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by contacting: Correctional Medical Authority, 4052 Bald Cypress Way, Bin B-04, Tallahassee, FL 32399-1732, (850)245-4557.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Correctional Medical Authority, Suzanne Wiczorek at (850)245-4557. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the Correctional Medical Authority at (850)245-4557.

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The Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 18, 2008, 9:00 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, Conference Code Number 2454587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing to: Matthew Casey, Senior Attorney, Department of Health, Prosecution Services, 4052 Bald Cypress Way, #C-65, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Practitioner Regulation Section may be contacted at 4052 Bald Cypress Way, #C-65, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

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The **Board of Chiropractic Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, March 27, 2008, 12:30 p.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida, at meet me number 1(888)808-6959, Conference Code 9849329103, then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or accessing [www.doh.state.fl.us/mqa/chiro/index.html](http://www.doh.state.fl.us/mqa/chiro/index.html).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 27, 2008, 3:00 p.m.

PLACE: Call (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay system at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Board of Massage Therapy** announces a hearing to which all persons are invited.

DATE AND TIME: Friday, April 25, 2008, 9:00 a.m. or soon thereafter

PLACE: Orlando Airport Marriot, 7049 Augusta National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Subsection 64B7-25.001(2), F.A.C., Examination Requirements – approved examinations. The Board held the first hearing on subsection 64B7-25.001(2), F.A.C., on January 25, 2008, at which time the Board decided to continue the hearing until the next Board meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or by calling the Board office at (850)245-4161.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Department of Health, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or by calling the Board office at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Department of Health, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or by calling the Board office at (850)245-4161.

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The Florida **Board of Medicine**, PCP South Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 7, 2008, 2:00 p.m.

PLACE: To be held via meet me number 1(888)808-6959, Conference Code Number 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by contacting: Trisha L. Grubbs at (850)245-4640, ext. 8145 or email her at [Trisha\\_Grubbs@doh.state.fl.us](mailto:Trisha_Grubbs@doh.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Trisha L. Grubbs at (850)245-4640, ext. 8145 or email her at [Trisha\\_Grubbs@doh.state.fl.us](mailto:Trisha_Grubbs@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Trisha L. Grubbs at (850)245-4640, ext. 8145 or email her at [Trisha\\_Grubbs@doh.state.fl.us](mailto:Trisha_Grubbs@doh.state.fl.us).

The Florida **Board of Medicine**, PCP North Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 21, 2008, 2:00 p.m.

PLACE: To be held via Meet Me Number 1(888)808-6959, Conference Code Number 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by contacting: Joyce Blackwell at (850)245-4640, ext. 8142 or email her at [Joyce\\_Blackwell@doh.state.fl.us](mailto:Joyce_Blackwell@doh.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Joyce Blackwell at (850)245-4640, ext. 8142 or email her at [Joyce\\_Blackwell@doh.state.fl.us](mailto:Joyce_Blackwell@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Joyce Blackwell at (850)245-4640, ext. 8142 or email her at [Joyce\\_Blackwell@doh.state.fl.us](mailto:Joyce_Blackwell@doh.state.fl.us).

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The Florida **Board of Medicine**, Credential Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 3, 2008, 9:00 a.m. or soon thereafter

PLACE: Marriott West Palm Beach, 1001 Okeechobee Boulevard, West Palm Bch, FL 33401, (561)833-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee.

The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at [www.Floridashealth.com](http://www.Floridashealth.com) for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Shamyah Gibson at (850)245-4131, ext. 3518 or email her at [Shamyah\\_Gibson@doh.state.fl.us](mailto:Shamyah_Gibson@doh.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Shamyah Gibson at (850)245-4131, ext. 3518 or email her at Shamyah\_Gibson@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Shamyah Gibson at (850)245-4131, ext. 3518 or email her at Shamyah\_Gibson@doh.state.fl.us.

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The **Board of Medicine**, Surgical Care Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 3, 2008, immediately following the Rules and Legislation Committee meeting. The estimated start time is between 4:00 p.m. and 5:00 p.m.

PLACE: Marriott West Palm Beach Hotel, 1001 Okeechobee Blvd., West Palm Beach, FL 33401, (561)833-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board.

The Board of Medicine is announcing that certain Committee meetings will be held on the Thursday, prior to the Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at [www.Floridashealth.com](http://www.Floridashealth.com) for cancellations or changes to meeting dates, or call the Board of Medicine at (850)245-4131 for more information.

Committee meetings scheduled on Thursday, April 3, 2008, beginning at 3:00 p.m., are the Physician Assistant Council meeting, followed immediately by the Rules and Legislative Committee meeting and followed immediately by the Surgical Care Committee meeting. Each committee meeting will begin approximately 15 minutes following the completion of the previous committee meeting.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131, ext. 3532 or [www.Gwyn\\_Willis@doh.state.fl.us](http://www.Gwyn_Willis@doh.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gwyn Willis at [www.Gwyn\\_Willis@doh.state.fl.us](http://www.Gwyn_Willis@doh.state.fl.us) or (850)245-4131, ext. 3532. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The Florida **Board of Medicine**, Rules and Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 3, 2008, immediately following the Physician Assistant Council Meeting (estimated time 4:00 p.m.) In the event that the Physician Assistant meeting is cancelled, this meeting will begin at 4:00 p.m.

PLACE: Marriot West Palm Beach, 1001 Okeechobee Boulevard, West Palm Beach, FL 33401. Hotel phone number (561)833-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board.

The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at [www.Floridashealth.com](http://www.Floridashealth.com) for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information.

On Thursday, April 3, 2008 beginning at 3:00 p.m., the Physician Assistant Council meeting, followed immediately by the Rules and Legislative Committee meeting and the Surgical Care Committee meeting. Each committee meeting will begin approximately 15 minutes following the completion of the previous committee meeting.

A copy of the agenda may be obtained by contacting: Whitney\_Bowen@doh.state.fl.us or call (850)245-4131 ext. 3517.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Whitney\_Bowen@doh.state.fl.us or call (850)245-4131 ext. 3517. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The Florida **Board of Medicine** announces a public meeting to which all persons are invited.

DATES AND TIME: Friday and Saturday April 4-5, 2008, 8:00 a.m.

PLACE: Marriott West Palm Beach, 1001 Okeechobee Boulevard, West Palm Beach, FL 33401. Hotel phone # (561)833-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board.

The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at [www.Floridashealth.com](http://www.Floridashealth.com) for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information.

On Thursday, April 3, 2008 beginning at 3:00 p.m., the Physician Assistant Council meeting, followed immediately by the Rules and Legislative Committee meeting and the Surgical Care Committee meeting. Each committee meeting will begin approximately 15 minutes following the completion of the previous committee meeting.

A copy of the agenda may be obtained by contacting: Cheryl\_Graham@doh.state.fl.us or (850)245-4137.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Cheryl\_Graham@doh.state.fl.us or (850)245-4137. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Nursing**, South Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 20, 2008, 2:00 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number 1(888)808-6959, Conference Code 2458182

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health, Board of Occupational Therapy** announces a public meeting on Probable Cause, Continuing Education and General Business, to which all persons are invited.

DATE AND TIME: March 17, 2008, 8:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting.

DATE AND TIME: March 17, 2008, 9:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting to consider information from all interested persons regarding continuing education program approval of Rule 64B11-6.001, F.A.C., and whether the Board should deem the Florida Association of Orthotists and Prosthetists an approved provider of Occupational Therapy continuing education, limited to courses dealing with prosthetics and orthotics.

DATE AND TIME: March 17, 2008, 10:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

PLACE: The meet me number may be obtained by contacting the board office at (850)245-4373, ext. 3467

A copy of the agenda may be obtained by contacting: Department of Health, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399 or by calling the board office at (850)245-4373, ext. 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Pharmacy**, Professional Practice Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 26, 2008, 1:00 p.m.

PLACE: Conference Call Number 1(888)808-6959, Conference Code 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will approve minutes from the previous meeting, Old Business: Rule 64B16-28.140, F.A.C., Record Keeping; review Rules 64B16-27.420, 64B16-27.430, 64B16-27.700, 64B16-28.108, 64B16-28.1081, F.A.C.; presentation by ForHealth Technologies, Inc.; and open discussion.

The agenda will be available at [www.doh.state.fl.us/mqa/pharmacy](http://www.doh.state.fl.us/mqa/pharmacy), two weeks prior to the meeting.

For more information, you may contact the Board of Pharmacy at (850)245-4292.

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The **Board of Pharmacy**, Tripartite Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 28, 2008, 9:00 a.m.

PLACE: Conference Call Number 1(888)808-6959, Conference Code 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will approve minutes from previous meeting, review Rules 64B16-26.103, 64B16-27.600, 64B16-27.601 and 64B16-27.6011, F.A.C.; Electronic Review and Approval of CE Programs in CE Broker; and open discussion.

The agenda will be available at [www.doh.state.fl.us/mqa/pharmacy](http://www.doh.state.fl.us/mqa/pharmacy), two weeks prior to the meeting.

For more information, you may contact the Board of Pharmacy at (850)245-4292.

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The **Board of Pharmacy**, Rules Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 3, 2008, 1:00 p.m.

PLACE: Conference Call Number 1(888)808-6959, Conference Code 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will approve minutes from previous meeting; review Rule 64B16-30, F.A.C., Disciplinary Guidelines; Rule 64B16-30.002, F.A.C., Minor Violations; Rule 64B16-30.003, F.A.C., Citations; Rule 64B16-30.0035, F.A.C., Mediation; review reference material – NABP Guidelines for Disciplinary Sanctions and Section 465.077, F.S.; and open discussion.

The agenda will be available at [www.doh.state.fl.us/mqa/pharmacy](http://www.doh.state.fl.us/mqa/pharmacy), two weeks prior to the meeting.

For more information, you may contact the Board of Pharmacy at (850)245-4292.

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The **Board of Podiatric Medicine**, Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 27, 2008, 4:00 p.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Podiatric Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 28, 2008, 9:00 a.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida 33607, and by telephone conference call if necessary

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/podiatry/index.html](http://www.doh.state.fl.us/mqa/podiatry/index.html).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The Florida **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 19, 2008, 1:00 p.m. – 3:00 p.m.

PLACE: 1(888)808-6959, Conference Code 2454144

GENERAL SUBJECT MATTER TO BE CONSIDERED: To identify objectives and obligations of the Florida Health Practitioner Workforce Ad Hoc Committee.

A copy of the agenda may be obtained by contacting: Department of Health, Healthcare Practitioner Workforce Ad Hoc Committee, 4052 Bald Cypress Way, Bin C-15, Tallahassee, FL 32399-1735 or by calling Jessica Rivenbark at (850)245-4446, ext. 2711.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Department of Health, Healthcare Practitioner Workforce Ad Hoc Committee, 4052 Bald Cypress Way, Bin C-15, Tallahassee, FL 32399-1735 or by calling Jessica Rivenbark at (850)245-4446, ext. 2711. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Department of Health, Healthcare Practitioner Workforce Ad Hoc Committee, 4052 Bald Cypress Way, Bin C-15, Tallahassee, FL 32399-1735 or by calling Jessica Rivenbark at (850)245-4446, ext. 2711.

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#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Florida **Department of Children and Family Services** announces a public meeting to which all persons are invited.

DATE AND TIME: March 13, 2008, 2:00 p.m.

PLACE: Children's Services Council of Saint Lucie County, 546 N.W. University Boulevard, Port Saint Lucie, Florida 34986

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting to plan and provide direction on the Circuit 19 Prevention and Permanency Planning Team under the direction of the statewide advisory council and the Office of the Governor.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, 337 N. U.S. Highway # 1, Ft. Pierce, FL 34950 (Attn: Melissa McInturff).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting Melissa McInturff at (772)429-2109. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Melissa McInturff at (772)429-2109.

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#### **FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 18, 2008, 2:00 p.m. – 4:30 p.m.

PLACE: The Koger Center, Atkins Building, Suite 101, 1320 Executive Center Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Panther Technical Advisory Council (FPTAC). The council will discuss issues related to the conservation of the Florida panther (*Puma concolor coryi*). Some members of FPTAC will participate via telephone. To submit written or other physical evidence to present at the meeting, please see contact information below.

A copy of the agenda may be obtained by contacting: Mr. Kipp Frohlich, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section, Mail Station 6A, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)922-4330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the agency ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: March 26-27, 2008, 8:30 a.m. – 5:00 p.m.

PLACE: The Marathon Garden Club, Inc., 5270 Overseas Highway, Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting of the Marine Life Workgroup is to discuss issues associated with the fishery including a review of the species listed in rule that require a marine life endorsement for harvest.

A copy of the agenda may be obtained by contacting: Mark Robson, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the ADA Coordinator at (805)488-6411. If you are

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

For more information, you may contact: Mark Robson, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 3, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Shingle Creek Conference Room, South Florida Water Management District Office, 1707 Orlando Central Parkway, Orlando, FL 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: A review of University of Florida contract deliverables pertaining to an analysis of Chapter 327, Florida Statutes, and ordinances adopted thereunder.

A copy of the agenda may be obtained by contacting: Captain Carol Keyser, Boating and Waterways Section, FWC Division of Law Enforcement, 620 South Meridian Street, Tallahassee, FL 32399-1600.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Captain Carol Keyser, Boating and Waterways Section, FWC Division of Law Enforcement, 620 South Meridian Street, Tallahassee, FL 32399-1600.

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### FINANCIAL SERVICES COMMISSION

The **Financial Services Commission**, Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: March 20, 2008, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THE NOTICE PUBLISHED ON FEBRUARY 8, 2008, VOL. 34, No. 6, F.A.W. A HEARING WILL BE HELD AT THE DATE, TIME, AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD) This is a corrected notice of Public Hearing, if requested, on proposed Rule 690-167.004, Florida

Administrative Code. The subject of the hearing is considered revisions to adopt amendments to the rule to reflect legislative changes and update forms.

A copy of the agenda may be obtained by contacting: Brian Bogner, P&C Product Review, Office of Insurance Regulation, E-mail brian.bogner@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Brian Bogner, P&C Product Review, Office of Insurance Regulation, E-mail brian.bogner@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Brian Bogner, P&C Product Review, Office of Insurance Regulation, E-mail brian.bogner@fldfs.com.

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### SCRIPPS FLORIDA FUNDING CORPORATION

The Audit Committee of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 10, 2008, 2:30 p.m. (EST)

PLACE: Palm Beach Gardens Marriott, Palm Beach Gardens, Florida, or via Teleconference 1(877)279-4173, Passcode: 254482

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Committee will review the year-end audited financials of TSRI and Scripps Florida and the monitoring instrument compliance report.

A copy of the agenda may be obtained by contacting: scrippscorp@bellsouth.net.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: scrippscorp@bellsouth.net. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 11, 2008, 8:30 a.m. (EST)

PLACE: Palm Beach Gardens Marriott, Palm Beach Gardens, Florida or via Teleconference 1(877)279-4173, Passcode: 254482

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Board discuss the annual grant request from Scripps Florida.

A copy of the agenda may be obtained by contacting: scrippscorp@bellsouth.net.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### **SOIL AND WATER CONSERVATION DISTRICTS**

The **Broward Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 12, 2008, 5:00 p.m.

PLACE: Broward Soil and Water Conservation District Office, 6191 Orange Drive, Suite 6181-P, Davie, FL 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regular meeting of the Board of Supervisors, Broward Soil and Water Conservation District. Topics to be discussed include, but are not limited to, Watershed Improvement District, Beach Revegetation and Chapter 582, F.S.

A copy of the agenda may be obtained by contacting: (954)584-1306 or russell.setti@browardswcd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (954)584-1306 or russell.setti@browardswcd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: (954)584-1306 or russell.setti@browardswcd.org.

The **Collier Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATES AND TIME: 3rd Thursday of each month, 8:30 a.m.

PLACE: 14700 Immokalee Rd., Naples, FL 34120

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Business Meeting.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

#### **FLORIDA CENTER FOR ADVISING AND ACADEMIC SUPPORT**

The **Florida Center for Advising and Academic Support** announces a public meeting to which all persons are invited.

DATE AND TIME: March 14, 2008, 9:30 a.m. – 2:30 p.m.

PLACE: Ralph Turlington Education Building, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the FCAAS Board will be held to discuss the ongoing development and administration of the www.FACTS.org project.

A copy of the agenda may be obtained by writing: FCAAS, 325 West Gaines Street, Suite 834, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting. Any persons requiring special accommodations to attend this meeting because of a disability or physical impairment may contact Stacie Causey, FCAAS, (850)245-0518, at least seven days in advance so their needs can be accommodated. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Stacie Causey at (850)245-0518.

#### **FLORIDA PORTS COUNCIL**

The **Florida Seaport Transportation and Economic Development Council** (FSTED) Project Review Group announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, March 18, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Toll Free Call In Number: 1(888)808-6959, Participant Code: 34767

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028.

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## INDEPENDENT COLLEGES AND UNIVERSITIES OF FLORIDA

The **Florida Higher Educational Facilities Financing Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 18, 2008, 4:00 p.m. – 4:30 p.m.

PLACE: Second Floor, Conference Room, Ann and Alfred Goldstein Center, campus of Ringling College of Art and Design, Inc., 2700 N. Tamiami Trail, Sarasota, Florida 34234, Teleconference: 1(800)371-8200, Access Code 361174

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to conduct a public hearing, for the purpose of receiving comments and hearing discussion concerning a plan of financing involving the issuance by the Authority of not to exceed \$55,000,000 principal amount of educational facilities revenue bonds to be issued on behalf of Ringling College of Art and Design, Inc., to consider adoption of a resolution giving initial approval to such bonds, and to conduct any other regular Authority business.

A copy of the agenda may be obtained by contacting: Jennifer Mock, Independent Colleges and Universities of Florida, 542 East Park Avenue, Tallahassee, Florida 32301, (850)681-3188. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jennifer Mock, Independent Colleges and Universities of Florida, 542 East Park Avenue, Tallahassee, Florida 32301, (850)681-3188. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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## GOVERNOR'S COMMISSION ON DISABILITIES

The **Governor's Commission on Disabilities' Education Committee** announces public meetings to which all persons are invited.

DATES AND TIME: March 19, 2008; April 2, 2008, 9:00 a.m. – 12:00 Noon

PLACE: 4030 Esplanade Way, Room 301, Tallahassee, FL 32399, Teleconference: 1(888)808-6959, Conference Code 9214170#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is meeting to fulfill the mandate of Executive Order 07-148.

A copy of the agendas may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or [commission@dms.myflorida.com](mailto:commission@dms.myflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these workshops/meetings is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or [commission@dms.myflorida.com](mailto:commission@dms.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners.

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## FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

The **Florida Local Government Finance Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 11, 2008, 10:30 a.m.

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting of the Commission will be for the purposes of reviewing the statewide pooled commercial paper loan program for Florida governmental entities. The Commission is an unincorporated, nonprofit association whose members are comprised of Brevard County, Florida, Charlotte County, Florida, Collier County, Florida, Lee County, Florida, Osceola County, Florida and Sarasota County, Florida.

A copy of the agenda may be obtained by contacting: Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, (813)281-2222.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, (813)281-2222. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

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

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

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has received the petition for declaratory statement from Florida Power & Light Company. The petition seeks the agency's opinion as to the applicability of Rule 25-6.0423, F.A.C. as it applies to the petitioner.

The petitioner inquires as to whether advance payments made prior to the completion of site clearing work for the proposed Turkey Point Units 6 and 7 are properly characterized as "preconstruction costs" to be recovered pursuant to the mechanism provided in Rule 25-6.0423, F.A.C. Docket No. 080083-EI.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770.

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has received the petition for declaratory statement from Intrado Communications, Inc. The petition seeks the agency's opinion as to the applicability of Section 364.01(4)(g), F.S. as it applies to the petitioner.

The petitioner inquires as to whether Intrado or a 911 Public Safety Answering Point (PSAP) would bear any obligation to an incumbent local exchange telecommunications carrier (ILEC) to pay an ILEC's 911 tariff charges when the PSAP has selected Intrado to provide the PSAP with its 911 services. Docket No. 080089-TP.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770.

**DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Management Services, Division of Retirement has declined to rule on the petition for declaratory statement filed by Leon

County School Board on November 28, 2007. The following is a summary of the agency's declination of the petition: The Department lacks jurisdiction to interpret the term "K-12."

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Elizabeth Stevens, Assistant General Counsel, Department of Management Services, 4050 Esplanade Way, Ste. 160-L, Tallahassee, Florida 32399, (850)487-1082.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Catherine Adolf, In RE: 2080 Ocean Drive Condominium Association, Inc., Docket No. 2008009772. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes as it applies to the petitioner.

Whether 2080 Ocean Drive Condominium Association, Inc. maintains the limited common elements in accordance with Section 718.113, Florida Statutes, and whether the management contract is fair and reasonable under Section 718.302(4), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Clarcona Resort Condominium Association, Inc., Docket No.: 2008010666. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes as it applies to the petitioner.

Whether Clarcona Resort Condominium Association, Inc. may vote the units it has acquired title to under Section 718.104(4)(j) and 718.111(9), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from David H. Kline, In RE: Greenway Village South Association IV, Inc., Docket No. 2008008501. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes, and Chapter 61B, Florida Administrative Code, as it applies to the petitioner.

Whether Greenway Village South Association IV, Inc. complied with the 14 day notice requirement in Section 718.112(2)(e)1., Florida Statutes, when it mailed an amended alternate budget in advance of a unit owner's meeting and whether the budget contains disclosures required by subsection 61B-22.003(1), Florida Administrative Code.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an order disposing of the petition for declaratory statement filed by Sophia Lima, Petitioner, In RE: The Grandview Palace Condominium Association, Inc., Docket No.: 2007065048 on November 26, 2007. The following is a summary of the agency's disposition of the petition:

Based on the findings of fact and conclusions of law, it is ordered that under Sections 718.301(1) and (2), Florida Statutes, Developer is entitled to at least one member, and may vote for two members, on the board of administration of Association following turnover based on the results of class voting at an election that Developer must hold within 135 days after the date of turnover. The proxy signature provisions of the bylaws are consistent with subsection 61B-23.002(6), Florida Administrative Code. Finally, the Division declines to address the issue of the amendments made unilaterally by the developer-appointed board because the amendments have already been recorded in public records.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Maison Grande Condominium Association, Inc.; Docket No.: 2007067873 on December 17, 2007. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because there is insufficient evidence to support a declaration and because a declaration may not address issues that have already occurred.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by George Heideman, Petitioner, In Re: Lake Clarke Gardens Condominium, Inc.; Docket No.: 2007064442 on November 20, 2007. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the issue is under investigation.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

The Board of Opticianry hereby gives notice that it has received a petition for Declaratory Statement, filed on February 21, 2008, by Robin Mohr, a Florida licensed optician. The Petitioner seeks the Board's guidance regarding several issues relating to Sections 484.002(3) and (9), and 484.001, Florida Statutes. Specifically, this includes a request as to: 1) whether the commercial optical establishment's instructions to non-licensed employees to give customers their glasses or contact lenses when there is not an optician on premises is a "transfer" pursuant to Section 484.002(3); and 2) whether or how Section 484.001, Florida Statutes, would apply when clients have been instructed to go to one optical store with product from another optical store (under the same ownership) to get measurements, then bring the measurements back to have a non-licensed employee finish the transaction and order the product without a licensed optician on the premise.

The Board will address this Petition at its next meeting. Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN THAT on February 20, 2008, the Board of Psychology has received the petition for declaratory statement from Michael John Gournaris, Ph.D. The petition seeks the agency's opinion as to the applicability of Rule 64B19-13.003, Florida Administrative Code, as it applies to the petitioner.

The petition seeks the Board's interpretation of Rule 64B19-13.003, Florida Administrative Code, and clarification regarding the process by which home study courses are approved by the Board.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Allen Hall, Acting Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services has received the petition for declaratory statement from the Leon County Sheriff's Office, pursuant to Chapter 28-105, Florida Administrative Code. The petition seeks the agency's opinion as to the applicability of Chapter 648, Florida Statutes, as it applies to the petitioner.

This Petition, received on February 22, 2008, seeks the agency's opinion as to whether The Leon County Sheriff's Office in fulfilling its contract with Government Payment Services, Inc. (GPS), that provides for the pretrial release of criminal defendants, constitutes engaging in business activities which may only be conducted by a licensed bail bond agent or other person required to be licensed pursuant to Chapter 648, Florida Statutes. The Petition has been assigned case number 94421-08-DS.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Bill Tharpe, Assistant General Counsel, Department of Financial Services, Division of Legal Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333.

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Invitation to Bid

Construction of an Office/Head House for the Chiefland  
 Budwood Foundation Greenhouse

As a Contractor, you are invited to submit a bid to the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF PLANT INDUSTRY, hereinafter referred to as the Department.

The Department is seeking a Contractor for the construction of an office/head house for the Chiefland Budwood Foundation Greenhouse, 9850 N.W. 42nd Court, Chiefland, Florida 32626. The contractor shall provide all materials, labor, equipment and inspection fees necessary for the construction of the office/head house in accordance with the plans and specification prepared by Architecture Studio, and the terms and conditions of the Invitation to Bid. The estimated budget for this project is \$700,000.00.

PROJECT LOCATION: 9850 N. W. 42nd Court, Chiefland, Florida.

MANDATORY PRE-BID CONFERENCE/SITE VISIT: Each bidder must, before submitting a bid, attend the mandatory pre-bid conference/site visit. The pre-bid conference/site visit will be held on March 18, 2008, 1:30 p.m., at the Greenhouse, 9850 N.W. 42nd Court, Chiefland, Florida 32626. During the pre-bid conference a site visit will be held for prospective bidders. It is the bidders' responsibility to consider any and all site conditions or requirements for the project. One set of plans, specifications and documents will be made available to each interested General Contracting Company. Plans are not available to subcontractors, and subcontractors will need to obtain plans from their bidding Contractor or a Plans Room Service. Plan Room Services and/or Bid Assistance Companies will need to obtain plan sets directly from Architecture Studio, 114 South Magnolia Avenue, Ocala, Florida 34474, (352)620-0944, which shall be made available at a cost of \$125/initial set of drawings and \$40 for each additional set.

SOLICITATION DOCUMENT: The entire solicitation document, which includes specifications and the additional information, may be viewed and downloaded from the Vendor Bid System at <http://myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number ITB/PI-07/08-57, or by calling the Purchasing Office at (850)487-3727.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required.

BID BOND GUARANTEE: Each bid shall be accompanied by a Bid Bond Guarantee payable to the Department in the amount of five percent (5%) of the Base Bid Price.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: April 4, 2008, 2:00 p.m.

PLACE: Department of Agriculture and Consumer Services, 407 S. Calhoun Street, SB8 Mayo Building, Tallahassee, Florida 32399, (850)487-3727.

CONTRACT AWARD: The official Notice of Award recommendation will be by electronic posting at [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu). Failure to file a

protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

**DEPARTMENT OF EDUCATION**

**CALL FOR QUALIFICATIONS BLDG. 70 RENOVATIONS**  
 The University of West Florida Board of Trustees is soliciting sealed Professional Qualifications submittals for architectural services for the renovation of Bldg. 70.

Professional Services are required to develop plans, specifications, drawings, and other construction documents for the renovation of Bldg. 70 on the main campus of the University of West Florida in Pensacola, FL. Solicitation documents including the Project Fact Sheet may be downloaded from the University’s Procurement and Contracts’ website at <http://uwf.edu/procurement>.

Interested firms are required to attend a mandatory pre-submittal meeting and site visit in order to participate in this solicitation. The mandatory meeting is scheduled for Friday, March 14, 2008, 9:00 a.m. – 11:00 a.m., at Bldg. 92, Training Room, University of West Florida, 11000 University Parkway, Pensacola, FL. Access Campus Map at <https://nautical.uwf.edu/campusmap/main.cfm>.

Sealed submittals will be received until 4:00 p.m. Central Time April 14, 2008 at the Office of Procurement and Contracts, Bldg. 8, Room 102, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Solicitation number 07/PQS-11/ES must be marked on outside of sealed submittal. The University will not be responsible for unopened submittals when the package is not properly identified.

All inquiries should be submitted in writing to Elaine Smith, [etsmith@uwf.edu](mailto:etsmith@uwf.edu).

Notice of Bid/Request for Proposal  
**NOTICE TO CONSTRUCTION MANAGERS**

**PROJECT NUMBER:** TBA  
**PROJECT NAME:** Campus Services Construction Management Continuing Contract.  
**SERVICES TO BE PROVIDED:** Construction Management at Risk Services

New College of Florida requests qualifications from construction management firms to provide construction management services for the project(s) listed below. Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

**PROJECT DESCRIPTION:** Multiple projects as required by New College of Florida with individual project construction budgets not to exceed \$1,000,000. Depending on development

of projects and funding, the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of construction projects to provide for construction of new facilities or additions, repair and renovation to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, restoration and other minor works. Continuing Contracts selection is for a contract period of one year, renewable annually for up to two additional years at the discretion of New College of Florida. The consultant receiving the award will not have an exclusive contract to perform services for these projects. New College may have additional campus service professionals under contract during the same time period.

**RESPONSE DUE DATE:** April 4, 2008, 4:00 p.m. (Local Time)

Applications are to be sent to Mr. Adrian Castillo, Facilities Planning and Construction, 5800 Bay Shore Road, PHS 104, Sarasota, FL 34243, Phone (941)487-4691.

**INSTRUCTIONS:**

Submit six (6) bound copies with a Table of Contents and tabbed sections in the following order:

1. Letter of Interest detailing the firm’s qualification to meet the above referenced selection criteria.
  2. A current Experience Questionnaire and Contractor’s Financial Statement.
  3. Résumés of proposed staff and staff organizations.
  4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
  5. References from prior clients received within the last five years.
- Applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and all section dividers. However, this is not a mandatory requirement.

All proposal information submitted becomes the property of New College of Florida, will be placed on file, and not returned. Applications that do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified. Proposals submitted by qualified firms shall be evaluated in accordance with regulations of the Florida Board of Governors. **SHORTLIST SELECTION PROCESS:** From the proposals selected, the College shall shortlist a minimum of three (3) firms.

At the time of application, the applicant must hold a current design Professional Registration Certificate(s) from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of state to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit

a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The selected firm or firms will be required to be registered with MyFloridaMarketPlace before a contract can be executed. However they will be exempt from the one percent fee.

The New College PQS instructions and form, and project fact sheet may be obtained by contacting: to Mr. Adrian Castillo, Facilities Planning and Construction, 5800 Bay Shore Road., PHS 104, Sarasota, FL 34243-2109, (941)487-4691, e-mail [acastillo@ncf.edu](mailto:acastillo@ncf.edu) or they may be downloaded from New College's web site at [www.ncf.edu/facilities/](http://www.ncf.edu/facilities/).

The selected firm or firms will be required to be registered with MyFloridaMarketPlace before a contract can be executed. However they will be exempt from the one percent fee.

Notice of Bid/Request for Proposal

NOTICE TO PROFESSIONAL CONSULTANTS

New College of Florida, announces that professional services are required for the project listed below.

PROJECT NUMBER: TBA  
 PROJECT NAME: Campus Service  
 Architectural/Engineering  
 Continuing Contract.  
 SERVICES TO BE PROVIDED: Architectural/Engineering  
 Services

ESTIMATED CONSTRUCTION BUDGET: Multiple projects as required by New College of Florida with individual project basic construction budgets not to exceed \$1,000,000. Depending on development of projects and funding, the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of Architectural projects and attendant Engineering to provide for construction of new facilities or additions, repair and renovation to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, and minor Studies (Study fee not to exceed \$50,000). Continuing Contracts selection is for a contract period of one year, renewable annually for up to two years at the discretion of New College of Florida. The consultant receiving the award will not have an exclusive contract to perform services for these projects. New College may have additional campus service professionals under contract during the same time period.

RESPONSE DUE DATE: April 4, 2008, 4:00 p.m. (Local Time)

Applications are to be sent to: Mr. Adrian Castillo, Facilities Planning and Construction, 5800 Bay Shore Road, PHS 104, Sarasota, FL 34243, (941)487-4691.

INSTRUCTIONS: Submit six (6) bound copies of the following:

1. Letter of interest.
2. The most recent version of the New College of Florida "Professional Qualifications Supplement" completed by the applicant. Applications on any other form will not be considered.
3. A copy of the applicant's current Florida Professional License renewal. (Proper registration at the time of application is required.)
4. (CORPORATIONS ONLY) Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard Form 330.
  - Applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and all section dividers. However, this is not a mandatory requirement.

All proposal information submitted becomes the property of New College of Florida, will be placed on file, and not returned. Applications that do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified. Proposals submitted by qualified firms shall be evaluated in accordance with regulations of the Florida Board of Governors. SHORTLIST SELECTION PROCESS: From the proposals selected, the College shall shortlist a minimum of three (3) firms.

At the time of application, the applicant must hold a current design Professional Registration Certificate(s) from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of state to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The selected firm or firms will be required to be registered with MyFloridaMarketPlace before a contract can be executed. However they will be exempt from the one percent fee.

The New College PQS instructions and form, and project fact sheet may be obtained by contacting: to Mr. Adrian Castillo, Facilities Planning and Construction, 5800 Bay Shore Road,

PHS 104, Sarasota, FL 34243-2109, (941)487-4691, e-mail [acastillo@ncf.edu](mailto:acastillo@ncf.edu) or they may be downloaded from New College's web site at [www.ncf.edu/facilities/](http://www.ncf.edu/facilities/).

DCPS RFQ Annual Contract for Engineering Services –  
Civil/Electrical/Mechanical AMENDED

AMENDED ADVERTISEMENT – The Office of Facilities Design and Construction announces that Professional Engineering Services are required for continuing contracts for Duval County Public Schools for each of the above listed disciplines. This will be a multiple year contract to one or more firms for an initial period of one year with an option to renew for two additional one-year periods. The firm(s) selected under a continuing contract will be responsible for assigned projects having estimated costs not exceeding the threshold amount of \$1,000,000 (Construction) or \$50,000 (Planning/Study) provided for in Section 287.055, Florida Statutes. Duval County Public Schools reserves the right to negotiate and award multiple projects to the firm(s) selected for annual contract services. Some of the assigned projects may exceed the construction threshold amount provided in Section 287.017 Florida Statutes, for Category Five (\$250,000) or Category Two (\$25,000) for planning or study activity. Multi-disciplined firms should indicate the engineering discipline(s) for which they wish to be considered in their letter of intent. Applications are to be sent to: James L. Womack, Duval County Public Schools Facilities Design and Construction, 1701 Prudential Drive, 5th Floor, Jacksonville, FL 32207-8182, PHONE NO.: (904)390-2279, RESPONSE DUE DATE: RFQs ARE DUE ON OR BEFORE MARCH 11, 2008 AND WILL BE ACCEPTED UNTIL 4:30 p.m.

MBE GOALS: If multiple contracts are awarded, at least one within each engineering discipline should be “Sheltered”, awarded to a certified MBE. The remaining firms should have an overall participation goal of 10%, based on the availability of MBEs for this project.

MBE firms must be certified with Duval County Public Schools, the City of Jacksonville with an MBE indicator or the State of Florida prior to submitting proposal. MBE information may be obtained at [www.duvalschools.org/mbao](http://www.duvalschools.org/mbao) or by contacting Beth Tramel at (904)858-4860.

Information on the selection process can be found at: <http://www.duvalschools.org/static/aboutdcps/departments/facilities/downloads/SelectionofArchitectEngineer.doc>.

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

NOTICE OF INVITATION TO BID  
BID NO. BDC 59-07/08

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Shangri-La Equestrian Campground – Water System and Dump Station

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials required to supply and install water main with related outlets; septic system for RV dump station; and some select clearing and grubbing.

PARK LOCATION: Shangri-La Trail Head, 12788 S. W. 69th Court, Ocala, Florida 34476.

PROJECT MANAGER: Morris Pigott, Office of Greenways & Trails, Telephone: (850)245- 2070.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose bid is governed by Chapter 399, 455, 489, or 633 of the Florida Statutes, for licensure or certification must submit prequalification data of their eligibility prior to the bid closing date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on March 7, 2008 at: Office of Greenways & Trails, Attention: Morris Pigott, Telephone (850)245-2070.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction, (850)488-5372, at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 4:30 p.m., Tuesday, April 1, 2008, to the below address: Florida Department of Environmental Protection Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention Michael Renard, Construction Projects Administrator, Bureau of Design and Construction, (850)488-5372. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 2:00 p.m., Friday, April 4, 2008, unless extended by the Department for good cause.

## DEPARTMENT OF MILITARY AFFAIRS

### ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED LICENSED CONTRACTORS BY THE State of Florida, Department of Military Affairs HEREINAFTER REFERRED TO AS OWNER, FOR CONSTRUCTION OF:

PROJECT NUMBER: 207005

ACCOUNTING CODE: FARP FY 08

PROJECT NAME AND LOCATION: Renovation of the Tallahassee National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida 32311

POTENTIAL RESPONDENTS TO THE SOLICITATION ARE ENCOURAGED TO CAREFULLY REVIEW ALL THE MATERIALS CONTAINED HEREIN AND PREPARE RESPONSES ACCORDINGLY.

A COMPLETE COPY OF THIS SOLICITATION MUST BE OBTAINED FROM THE MYFLORIDA.COM, MYFLORIDAMARKETPLACE, VENDOR BID SYSTEM. FOR (PROJECT DESCRIPTION):

Work includes but is not necessarily limited to the following: Work is to be performed on two (2) buildings, the Armory, the New Platoon Storage Building and on associated sitework. Work will involve construction phasing. Portions of this work are included Additive Alternates. Construction trades and materials from most of the 16 CSI Divisions are involved.

PREQUALIFICATION: Each bidder whose field is governed by Chapters 399, 455, 489, and 633, Florida Statutes, for licensure or certification must submit prequalification data of their eligibility with their bid at or prior to the bid opening. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the requirements is included in the Non-Technical Specifications Level IV/V, Instructions to Bidders under Section B-2 "Bidder Qualification Requirements and Procedures". Note: A completed experience questionnaire and financial statement form number DBC 5085 (Exhibit 3) must be submitted with bid.

BID SECURITY: Bids/Proposals in total excess of \$100,000.00, the bidder must provide with bid, a good faith deposit in the amount of 5% of the bid by way of a bid bond

from a surety insurer authorized to do business in the STATE OF FLORIDA as surety or a certified check or cashier's check accompanying the bid.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND'S are required from any persons or parties entering into a formal contract with the STATE OF FLORIDA for contracts in total excess of \$100,000.00 for construction, additions, renovations, repairs, or demolition of any public building pursuant to Section 255.05(1)(a), Florida Statutes.

### PROCUREMENT RULES AND INFORMATION:

CONTACT PERSON: All questions related to this procurement should be addressed to:

Skinner Vignola McLean, Inc., 1628 N. W. 6th Street, Gainesville, Florida 32609, Attn: James M. Vignola, AIA, E-Mail Address: jim@svmarchitects.com.

Any questions from proposers concerning this solicitation shall be submitted in writing, identifying the submitter, to the contact listed above at the address specified above by email no later than the date April 2, 2008, 8:00 a.m. (EST).

All questions and answers/changes to the solicitation will be provided in writing and posted on the DMS Vendor Bid System (VBS). It is the prospective contractor's responsibility to check periodically for any information updates to the solicitations which are posted to the VBS. The Department of Military Affairs bears no responsibility for any delays, or resulting impacts, associated with a prospective contractor's failure to obtain information made available through the DMS Vendor Bid System.

INFORMATION WILL NOT BE AVAILABLE BY TELEPHONE. All information received through any oral communication shall not be binding on the Department of Military Affairs and shall not be relied upon by an offerer.

Pursuant to Section 287.057(26), Florida Statutes, Respondents to this solicitation of persons acting on their behalf may not contact, between the release of the solicitation and the end of the 72-hour period following the agency posting the notice of intended award, excluding Saturdays, Sundays, and state holidays, any employee or officer of the executive or legislative branch concerning any aspect of this solicitation, except in writing to the procurement officer or as provided in the solicitation documents. Violation of this provision may be grounds for rejecting a response.

### MANDATORY PRE-BID MEETING:

DATE AND TIME: March 19, 2008, 10:00 a.m. (EST)

PLACE: Tallahassee National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida 32311

All Contractors and subcontractors interested in bidding on this project are invited to attend.

Sealed bids will be received, publicly opened and read aloud on: BIDS / RESPONSES TRANSMITTED ELECTRONICALLY WILL NOT BE CONSIDERED. BIDS /

RESPONSES RECEIVED AT THE LOCATION DESIGNATED AFTER THE EXACT TIME SPECIFIED FOR RECEIPT WILL NOT BE CONSIDERED.

DATE AND TIME: April 10, 2008 10:00 a.m. (EST)

PLACE: Tallahassee National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida 32311

MARK ENVELOPES: DO NOT OPEN – SEALED BID for Project Number 207005 Renovation of the Tallahassee National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida 32311, Attn: SGM (Ret) K.C. “Butch” Hersey.

Bids submitted prior to the bid opening via courier or mail, are to be delivered in a SEALED package to: State of Florida, Department of Military Affairs-CFMO, Robert F. Ensslin, Jr. Armory, 2305 State Road 207, St. Augustine, Florida 32086 Attn: SGM (Ret) K.C. “Butch” Hersey. Early Bid shall be received at this address NO LATER THAN April 9, 2008, 3:00 p.m. (Local Time).

BID/PROPOSAL: All responses must be submitted in a sealed package and shall be clearly marked on the outside of package with the above information. Department of Military Affairs is not responsible for the opening of any solicitation package which is not properly marked. It is the respondent’s responsibility to assure its response is submitted in the place and time indicated in this solicitation. Also, all responses must be in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, and Non-Technical Specifications, which have been prepared by the Architect-Engineer as listed, and may be obtained as follows:

ARCHITECT-ENGINEER: Skinner Vignola McLean, Inc., 1628 N. W. 6th Street, Gainesville, Florida, 32609

TELEPHONE: (352)378-4400

Make all checks or money orders payable to: Skinner Vignola McLean, Inc. No Credit cards are accepted.

DRAWINGS AND SPECIFICATIONS:

FULL SETS of drawings and specifications may be purchased by payment of the printing and handling cost at the rate of \$150.00 per set. Contact Terry Biehl at (352)378-4400.

CONTRACT AWARD: The lowest bid will be the bid from the responsive bidder that has submitted the lowest price for the base bid or base bid plus the additive alternates or less the deductive alternates chosen by the Agency to be included in or excluded from the proposed contract, taken in numerical order listed in the bid documents. The order of the alternates may be selected by the Agency in any sequence so long as such acceptance out of order does not alter the designation of the low bidder. The official Notice of Award Recommendation will be by electronic posting on the Department's website at [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest

is filed, the contract will be awarded to the qualified, responsible and responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

The Non-Technical Specifications Level IV and V are considered to be applicable to this solicitation and award of contract when made and are made a part hereof.

The State of Florida’s performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

NO VERBAL STATEMENTS MADE BY ANY STATE OF FLORIDA EMPLOYEE OR AGENCY REPRESENTATIVE WILL OPERATE TO SUPERSEDE INFORMATION PUBLISHED IN THIS SOLICITATION. ONLY WRITTEN ADDENDUMS ISSUED BY THE DEPARTMENT OF MILITARY AFFAIRS CONSTRUCTION AND FACILITY MANAGEMENT OFFICE OR ITS REPRESENTATIVES WILL OPERATE TO ALTER OR OTHERWISE AMEND THIS SOLICITATION.

#### ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED LICENSED CONTRACTORS BY THE State of Florida, Department of Military Affairs HEREINAFTER REFERRED TO AS OWNER, FOR CONSTRUCTION OF:

PROJECT NUMBER: 207014

ACCOUNTING CODE: FARP FY 08

PROJECT NAME AND LOCATION: Renovation of the Melbourne National Guard Armory, 1889 Stewart Road, Melbourne, Florida 32935

POTENTIAL RESPONDENTS TO THE SOLICITATION ARE ENCOURAGED TO CAREFULLY REVIEW ALL THE MATERIALS CONTAINED HEREIN AND PREPARE RESPONSES ACCORDINGLY.

A COMPLETE COPY OF THIS SOLICITATION MUST BE OBTAINED FROM THE MYFLORIDA.COM, MYFLORIDAMARKETPLACE, VENDOR BID SYSTEM. FOR (PROJECT DESCRIPTION):

Work includes but is not necessarily limited to the following: Work is to be performed on four (4) buildings, the Existing Armory, the New Armory, the Platoon Storage Building, and the Vehicle Maintenance Building and on associated sitework. Work will involve construction phasing. Portions of this work are included Additive Alternates. Construction trades and materials from most of the 16 CSI Divisions are involved.

PREQUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489, and 633, Florida Statutes, for licensure or certification must submit prequalification data of their eligibility with their bid at or prior to the bid opening. After the bid opening, the low bidder must qualify in accordance with Chapter 60D-5.004, F.A.C. A copy of the requirements is included in the Non-Technical Specifications Level IV/V, Instructions to Bidders under Section B-2 “Bidder Qualification Requirements and Procedures”. Note: A

completed experience questionnaire and financial statement form number DBC 5085 (Exhibit 3) must be submitted with bid.

**BID SECURITY:** Bids/Proposals in total excess of \$100,000.00, the bidder must provide with bid, a good faith deposit in the amount of 5% of the bid by way of a bid bond from a surety insurer authorized to do business in the STATE OF FLORIDA as surety or a certified check or cashier's check accompanying the bid.

**PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND'S** are required from any persons or parties entering into a formal contract with the STATE OF FLORIDA for contracts in total excess of \$100,000.00 for construction, additions, renovations, repairs, or demolition of any public building pursuant to Section 255.05(1)(a), Florida Statutes.

**PROCUREMENT RULES AND INFORMATION:**

**CONTACT PERSON:** All questions related to this procurement should be addressed to:

Skinner Vignola McLean, Inc., 1628 N. W. 6th Street, Gainesville, Florida 32609, Attn: James M. Vignola, AIA, E-Mail Address: jim@svmarchitects.com.

Any questions from proposers concerning this solicitation shall be submitted in writing, identifying the submitter, to the contact listed above at the address specified above by email no later than the date March 31, 2008 8:00 a.m. (EST)

All questions and answers/changes to the solicitation will be provided in writing and posted on the DMS Vendor Bid System (VBS). It is the prospective contractor's responsibility to check periodically for any information updates to the solicitations which are posted to the VBS. The Department of Military Affairs bears no responsibility for any delays, or resulting impacts, associated with a prospective contractor's failure to obtain information made available through the DMS Vendor Bid System.

**INFORMATION WILL NOT BE AVAILABLE BY TELEPHONE.** All information received through any oral communication shall not be binding on the Department of Military Affairs and shall not be relied upon by an offerer.

Pursuant to Section 287.057(26), Florida Statutes, Respondents to this solicitation of persons acting on their behalf may not contact, between the release of the solicitation and the end of the 72-hour period following the agency posting the notice of intended award, excluding Saturdays, Sundays, and state holidays, any employee or officer of the executive or legislative branch concerning any aspect of this solicitation, except in writing to the procurement officer or as provided in the solicitation documents. Violation of this provision may be grounds for rejecting a response.

**MANDATORY PRE-BID MEETING:**

**DATE AND TIME:** March 18, 2008, 10:00 a.m. (EST)

**PLACE:** Melbourne National Guard Armory, 1889 Stewart Road, Melbourne, Florida 32935

All Contractors and subcontractors interested in bidding on this project are invited to attend.

Sealed bids will be received, publicly opened and read aloud on: **BIDS / RESPONSES TRANSMITTED ELECTRONICALLY WILL NOT BE CONSIDERED. BIDS / RESPONSES RECEIVED AT THE LOCATION DESIGNATED AFTER THE EXACT TIME SPECIFIED FOR RECEIPT WILL NOT BE CONSIDERED.**

**DATE AND TIME:** April 9, 2008, 10:00 a.m. (EST)

**PLACE:** Melbourne National Guard Armory, 1889 Stewart Road, Melbourne, Florida 32935

**MARK ENVELOPES: DO NOT OPEN – SEALED BID** for Project Number 207014 Renovation of the Melbourne National Guard Armory, 1889 Stewart Road, Melbourne, Florida 32935, Attn: SGM (Ret) K.C. "Butch" Hersey.

Bids submitted prior to the bid opening via courier or mail, are to be delivered in a SEALED package to: State of Florida, Department of Military Affairs-CFMO, Robert F. Ensslin, Jr. Armory, 2305 State Road 207, St. Augustine, Florida 32086 Attn: SGM (Ret) K.C. "Butch" Hersey. Early Bid shall be received at this address NO LATER THAN April 8, 2008, 3:00 p.m. (Local Time).

**BID/PROPOSAL:** All responses must be submitted in a sealed package and shall be clearly marked on the outside of package with the above information. Department of Military Affairs is not responsible for the opening of any solicitation package which is not properly marked. It is the respondent's responsibility to assure its response is submitted in the place and time indicated in this solicitation. Also, all responses must be in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, and Non-Technical Specifications, which have been prepared by the Architect-Engineer as listed, and may be obtained as follows:

**ARCHITECT-ENGINEER:** Skinner Vignola McLean, Inc., 1628 N. W. 6th Street, Gainesville, Florida 32609, **TELEPHONE:** (352)378-4400

Make all checks or money orders payable to: Skinner Vignola McLean, Inc. No Credit cards are accepted.

**DRAWINGS AND SPECIFICATIONS:**

FULL SETS of drawings and specifications may be purchased by payment of the printing and handling cost at the rate of \$150.00 per set. Contact Terry Biehl at (352)378-4400.

**CONTRACT AWARD:** The lowest bid will be the bid from the responsive bidder that has submitted the lowest price for the base bid or base bid plus the additive alternates or less the deductive alternates chosen by the Agency to be included in or excluded from the proposed contract, taken in numerical order listed in the bid documents. The order of the alternates may be selected by the Agency in any sequence so long as such acceptance out of order does not alter the designation of the low bidder. The official Notice of Award Recommendation will be by electronic posting on the Department's website at

[http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu). Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed, the contract will be awarded to the qualified, responsible and responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

The Non-Technical Specifications Level IV and V are considered to be applicable to this solicitation and award of contract when made and are made a part hereof.

The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

NO VERBAL STATEMENTS MADE BY ANY STATE OF FLORIDA EMPLOYEE OR AGENCY REPRESENTATIVE WILL OPERATE TO SUPERSEDE INFORMATION PUBLISHED IN THIS SOLICITATION. ONLY WRITTEN ADDENDUMS ISSUED BY THE DEPARTMENT OF MILITARY AFFAIRS CONSTRUCTION AND FACILITY MANAGEMENT OFFICE OR ITS REPRESENTATIVES WILL OPERATE TO ALTER OR OTHERWISE AMEND THIS SOLICITATION.

**CITY OF ARCADIA**

INVITATION TO BID

NOTICE IS HEREBY GIVEN on this 7th day of March 2008, that the City of Arcadia, Florida, hereinafter called the OWNER, will receive sealed proposals (bids) for the Water Treatment Plant Disinfection Conversion (PROJECT) at the office of the City Administrator, at the Way Building, 23 North Polk Avenue until 2:00 p.m., on the 8th day of April 2008, and then at said office publicly opened and read aloud.

Said bids shall conform to and be responsive to the Contract Documents for the PROJECT and must be accompanied by the security referred to therein.

A pre-bid conference will be held on the 25th day of March 2008, at 10:00 a.m., in the office of the City Administrator, Arcadia City Hall Annex, 23 North Polk Avenue, Arcadia, FL 34266. All questions about the meaning/intent of the contract documents must be submitted in writing before 12:00 Noon, on the 31st day of March 2008 to: Iqbal Hossain, P.E., Boyle Engineering Corporation, 5971 Cattleridge Blvd., Suite 200, Sarasota, Florida 34232. Questions will be answered in accordance with article 5 of the "Instructions to Bidders".

Copies of the Contract Documents are on file and may be examined at the office of Boyle Engineering Corporation, 5971 Cattleridge Blvd., Suite 200, Sarasota, FL 34232.

Copies may be purchased at the office of the ENGINEER by non-refundable payment of \$150.00 per full-size set and \$100.00 per half-size set.

Each bid or proposal shall be made out or submitted on a form furnished as part of the Contract Documents, and must be accompanied by a cashier's check, or certified check, or a bidder's bond in the amount specified in the Bid Form, made payable to the order of, or for the benefit of, the OWNER, as the case may be. Said check or bond shall be given as guarantee that the bidder will enter into a contract with the OWNER if awarded the work, and will be declared forfeited if the successful bidder refuses to enter into said contract.

The OWNER reserves the right to reject any and all bids and to waive any and all irregularity in any bid.

**FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL**

REQUEST FOR PROPOSALS (FDDC #2007-HC-6400)  
HEALTH CARE TRANSITION STRATEGIC PLANNING INITIATIVE

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2007-HC-6400) is released in order to develop a strategic plan to develop partnerships and activities that will improve health care transition for individuals throughout the state with developmental disabilities and/or chronic medical conditions.

Individuals, not-for-profit, and for-profit agencies may submit proposals in response to this RFP. The approximate amount of funds available for the project awarded based on this RFP will be \$60,375. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP can be downloaded from the FDDC website ([www.fddc.org](http://www.fddc.org)) or copies may be requested by writing: FDDC at 124 Marriott Drive, Suite 201, Tallahassee, FL 32301, or calling (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free 1(888)488-8633.

The deadline for submitting written questions and letters of intent for this RFP is March 14, 2008, by 4:00 p.m. (EST). Letters of intent are encouraged but not mandatory. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of March 21, 2008. The deadline for submitting proposals for this RFP to FDDC is April 25, 2008, by 2:00 p.m. (EDST).

**FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.**

Notice of Request for Proposals for Services to be Provided to the Florida Workers' Compensation Joint Underwriting Association, Inc. (FWCJUA)

The FWCJUA is soliciting proposals to provide policy administration services including managed care. Proposals will be accepted for either: 1) policy administration services including managed care proposed by a single entity; or 2)

policy administration services with a managed care arrangement proposed by a partnership/joint venture. No stand alone proposals will be accepted.

Policy administration services include, but are not limited to, the issuance of policies and appropriate endorsements; premium billing and collection; auditing; claims management including managed care services; loss control and safety engineering; fraud investigation and prevention; financial and statistical data reporting; and customer satisfaction services. Managed care services include, but are not limited to, medical management and disability management. Claims administration services, which have historically been provided to the FWCJUA by the policy administration services vendors, may be provided by either vendor or a combination of both.

The FWCJUA will only consider proposals to provide services on any or all of the following options: 1) 50% or 2) 100% of the business recognizing that a maximum of two service providers will be selected.

An entity proposing to provide policy administration services must either be: 1) an insurer authorized to write workers' compensation and employers liability insurance in Florida pursuant to Chapter 624, Florida Statutes, whether domestic or foreign; 2) a commercial self-insurance fund organized pursuant to Section 624.462, Florida Statutes; 3) a group self-insurance fund authorized by Section 624.4621, Florida Statutes; 4) an assessable mutual insurer authorized by Section 628.6011, Florida Statutes; or 5) a management company, service company, or administrator authorized by the Florida Office of Insurance Regulation, to provide workers' compensation services to assessable mutual insurers, commercial self-insurance funds, group self-insurance funds, or individual self-insureds.

The FWCJUA is not a state agency. Accordingly, the RFP process is not governed by the contracting procedures applicable to state agencies set forth in Florida Statutes and Rules. Any entity which responds to the RFP must expressly acknowledge in its proposal its understanding that the contracting procedure requirements which apply to state agencies do not apply to the FWCJUA.

Interested parties may obtain the RFP on or after March 28, 2008, by written request to: Laura Torrence, Executive Director, FWCJUA, P. O. Box 48957, Sarasota, FL 34230. Written requests will also be accepted by facsimile at (941)487-2525. Responses to the RFP will be due at 4:00 p.m. (ET), May 9, 2008.

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## **HERNANDO COUNTY METROPOLITAN PLANNING ORGANIZATION**

### **REQUEST FOR LETTERS OF INTEREST AND PROPOSALS**

The Hernando County Metropolitan Planning Organization (MPO) is accepting proposals from qualified agencies or firms for the award of a contract to coordinate transportation services

for the transportation disadvantaged in Hernando County, Florida. The Hernando County MPO will be administering the competitive procurement process. The selected contractor will be the designated Community Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes, and more fully described in Rule 41-2, Florida Administrative Code.

A NON-MANDATORY PRE-PROPOSAL CONFERENCE WILL BE HELD APRIL 4, 2008, AT THE HERNANDO COUNTY MPO CONFERENCE ROOM, 20 NORTH MAIN STREET, ROOM 261, BROOKSVILLE, FL 34601, AT 10:00 A.M., TO ANSWER QUESTIONS ABOUT THE RFP.

LETTERS OF INTEREST AND QUALIFICATIONS ARE DUE BY MARCH 21, 2008 BY 11:30 A.M. PROPOSALS MUST BE RECEIVED BY 11:30 A.M., April 15, 2008, at the office of the Hernando County MPO. FIVE (5) copies of the technical and cost proposals must be submitted to: Hernando County MPO, ATTENTION: Steve Diez, Transportation Planner II, 20 N. Main Street, Room 262, Brooksville, Florida 34601. One of these copies must be a clean, single sided original that can be used to make additional copies. The outside of the envelope or box containing the Technical Proposal must be marked "TECHNICAL PROPOSAL FOR COMMUNITY TRANSPORTATION COORDINATOR." In addition to the Technical Proposal, an Annual Budget/Cost Proposal and a Fare Proposal must be submitted in a separate sealed envelope. This envelope shall be clearly marked, "ANNUAL BUDGET/COST PROPOSAL AND FARE PROPOSAL."

FAXED AND ELECTRONICALLY MAILED RESPONSES WILL NOT BE ACCEPTED.

The Hernando County MPO will not accept responsibility for proposals that are not marked and submitted in this manner. Proposals are to remain in effect for ninety (90) calendar days from date of submission. The Hernando County MPO reserves the right to reject any or all proposals, to waive any formality concerning proposals or negotiate changes to the proposals whenever such rejection or waiver or negotiation is in the best interest of the State and transportation disadvantaged.

The Hernando County MPO reserves the right to waive any informality in any proposal, to reject any or all proposals in whole or in part, with or without cause, and/or to accept the proposal that in its judgment will be in the best interest of the Hernando County MPO and its citizens. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

Hernando County Metropolitan Planning Organization

/s/Steve Diez

Transportation Planner II

Reference #CTC RFP 08-2

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## Section XII Miscellaneous

Florida Small Cities CDBG Program  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

### DEPARTMENT OF COMMUNITY AFFAIRS

#### NOTICE OF ENVIRONMENTAL REVIEW WORKSHOP FLORIDA SMALL CITIES CDBG AND DISASTER RECOVERY PROGRAMS

The Department of Community Affairs announces environmental review training for participants of the Florida Small Cities Community Development Block Grant (CDBG) and Disaster Recovery Programs. The training will be held on March 25 and 26, 2008, in Orlando. All local governments that participate in the Florida Small Cities CDBG or Disaster Recovery Programs are encouraged to send one or more representatives to this important training. There is no registration fee.

The training will be conducted by staff of the U.S. Department of Housing and Urban Development (HUD). Participants will be trained on the laws, rules and regulations that relate to the environmental review process set out in 24 CFR 58. Forms and instructions will be provided that explain how to conduct a review for housing related projects, infrastructure projects, activities that will occur in a floodplain, and other reviews required for the release of funds for CDBG activities. Persons who prepare environmental reviews for CDBG projects must participate in the training in order to ensure that all environmental reviews meet current federal regulations.

If your local government has a Small Cities CDBG or Disaster Recovery contract that funds have not been released for OR if you plan to submit an application to the Florida Small Cities CDBG Program for the federal fiscal year 2008 funding cycle, you should attend the training. The Department will consider paying a portion of the travel costs for local government staff responsible for the administration of CDBG contracts.

The training will be held on March 25 and 26, 2008, at the following location:

Florida Hotel and Conference Center  
1500 Sand Lake Road  
Orlando, Florida 32809  
Telephone (407)859-1500

Registration will begin at 8:30 a.m. on March 25, 2008, and the training will begin at 9:00 a.m., and conclude at 4:30 p.m. The training will resume on March 26, 2008, 8:30 a.m., and conclude at 3:00 p.m. Participants must attend both days in order to receive a certificate.

Contact the hotel directly to make hotel reservations. To register for the training, call the CDBG Program at (850)487-3644, visit our website: <http://www.floridacommunitydevelopment.org/cdbg/index.cfm>, or send a written request to:

If you have questions, please contact Judy Peacock at [judy.peacock@dca.state.fl.us](mailto:judy.peacock@dca.state.fl.us) or Sean Lewis at [sean.lewis@dca.state.fl.us](mailto:sean.lewis@dca.state.fl.us).

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Mrs. Pat Harvey at the Department of Community Affairs, (850)487-3644, at least seven days before the workshop to request the accommodation. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, which can be reached at 1(800)955-8771 (TDD).

### DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Florida Hospital Memorial Division, a private airport, in Volusia County, at Latitude 29° 14' 28" and Longitude 81° 6' 29", to be owned and operated by Mr. Mark Dowst, 536 N. Halifax Ave., Suite 100, Daytona Beach, FL 32118.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, [aviation.fdot@dot.state.fl.us](mailto:aviation.fdot@dot.state.fl.us). Website: <http://www.dot.state.fl.us/aviation>.

**ADMINISTRATIVE HEARING RIGHTS:** Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with: Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Power Sports Factory, intends to allow the establishment of Ali J, Inc. d/b/a Freedom Power Sports, as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycles Group Corp. (QINJ) at 941 Country Club Boulevard, Unit C & D, Cape Coral (Lee County), Florida 33990, on or after February 16, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Ali J, Inc. d/b/a Freedom Power Sports are dealer operator(s): Jeff Free, 941 Country Club Boulevard, Unit C & D, Cape Coral, Florida 33990; principal investor(s): Jeff Free, 941 Country Club Boulevard, Unit C & D, Cape Coral, Florida 33990.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Brett Moorer, Power Sports Factory, 6950 Central Highway, Pennsauken, New Jersey 08109.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of All About Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (MOTI) at 2312 Apalachee Parkway #10, Tallahassee (Leon County), Florida 32301, on or after February 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of All About Scooters, LLC are dealer operator(s): Susan D. Smith, 2312 Apalachee Parkway #10, Tallahassee, Florida 32301; principal investor(s): Susan D. Smith, 2312 Apalachee Parkway #10, Tallahassee, Florida 32301.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Kolbe, Genuine Scooters, LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BRP US, Inc., intends to allow the establishment of Barney's Motorcycle Sales, Inc. d/b/a Barney's Yamaha Suzuki of Brandon, as a dealership for the sale of motorcycles manufactured by Bombardier Recreational Products, Inc. (BMBR) at 9820 Adamo Drive, Tampa (Hillsborough County), Florida 33619, on or after April 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Barney's Motorcycle Sales, Inc. d/b/a Barney's Yamaha Suzuki of Brandon are dealer operator(s): Keith C. Wood, 1101 42 Avenue Northeast, St. Petersburg, Florida 33703; principal investor(s): Keith C. Wood, 1101 42 Avenue Northeast, St. Petersburg, Florida 33703, Raymond P. Hempstead, 8829 Glen Lakes Boulevard North, St. Petersburg, Florida 33702 and Beverly Hempstead Newtown, 6476 Evergreen Court, Seminole, Florida 34642.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Genevieve Dubois, BRP US, Inc., 75 J. A. Bombardier Street, Sherbrooke, Quebec, Canada J1L 1W3.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BRP US, Inc., intends to allow the establishment of Bartow Motorcycle World, Inc. d/b/a Barry Motorsports of Lakeland, as a dealership for the sale of motorcycles manufactured by Bombardier Recreational Products, Inc. (BMBR) at 4685 U.S. Highway 98 South, Lakeland (Polk County), Florida 33812, on or after April 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Bartow Motorcycle World, Inc. d/b/a Barry Motorsports of Lakeland are dealer operator(s): Glenn S. Barry, 5146 Fairfield Drive, Lakeland, Florida 33811; principal investor(s): Glenn S. Barry, 5146 Fairfield Drive, Lakeland, Florida 33811.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Genevieve Dubois, BRP US, Inc., 75 J. A. Bombardier Street, Sherbrooke, Quebec, Canada J1L 1W3.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BRP US, Inc., intends to allow the establishment of Champions Orlando, LLC d/b/a Champions Yamaha, as a dealership for the sale of motorcycles manufactured by Bombardier Recreational Products, Inc. (BMBR) at 16333 West Colonial Drive, Oakland (Orange County), Florida 34787, on or after April 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Champions Orlando, LLC d/b/a Champions Yamaha are dealer operator(s): Justin Walsh, 16333 West Colonial Drive, Oakland, Florida 34787; principal investor(s): Robert Mealey, 16333 West Colonial Drive, Oakland, Florida 34787.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Genevieve Dubois, BRP US, Inc., 75 J. A. Bombardier Street, Sherbrooke, Quebec, Canada J1L 1W3.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BRP US, Inc., intends to allow the establishment of Deland Motor Sports, Inc. d/b/a Deland Suzuki, as a dealership for the sale of motorcycles manufactured by Bombardier Recreational Products, Inc. (BMBR) at 2610 South Woodland Boulevard, Deland (Volusia County), Florida 32720, on or after April 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Deland Motor Sports, Inc. d/b/a Deland Suzuki are dealer operator(s): Kurt E. Dye, 951 Dove Hunter Road, Deland, Florida 32724 and Karen R. Dye, 951 Dove Hunter Road, Deland, Florida 32724; principal investor(s): Kurt E. Dye, 951 Dove Hunter Road, Deland, Florida 32724 and Karen R. Dye, 951 Dove Hunter Road, Deland, Florida 32724.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Genevieve Dubois, BRP US, Inc., 75 J. A. Bombardier Street, Sherbrooke, Quebec, Canada J1L 1W3.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BRP US, Inc., intends to allow the establishment of Motorsports of Delray, LLC, as a dealership for the sale of motorcycles manufactured by Bombardier Recreational Products, Inc. (BMBR) at 1900 North Federal Highway, Delray Beach (Palm Beach County), Florida 33483, on or after April 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Motorsports of Delray, LLC are dealer operator(s): Rodin Younessi, 7999 Federal Highway, #101, Boca Raton, Florida 33487 and John C. Hamer, 7999 Federal Highway, #101, Boca Raton, Florida 33487; principal investor(s): Rodin Younessi, 7999 Federal Highway, #101, Boca Raton, Florida 33487 and John C. Hamer, 7999 Federal Highway, #101, Boca Raton, Florida 33487.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Genevieve Dubois, BRP US, Inc., 75 J. A. Bombardier Street, Sherbrooke, Quebec, Canada J1L 1W3.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Peace Industry Group, Inc., intends to allow the establishment of Mobility Tech, Inc., as a dealership for the sale of motorcycles manufactured by Astronautical Bashan Motorcycle Manufacture Co. Ltd. (BASH) at 5720 North Florida Avenue, Tampa (Hillsborough County), Florida 33604, on or after March 14, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Mobility Tech, Inc. are dealer operator(s): Charlie Urbizu, 5720 North Florida Avenue, Tampa, Florida 33604; principal investor(s): Charlie Urbizu, 5720 North Florida Avenue, Tampa, Florida 33604 and Zenaida Urbizu, 5720 North Florida Avenue, Tampa, Florida 33604.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Lily Ji, Peace Industry Group, Inc., 6600-B Jimmy Carter Boulevard, Norcross, Georgia 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BRP US, Inc., intends to allow the establishment of Panama City Cycle, Inc. d/b/a Yamaha Sea-Doo of Panama, as a dealership for the sale of motorcycles manufactured by Bombardier Recreational Products, Inc. (BMBR) at 1933 Highway 231, Panama City (Bay County), Florida 32405, on or after April 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Panama City Cycle, Inc. d/b/a Yamaha Sea-Doo of Panama are dealer operator(s): Mitchell Dean Crane, 1933 Highway 231, Panama City, Florida 32405 and Vickie L. Crane, 1933 Highway 231, Panama City, Florida 32405; principal investor(s): Mitchell Dean Crane, 1933 Highway 231, Panama City, Florida 32405 and Vickie L. Crane, 1933 Highway 231, Panama City, Florida 32405.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Genevieve Dubois, BRP US, Inc., 75 J. A. Bombardier Street, Sherbrooke, Quebec, Canada J1L 1W3.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of Power & Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Qingqi Group Ningbo Cycles (NING) at 550 North Flagler Avenue, Pompano Beach (Broward County), Florida 33060, on or after February 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Power & Play Warehouse, Inc. are dealer operator(s): Thomas McMahon, 550 North Flagler Avenue, Pompano Beach, Florida 33060; principal investor(s): Thomas McMahon, 550 North Flagler Avenue, Pompano Beach, Florida 33060.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of Power & Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 550 North Flagler Avenue, Pompano Beach (Broward County), Florida 33060, on or after February 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Power & Play Warehouse, Inc. are dealer operator(s): Thomas McMahon, 550 North Flagler Avenue, Pompano Beach, Florida 33060; principal investor(s): Thomas McMahon, 550 North Flagler Avenue, Pompano Beach, Florida 33060.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of Power & Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Zongshen Industrial Group (ZONG) at 550 North Flagler Avenue, Pompano Beach (Broward County), Florida 33060, on or after February 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Power & Play Warehouse, Inc. are dealer operator(s): Thomas McMahon, 550 North Flagler Avenue, Pompano Beach, Florida 33060; principal investor(s): Thomas McMahon, 550 North Flagler Avenue, Pompano Beach, Florida 33060.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of Power & Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Decelste, S.A. (DECE) at 120 South Federal Highway, Pompano Beach (Broward County), Florida 33062, on or after February 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Power & Play Warehouse, Inc. are dealer operator(s): Thomas McMahon, 550 North Flagler Avenue, Pompano Beach, Florida 33060; principal investor(s): Thomas McMahon, 550 North Flagler Avenue, Pompano Beach, Florida 33060.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of Power & Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Deceleste, S.A. (DECE) at 550 North Flagler Avenue, Pompano Beach (Broward County), Florida 33060, on or after February 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Power & Play Warehouse, Inc. are dealer operator(s): Thomas McMahon, 550 North Flagler Avenue, Pompano Beach, Florida 33060; principal investor(s): Thomas McMahon, 550 North Flagler Avenue, Pompano Beach, Florida 33060.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of Power & Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Qingqi Group Ningbo Cycles (NING) at 120 South Federal Highway, Pompano Beach (Broward County), Florida 33062, on or after February 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Power & Play Warehouse, Inc. are dealer operator(s): Thomas McMahon, 550 North Flagler Avenue, Pompano Beach, Florida 33060; principal investor(s): Thomas McMahon, 550 North Flagler Avenue, Pompano Beach, Florida 33060.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of Power & Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 120 South Federal Highway, Pompano Beach (Broward County), Florida 33062, on or after February 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Power & Play Warehouse, Inc. are dealer operator(s): Thomas McMahon, 550 North Flagler Avenue, Pompano Beach, Florida 33060; principal investor(s): Thomas McMahon, 550 North Flagler Avenue, Pompano Beach, Florida 33060.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of Power & Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Zongshen Industrial Group (ZONG) at 120 South Federal Highway, Pompano Beach (Broward County), Florida 33062, on or after February 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Power & Play Warehouse, Inc. are dealer operator(s): Thomas McMahon, 550 North Flagler Avenue, Pompano Beach, Florida 33060; principal investor(s): Thomas McMahon, 550 North Flagler Avenue, Pompano Beach, Florida 33060.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BRP US, Inc., intends to allow the establishment of Riva Yamaha South, Inc., as a dealership for the sale of motorcycles manufactured by Bombardier Recreational Products, Inc. (BMBR) at 102550 Overseas Highway, Key Largo (Monroe County), Florida 33037, on or after April 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Riva Yamaha South, Inc. are dealer operator(s): Stephen Bamdas, 4421 Northeast 24th Avenue, Lighthouse Point, Florida 33064; principal investor(s): Michael Martin, 94420 Overseas Highway #5B, Tavernier, Florida 33070, Stephen Bamdas, 4421 Northeast 24th Avenue, Lighthouse Point, Florida 33064 and Lynn Bamdas, 4421 Northeast 24th Avenue, Lighthouse Point, Florida 33064.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Genevieve Dubois, BRP US, Inc., 75 J. A. Bombardier Street, Sherbrooke, Quebec, Canada J1L 1W3.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that CF MOTO Powersports, intends to allow the establishment of Skolnick & Waitze, Inc. d/b/a Sportcycles R Us, as a dealership for the sale of motorcycles manufactured by Chunfeng Holding Group Co. Ltd. (CFHG) at 3953 South U.S. Highway 1, Fort Pierce (St. Lucie County), Florida 34982, on or after March 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Skolnick & Waitze, Inc. d/b/a Sportcycles R Us are dealer operator(s): Cynthia Skolnick, 3953 South US Highway 1, Fort Pierce, Florida 34982; principal investor(s): Cynthia Skolnick, 3953 South US Highway 1, Fort Pierce, Florida 34982.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Ivan Escalante, CF MOTO Powersports, 3555 Holly Lane North, #30, Plymouth, Minnesota 55447.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BRP US, Inc., intends to allow the establishment of Spaceport Suzuki, Inc. d/b/a Spaceport Cycles, as a dealership for the sale of motorcycles manufactured by Bombardier Recreational Products, Inc. (BMBR) at 480 North Washington Avenue, Titusville (Brevard County), Florida 32796, on or after April 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Spaceport Suzuki, Inc. d/b/a Spaceport Cycles are dealer operator(s): Conrad D. Eigenmann, Jr., 803 Indian River Avenue, Titusville, Florida 32780; principal investor(s): Conrad D. Eigenmann, Jr., 803 Indian River Avenue, Titusville, Florida 32780 and Betty J. Eigenmann, 803 Indian River Avenue, Titusville, Florida 32780.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Genevieve Dubois, BRP US, Inc., 75 J. A. Bombardier Street, Sherbrooke, Quebec, Canada J1L 1W3.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The Agency for Healthcare Administration has received an application for service exemption from Regional Medical Center Bayonet Point, 14000 Fivay Road, Hudson, FL 34667 pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The service category requested is Neurosurgery Services. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Sherry Ledbetter, 2727 Mahan Drive, MS # 31, Tallahassee, Florida 32308, by phone at (850)921-6621 or by e-mail at [ledbetts@ahca.myflorida.com](mailto:ledbetts@ahca.myflorida.com).

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for Other Beds and Programs batching cycle with an application due date of November 21, 2007:

- County: Volusia Service District: 4  
CON # 9999 Decision Date: 2/22/2008 Decision: D  
Facility/Project: Adventa Hospice Services of Florida, Inc.  
Applicant: Adventa Hospice Services of Florida, Inc.  
Project Description: Establish a hospice program  
Approved Cost: \$0
- County: Volusia Service District: 4  
CON # 10000 Decision Date: 2/22/2008 Decision: D  
Facility/Project: Compassionate Care Hospice  
Applicant: Compassionate Care Hospice of Florida, Inc.  
Project Description: Establish a hospice program  
Approved Cost: \$0
- County: Volusia Service District: 4  
CON # 10001 Decision Date: 2/22/2008 Decision: D  
Facility/Project: Crown Hospice, Inc.  
Applicant: Crown Hospice, Inc.  
Project Description: Establish a hospice program  
Approved Cost: \$0
- County: Volusia Service District: 4  
CON # 10002 Decision Date: 2/22/2008 Decision: D  
Facility/Project: HCR Manor Care Services of Florida, Inc.  
Applicant: HCR Manor Care Services of Florida, Inc.  
Project Description: Establish a hospice program  
Approved Cost: \$0

- County: Volusia Service District: 4  
CON # 10004 Decision Date: 2/22/2008 Decision: A  
Facility/Project: North Central Florida Hospice, Inc.  
Applicant: North Central Florida Hospice, Inc.  
Project Description: Establish a hospice program  
Approved Cost: \$320,803.00
- County: Lee Service District: 8  
CON # 10005 Decision Date: 2/22/2008 Decision: A  
Facility/Project: Hope Hospice and Community Services, Inc.  
Applicant: Hope Hospice and Community Services, Inc.  
Project Description: Establish a freestanding inpatient hospice facility of 16 beds  
Approved Cost: \$9,165,639.00
- County: Palm Beach Service District: 9  
CON # 10006 Decision Date: 2/22/2008 Decision: A  
Facility/Project: Chatsworth at Wellington Green  
Applicant: Chatsworth at Wellington Green, LLC  
Project Description: Establish a community nursing home of 120 beds through the delicensure of 68 beds at Liberty Inn and 52 beds at Mission Palms Nursing & Rehabilitation Center  
Approved Cost: \$23,732,400.00
- County: Palm Beach Service District: 9  
CON # 10007 Decision Date: 2/22/2008 Decision: A  
Facility/Project: M.T. Health Center, LLC  
Applicant: M.T. Health Center, LLC  
Project Description: Establish a community nursing home of 99 beds through the delicensure of 99 beds at Mission Palms Nursing & Rehabilitation Center  
Approved Cost: \$18,602,900.00
- County: Miami-Dade Service District: 11  
CON # 10008 Decision Date: 2/22/2008 Decision: D  
Facility/Project: St. Catherine's West  
Applicant: Villa Maria Nursing and Rehabilitation Center, Inc.  
Project Description: Establish a 20-bed community nursing home through the delicensure of 20 beds at St. Anne's Nursing Center  
Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the F.A.W., pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

The Agency for Health Care Administration received and accepted the following letters of intent for the March 12, 2008 application filing date for Hospital Beds and Facilities batching cycle:

- County: Marion District: 3  
Date Filed: 2/11/2008 LOI #: H0802001  
Facility/Project: HealthSouth Rehabilitation Hospital of Ocala, LLC

Applicant: HealthSouth Rehabilitation Hospital of Ocala, LLC  
 Project Description: Establish a comprehensive medical rehabilitation hospital of up to 40 beds

County: Pasco District: 5  
 Date Filed: 2/11/2008 LOI #: H0802002

Facility/Project: Ten Broeck Tampa, Inc.

Applicant: Ten Broeck Tampa, Inc.

Project Description: Establish an adult psychiatric hospital of up to 70 beds

County: Pasco District: 5  
 Date Filed: 2/11/2008 LOI #: H0802003

Facility/Project: Ten Broeck Tampa, Inc.

Applicant: Ten Broeck Tampa, Inc.

Project Description: Establish a child/adolescent psychiatric hospital of up to 70 beds

County: Pasco District: 5  
 Date Filed: 2/11/2008 LOI #: H0802004

Facility/Project: Ten Broeck Tampa, Inc.

Applicant: Ten Broeck Tampa, Inc.

Project Description: Establish an adult substance abuse hospital of up to 70 beds

County: Hillsborough District: 6  
 Date Filed: 2/11/2008 LOI #: H0802005

Facility/Project: Ten Broeck Tampa, Inc.

Applicant: Ten Broeck Tampa, Inc.

Project Description: Establish an adult psychiatric hospital of up to 70 beds

County: Hillsborough District: 6  
 Date Filed: 2/11/2008 LOI #: H0802006

Facility/Project: Ten Broeck Tampa, Inc.

Applicant: Ten Broeck Tampa, Inc.

Project Description: Establish a child/adolescent psychiatric hospital of up to 70 beds

County: Hillsborough District: 6  
 Date Filed: 2/11/2008 LOI #: H0802007

Facility/Project: Ten Broeck Tampa, Inc.

Applicant: Ten Broeck Tampa, Inc.

Project Description: Establish an adult substance abuse hospital of up to 70 beds

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after March 19, 2008, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on March 28, 2008.

The Agency for Health Care Administration announces a change to the Consumer Directed Care Plus (CDC+) Program. The Agency has submitted an application to the Centers for Medicare and Medicaid Services requesting that effective

February 28, 2008, the CDC+ Program, 1115 Waiver will end. Effective February 29, 2008, a Self Directed State Plan, 1915J Amendment will begin.

For additional information, please contact: Ms. Vennie Smith at (850)414-8599 or by email at smithv@ahca.myflorida.com. In the notice that was published on February 22, 2008, Ms. Smith's telephone number was erroneously listed as (850)415-8599.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis, provides the following public notice regarding reimbursement for inpatient hospitals participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for inpatient hospitals, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency has amended its Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the Inpatient Hospital Reimbursement Methodology.

FINAL RATES: Effective July 1, 2007, the final rates for Medicaid inpatient hospitals are rates resulting from revised methodology used to calculate per diem rates and disproportionate share (DSH) payments as follows:

1. Effective July 1, 2007, inpatient reimbursement ceilings were eliminated for hospitals whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equal or exceed 11 percent. The Agency shall use the average of the 2001, 2002, and 2003 audited disproportionate share (DSH) data available as of March 1, 2007. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2001, 2002, and 2003 that are available.
2. Effective July 1, 2007, the inpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2 were eliminated.
3. Effective July 1, 2007, the inpatient hospital reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 7.3 percent, and are designated or provisional trauma centers were eliminated. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2007 and any hospitals that become a designated or provisional trauma center during State Fiscal Year 2007-2008. The Agency shall use the average of the 2001, 2002 and 2003 audited DSH data available as of March 1, 2007. In the event the Agency does not have the prescribed

three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2001, 2002 and 2003 that are available.

4. Effective July 1, 2007, the inpatient reimbursement ceilings were eliminated for teaching, specialty, Community Hospital Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the Certificate of Need Program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation.
5. Effective July 1, 2007 and ending June 30, 2008, the Medicaid Trend Adjustment shall be removed for all hospitals whose Medicaid and charity care days as a percentage to total adjusted days equals or exceeds 30 percent and have more than 10,000 Medicaid days, or a hospital or hospital system that established a provider service network during the prior state fiscal year. The aggregate Medicaid Trend Adjustment shall be reduced by \$25,352,420. The Agency shall use the average of the 2001, 2002 and 2003 audited DSH data available as of March 1, 2007.
6. The Agency shall use the average of the 2001, 2002, and 2003 audited disproportionate share data to determine each hospital's Medicaid days and charity care days for the 2007-2008 State Fiscal Year. For State Fiscal Year 2006-07, the Agency used the average of the 2000, 2001, and 2002 audited disproportionate share data to determine each hospital's Medicaid days and charity care days.
7. For State Fiscal Year 2007-2008, the Disproportionate Share (DSH) program has appropriated funding as follows:
  - \$148,382,079 is provided for payments to public hospitals;
  - \$48,000,000 is provided for payments to defined statutory teaching hospitals;
  - \$12,000,000 is provided for payments to the family practice teaching hospitals;
  - \$60,998,691 is provided for Mental Health DSH;
  - \$2,444,444 is provided for Specialty DSH; and
  - \$12,718,187 is provided for Rural DSH.
8. Provider Service Network (PSN) – is defined in Section 409.912, F.S., as a network established or organized and operated by a health care provider, or group of affiliated health care providers, which provides a substantial proportion of the health care items and services under a contract directly through the provider or affiliated group of providers.

**METHODOLOGIES:** The methodology underlying the establishment of the final rates for Medicaid inpatient hospitals were rates resulting from the 2007-08 General Appropriations Act, Senate Bill 2800, Specific Appropriations 206, 211, 212, 244, and 245.

**JUSTIFICATION:** The justification for the final State Plan Amendment is the 2007-08 General Appropriations Act, Senate Bill 2800, Specific Appropriations 206, 211, 212, 244, and 245.

State residents may provide written comment on the final rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Edwin Stephens, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308 or at [stephene@ahca.myflorida.com](mailto:stephene@ahca.myflorida.com).

Copies of the final reimbursement plan incorporating the above changes are available at this time. Please contact the person listed above for a copy.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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#### **Auburn Water System, Inc.**

The Florida Department of Environmental Protection has determined, under the State Revolving Fund program, that the Auburn Water System, Inc. water system improvement project involving the construction of two new water supply wells, construction of an administration/operations building, and installation of radio read water meters will not adversely affect the environment. The Clearinghouse SAI number for this project is FL200712053895C. The estimated cost of the proposed project is approximately \$4,375,000. The project may qualify for a Drinking Water State Revolving Fund Loan composed of federal funds and state funds. For more information, call Al Bishop at (850)245-8393 or email: [al.bishop@dep.state.fl.us](mailto:al.bishop@dep.state.fl.us).

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#### **NOTICE OF INTENT TO ISSUE PROPOSED MODIFICATION OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes, concerning: Solid Waste Authority of Palm Beach County Resource Recovery Facility, Power Plant Siting Application No. PA84-20I, OGC Case No. 08-0271. On November 19, 2007, the Department received an application to modify the Conditions of Certification for the Solid Waste Authority's Resource Recovery Facility from Malcolm Pirmie, Inc. on behalf of the Solid Waste Authority pursuant to Section 403.516(1)(c), Florida Statutes, to make necessary changes at the site due to the relocation of a materials recycling facility. The Department proposes to modify the Conditions of

Certification for the Palm Beach County Resource Recovery Facility for the materials recycling facility, and to incorporate Department initiated updates.

A copy of the proposed modification may be obtained by contacting: Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002. Pursuant to Section 403.516(1)(c)2., Florida Statutes, parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida, 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement can not be reached, then pursuant to Rule 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

**FLORIDA STATE CLEARINGHOUSE**

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: <http://approd.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

**DEPARTMENT OF HEALTH**

On February 25, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Lawrence M. Firedes, M.D., license number ME 81197. This Emergency Suspension Order was predicated upon the

Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

**FINANCIAL SERVICES COMMISSION**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., March 28, 2008):

**APPLICATION FOR AN INTERNATIONAL BANKING CORPORATION TO ESTABLISH AN INTERNATIONAL ADMINISTRATIVE OFFICE**

Applicant and Location: Banco do Brasil S.A., Braslia (DF), Brazil

Proposed Florida Location: 8325 South Park Circle, Orlando, Florida 32819

Received: February 20, 2008

**FLORIDA POLICE CHIEFS ASSOCIATION, INC.**

**Chiefs Day**

Join us for "Chiefs Day" at the Capitol with a Legislative Luncheon that is open to the public.

Event Hosted by: The Florida Police Chiefs Association

Date: March 27, 2008

Time: 11:30 a.m. – 1:00 p.m.

Where: Courtyard of the Capitol, Tallahassee, Florida

**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN February 18, 2008  
 and February 22, 2008

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

**Tuscany Community Development District**

42GG-1.002	2/18/08	3/9/08	33/42	
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**Myakka Ranch Community Development District**

42KKK-1.001	2/18/08	3/9/08	33/44	
42KKK-1.002	2/18/08	3/9/08	33/44	
42KKK-1.003	2/18/08	3/9/08	33/44	

**Huntington Hammocks Community Development District**

42LLL-1.001	2/18/08	3/9/08	33/47	
42LLL-1.002	2/18/08	3/9/08	33/47	
42LLL-1.003	2/18/08	3/9/08	33/47	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

61G5-20.002	2/19/08	3/10/08	34/3	
61G5-20.004	2/19/08	3/10/08	34/3	
61G5-32.001	2/19/08	3/10/08	34/3	

**DEPARTMENT OF HEALTH**

**Board of Medicine**

64B8-4.025	2/21/08	3/12/08	34/3	
64B8-5.001	2/21/08	3/12/08	34/3	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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64B8-42.002	2/18/08	3/9/08	33/41	34/4
64B8-56.002	2/21/08	3/12/08	34/3	

**Board of Podiatric Medicine**

64B18-11.002	2/18/08	3/9/08	34/3	
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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

68A-1.004	2/21/08	7/1/08	34/1	
68A-4.001	2/21/08	7/1/08	34/1	
68A-12.002	2/21/08	7/1/08	34/1	
68A-12.007	2/21/08	7/1/08	34/1	
68A-12.009	2/21/08	5/1/08	34/1	
68A-13.003	2/21/08	7/1/08	34/1	
68A-13.004	2/21/08	7/1/08	34/1	
68A-13.007	2/21/08	7/1/08	34/1	
68A-14.001	2/21/08	7/1/08	34/1	
68A-15.005	2/21/08	7/1/08	34/1	
68A-15.006	2/21/08	7/1/08	34/1	
68A-24.005	2/21/08	7/1/08	34/1	

**Marine Fisheries**

68B-14.005	2/21/08	3/12/08	34/1	34/8
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**DEPARTMENT OF FINANCIAL SERVICES**

**OIR Insurance Regulation**

69O-170.0155	2/22/08	3/13/08	33/47	34/3
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Section XIV  
List of Rules Affected

				Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.				5E-14.106	33/7		
				5E-14.117	33/7		
				5E-14.142	34/6		
				5E-14.149	34/4		
				5F-2.001	33/51		
				5F-2.002	33/51		
				5F-2.003	33/51		
w	Signifies Withdrawal of Proposed Rule(s)			5F-2.005	33/51		
c	Rule Challenge Filed			5F-2.014	33/51		
v	Rule Declared Valid			5F-2.016	33/51		
x	Rule Declared Invalid			5F-11.022	34/6		
d	Rule Challenge Dismissed			5F-11.026	34/6		
dw	Dismissed Upon Withdrawal			5F-11.047	34/6		
				5F-11.080	34/6		
				5F-11.081	34/6		
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				5F-11.084	34/6		
				5F-11.085	34/6		
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1B-26.003	34/6			5F-11.088	34/6		
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1S-2.009(8)	34/4c			5G-6.003	33/50		
				5G-6.005	33/50		
LEGAL AFFAIRS				5G-6.007	33/50	34/8	
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				5H-26.003	34/4		
INSURANCE				5H-26.004	34/4		
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4-154.525	29/16	29/25		5I-4.006	32/49		
4-211.031	27/44			5J-14.003	33/40		34/5w
4-228.055	26/35			5J-14.004	33/40		34/5w
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5C-24.001	33/27		34/3w	6A-1.094221	34/3		
5C-24.002	33/27		34/3w	6A-1.09441	34/3		34/9w
5C-24.003	33/27		34/3w	6A-1.099822	33/45	34/9	
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5D-1.001	33/51			6A-4.0251	32/3	32/5	
5D-1.003	33/51			6A-6.025	34/3		
5D-1.007	33/51			6B-4.010	33/10		
5D-1.012	33/51	34/9		6D-12.002	33/47		
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6L-1.001	28/12			11B-27.00212	34/10		
6L-1.002	28/12			11B-27.00213	34/10		
6L-1.004	28/12			11B-27.0022	34/10		
6L-1.005	28/12			11B-27.003	34/10		
6L-1.006	28/12			11B-27.004	34/10		
6L-1.007	28/12			11B-27.005	34/10		
6L-1.008	28/12			11B-27.013	34/10		
6L-1.009	28/12			11B-27.014	33/48		34/9
6L-1.010	28/12			11B-30.006	34/10		
6L-1.011	28/12			11B-30.0062	34/10		
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6M-7.0055	30/26			11B-30.008	34/10		
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9B-7.0042	33/22	33/46	34/3	11B-35.0021	34/10		
	34/8			11B-35.0023	34/10		
9B-70.002	34/8			11B-35.0024	34/10		
9B-72.010	34/1			11B-35.003	34/10		
9B-72.070	34/1			11B-35.006	34/10		
9B-72.080	34/1			11B-35.007	34/10		
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10-11.005	33/32			11C-8.001	34/10		
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11B-20.0012	34/10			11D-8.008	34/10		
11B-20.0013	34/10			11D-8.011	33/50c		
11B-20.0014	34/10				34/10		
11B-20.0016	34/10			11D-8.012	33/50c		
11B-20.0017	34/10				34/10		
11B-21.002	34/10			11D-8.013	33/50c		
11B-21.005	34/10				34/10		
11B-21.018	34/10			11D-8.014	33/50c		
11B-21.019	34/10				34/10		
11B-27.0011	34/10			11D-8.015	34/10		
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11N-1.007	34/10			12DER08-6			34/8
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12A-1.060	34/4			14-22.0141	33/42		34/3
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12A-1.096	33/32 33/49		34/4w	14-46.001	33/43		34/3
12A-1.097	33/32 33/41 33/49 34/4		34/4w	14-85.004	33/50		34/6
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40E-20.321	33/36		34/6		33/48	34/9	
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60FF-1.004	33/52			61A-1.01011	34/3		
60FF-1.005	33/52			61A-1.01012	34/3		
60FF-1.006	33/52			61A-1.01013	34/3		
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60FF-4.005	33/52			61A-10.008	32/3	33/29	
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62-17.093	33/43		34/6	62-730.181	34/6		
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62-17.121	33/43		34/6	62-730.185	34/6		
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62-17.135	33/43		34/6	62-730.220	34/6		
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62-17.141	33/43		34/6	62-814.100	33/52	34/6	
62-17.143	33/43	33/49	34/6	62-814.300	33/52		
62-17.147	33/43		34/6	62-814.450	33/52	34/6	
62-17.171	33/43		34/6	62B-33.002	33/50c		
62-17.191	33/43	33/52	34/6	(18), (43), (60)			
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62-17.205	33/43	33/52	34/6	1)(a), (1), (2)			
62-17.211	33/43	33/52	34/6	62B-33.0051	33/50c		
62-17.231	33/43		34/6	(1)(a),(2)(c)			
62-17.251	33/43		34/6	62B-33.0051	33/50c		
62-17.280	33/43		34/6	(1)(a),(2)(d)			
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62-213.400	33/50			63D-3.005	33/42	33/50	34/4
62-213.420	33/50			63D-3.006	33/42	33/50	34/4
62-213.430	33/50			63D-3.007	33/42	33/50	34/4
62-213.440	33/50			63D-4.001	34/8		
62-213.460	33/50			63D-4.002	34/8		
62-214.100	33/50			63D-4.003	34/8		
62-214.300	33/50			63D-4.004	34/8		
62-214.320	33/50			63D-4.005	34/8		
62-214.330	33/50			63D-4.006	34/8		
62-214.340	33/50			63D-4.007	34/8		
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64-1	30/29c			64B8-51.003	33/49		34/6
64A-1.205	33/22c			64B8-56.002	34/3		34/10
64A-3.012	33/51			64B9-2.002	32/19		
64A-58.004	33/51			64B9-8.003	34/4		
64A-58.0081	33/51			64B9-9.015	32/24	32/51	
64A-58.0082	33/51			64B9-15.008	33/49		34/4
64A-60.002	33/51			64B9-15.009	34/2		
64B-1.003	34/4			64B9-17.001	33/8c		
64B-1.005	34/4			64B9-17.002	33/8c		
64B-1.009	25/39	26/1		64B10-12.002	34/2		
	34/4			64B10-14.006	33/34	33/52	34/8
64B-1.011	34/4			64B10-15.002	34/2		
64B-1.013	34/4			64B10-15.0021	34/2		
64B-1.016	34/4			64B10-16.001	33/34		
64B-9.002	33/50	34/10		64B11-4.003	34/7		
64B1-3.004	34/9			64B11-4.005	34/7		
64B1-4.001	33/44		34/5w	64B12-10.0035	34/9		
64B1-7.0015	33/44			64B13-3.003	33/49		34/4
64B2-11.001	33/20	33/37	34/5	64B14-3.001	34/1		34/9
		33/49	34/5	64B14-4.001	34/1		
64B2-18.008	33/49		34/9w	64B14-4.100	34/1		
	34/4c		34/6d	64B14-4.110	34/1		
64B3-5.002	33/50		34/5	64B14-5.002	34/1		34/9
64B3-5.003	33/50		34/5	64B15-12.003	33/39		
64B3-5.007	33/51	34/6		64B16-25.340	33/52		34/7
		34/8		64B16-26.103	33/45		
64B3-12.001	34/3			64B16-26.1031	34/3		
64B3-13.001	34/3			64B16-26.203	33/52		34/7
64B4-22.110	33/30	33/49	34/3	64B16-26.204	33/52		34/7
64B5-2.013	33/40		34/5	64B16-26.402	30/52		34/5w
64B5-2.0144	34/10			64B16-26.600	33/21		
64B5-13.0046	33/44		34/5	64B16-26.601	33/21		
64B5-15.010	27/30			64B16-26.6011	30/52		34/5w
64B5-15.030	34/8			64B16-27.500(6)	33/36c		34/9x
64B5-16.005	34/3			64B16-27.700	30/50	33/45	
64B5-16.006	34/3			64B16-27.797	33/15		
64B6-2.003	33/51		34/9	64B16-28.450	33/51		
64B6-3.003	33/51		34/9	64B16-28.451	32/45	33/15	
64B6-5.001	33/51		34/9			34/6	
64B6-5.002	33/51		34/9	64B17-9.001	33/45	33/52	34/7
64B6-6.008	33/51		34/9	64B18-11.001	34/6		34/9w
64B6-8.002	33/51		34/9		34/9		
64B7-25.001	33/48			64B18-11.002	34/3		34/10
	33/50			64B18-14.011	34/6		34/9w
64B7-25.004	33/50				34/9		
64B7-26.002	33/50			64B18-24.001	34/8		
64B8-3.004	34/7			64B19-13.003	34/1		34/8
64B8-4.024	34/7			64B19-18.001	33/49		34/4
64B8-4.025	34/3		34/10	64B21-501.012	33/47		34/7
64B8-5.001	34/3		34/10	64B23-5.003	33/47		34/7
64B8-42.002	33/41	34/4	34/10	64B24-1.002	33/47		34/8
64B8-50.003	33/49		34/6	64B24-2.001	33/37		34/5
64B8-50.009	33/49		34/6	64B24-2.004	33/37	33/50	34/5
				64B24-3.001	33/47		34/8

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64B24-3.012	33/47		34/8	64E-5.350	33/41		34/5w
64B24-7.003	33/47		34/5		34/3		
64B24-7.016	33/47		34/7	64E-5.351	33/41		34/5w
64B24-8.001	33/47		34/4		34/3		
64B28-1.006	33/51		34/8	64E-5.430	33/41		34/5w
64B32-2.001	34/10				34/3		
64B32-4.002	34/10			64E-5.440	33/41		34/5w
64B32-6.001	34/10				34/3		
64C-7.001	34/1	34/7		64E-5.441	33/41		34/5w
64C-7.002	34/1	34/7			34/3		
64C-7.0025	34/1			64E-8.001	33/49	34/9	
64C-7.0026	34/1	34/7		64E-8.002	33/49	34/9	
64C-7.003	34/1			64E-8.003	33/49		
64C-7.004	34/1			64E-8.004	33/49	34/9	
64C-7.005	34/1			64E-8.005	33/49	34/9	
64C-7.006	34/1			64E-8.006	33/49	34/9	
64C-7.007	34/1			64E-8.007	33/49	34/9	
64C-7.012	34/1			64E-8.008	33/49		
64C-8.001	33/50	34/9		64E-8.009	33/49		
64C-8.002	33/50	34/9		64E-8.010	33/49		
64C-8.003	33/50	34/9		64E-8.011	33/49		
64C-8.004	33/50	34/9		64E-8.012	33/49		
64C-9.001	33/50			64E-8.013	33/49		
64C-9.002	33/50			64E-12.001	33/36		34/3
64C-9.003	33/50			64E-12.002	33/36		34/3
64C-9.004	33/50			64E-12.003	33/36	33/46	34/3
64D-4.002	34/8			64E-12.004	33/36	33/46	34/3
64E-2.023	33/39	34/3	34/9	64E-12.005	33/36	33/46	34/3
64E-2.024	33/39	34/3	34/9	64E-12.006	33/36	33/46	34/3
64E-2.025	33/39	34/3	34/9	64E-12.008	33/36	33/46	34/3
64E-2.026	33/39	34/3	34/9	64E-12.009	33/36		34/3
64E-2.027	33/39	34/3	34/9	64E-12.011	33/36	33/46	34/3
64E-2.028	33/39	34/3	34/9	64E-12.012	33/36	33/46	34/3
64E-2.029	33/39	34/3	34/9	64E-12.013	33/36		34/3
64E-3.002	33/46		34/9	64E-14.002	33/29		
64E-3.003	33/46		34/9	64E-14.003	33/29		
64E-3.0033	33/46		34/9	64E-14.004	33/29		
64E-3.006	33/46		34/9	64E-14.005	33/29		
64E-3.007	33/46		34/9	64E-14.006	33/29		
64E-3.008	33/46		34/9	64E-14.007	33/29		
64E-3.009	33/46		34/9	64E-14.009	33/29		
64E-5.1003	33/51		34/8	64E-14.0095	33/29		
64E-5.101	33/41		34/5w	64E-14.010	33/29		
	34/3			64E-14.013	33/29		
64E-5.11072	33/41		34/5w	64E-14.015	33/29		
	34/3			64E-14.016	33/29	33/38	
64E-5.1501	33/41		34/5w	64E-14.017	33/29		
	34/3			64E-14.018	33/29		
64E-5.1502	33/41		34/5w	64E-14.020	33/29		
	34/3			64E-14.021	33/29		
64E-5.206	33/41		34/5w	64E-14.023	33/29		
	34/3			64E-14.024	33/29		
64E-5.210	33/41		34/5w	64E-15.010	33/50		34/9
	34/3			64E-27.001	34/5		
64E-5.216	33/41		34/5w	64F-12.012	33/31		
	34/3			64F-18.002	33/50		34/9

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64F-18.003	33/50		34/9	65C-5.002	32/29	32/37	
64F-19.001	33/40		34/7	65C-5.003	32/29	32/37	
64F-19.002	33/40	33/51	34/7	65C-5.004	32/29	32/37	
64F-19.003	33/40		34/7	65C-5.005	32/29	32/37	
64F-19.004	33/40		34/7	65C-5.006	32/29	32/37	
64F-19.005	33/40		34/7	65C-5.007	32/29	32/37	
64F-19.006	33/40		34/7	65C-5.008	32/29	32/37	
64F-19.007	33/40		34/7	65C-5.009	32/29	32/37	
64F-19.008	33/40		34/7	65C-5.010	32/29	32/37	
64F-19.009	33/40		34/7	65C-5.011	32/29	32/37	
64F-19.010	33/40	33/51	34/7	65C-13.001	34/6		
64F-19.011	33/40		34/7	65C-13.002	32/48		
64I-4.001	34/7			65C-13.003	32/48		
64I-4.002	34/7			65C-13.004	32/48		
64I-6.001	34/10			65C-13.005	32/48		
64I-6.002	34/10			65C-13.006	32/48		
64V-1.001	34/6			65C-13.007	32/48		
64V-1.002	34/6			65C-13.008	32/48		
64V-1.0031	34/6			65C-13.009	32/48		
64V-1.0032	34/6			65C-13.010	32/48		
64V-1.006	34/6			65C-13.011	32/48		
64V-1.0061	34/6			65C-13.012	32/48		
64V-1.007	34/6			65C-13.013	32/48		
64V-1.008	34/6			65C-13.014	32/48		
64V-1.0081	34/6			65C-13.015	32/48		
64V-1.0131	34/6			65C-13.016	32/48		
64V-1.014	34/6			65C-13.017	32/48		
64V-1.016	34/6			65C-13.018	32/48		
64V-1.020	34/6			65C-13.019	32/48		
64V-1.021	34/6			65C-13.020	32/48		
				65C-13.021	32/48		
				65C-13.022	32/48	33/20	
CHILDREN AND FAMILY SERVICES							
65-1	30/6c					33/33	
	30/9c					33/47	
	30/15c					34/6	
	32/2c			65C-13.023	32/48	33/20	
	32/2c					33/33	
65A-1.301	33/33					33/47	
65A-1.400	31/27c					34/6	
65A-1.601	28/11	28/23		65C-13.024	32/48	33/20	
		28/31				33/33	
		28/41				33/47	
						34/6	
65A-1.704	33/33			65C-13.025	32/48	33/20	
65A-1.705	33/33					33/33	
65A-1.707	34/6					33/47	
65A-1.713	34/6					34/6	
65A-1.900	34/10			65C-13.026	32/48	33/20	
65A-4.213	25/32					33/33	
65A-4.216	25/32					34/6	
65A-15.005	32/9			65C-13.027	32/48	33/20	
65A-15.0095	26/4					33/33	
65A-15.062	32/9					34/6	
65B-27.017	32/9						
65C-5.001	32/29	32/37					

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65C-13.028	32/48	33/20 33/33 34/6		65C-15.034	32/48	33/20	
65C-13.029	32/48	33/20 33/33 34/6		65C-15.035	32/48		
65C-13.030	32/48	33/20 33/33 34/6		65C-15.036	32/48	33/20	
65C-13.031	32/48	33/20 33/33 34/6		65C-15.037	32/48	33/20	
65C-13.032	32/48	33/20 33/33 34/6		65C-15.038	32/48	33/20	
65C-13.033	32/48	33/20 33/33 34/6		65C-16.008	32/4		
65C-13.034	32/48	33/20 33/33 33/47 34/6		65C-20.008	33/33	34/10	
65C-13.035	32/48	33/47 34/6		65C-20.009	33/33		
65C-15.001	32/48	33/20		65C-20.010	33/33	34/10	
65C-15.002	32/48	33/20		65C-20.011	33/33	34/10	
65C-15.003	32/48	33/20		65C-20.012	33/33	34/10	
65C-15.0035	32/48	33/20		65C-20.013	33/33	34/10	
65C-15.004	32/48	33/20		65C-20.014	33/33		
65C-15.005	32/48	33/20		65C-21.001	23/20		
65C-15.006	32/48			65C-22.001	33/33	34/10	
65C-15.010	32/48	33/20		65C-22.003	33/33	34/10	
65C-15.011	32/48	33/20		65C-22.004	33/33	34/10	
65C-15.012	32/48	33/20		65C-22.006	33/33	34/10	
65C-15.013	32/48	33/20		65C-22.007	29/9		
65C-15.014	32/48	33/20		65C-22.008	33/33	34/10	
65C-15.015	32/48	33/20		65C-22.009	33/33	34/10	
65C-15.016	32/48	33/20		65C-22.010	33/33	34/10	
65C-15.017	32/48	33/20		65E-2.003	26/20	26/28	
65C-15.018	32/48	33/20		65E-5.100	34/3		
65C-15.019	32/48	33/20		65E-5.180	34/3		
65C-15.020	32/48	33/20		65G-7.001	33/40	34/5	
65C-15.021	32/48	33/20				34/7	
65C-15.022	32/48			65G-7.002	33/40	34/5	
65C-15.023	32/48					34/7	
65C-15.024	32/48			65G-7.003	33/40	34/5	
65C-15.025	32/48					34/7	
65C-15.026	32/48			65G-7.004	33/40	34/5	
65C-15.027	32/48	33/20				34/7	
65C-15.028	32/48			65G-7.005	33/40	34/5	
65C-15.029	32/48	33/20				34/7	
65C-15.030	32/48			65G-7.006	33/40	34/5	
65C-15.031	32/48	33/20				34/7	
65C-15.032	32/48	33/20		65G-7.007	33/40	34/5	
65C-15.033	32/48	33/20				34/7	
				65G-7.008	33/40	34/5	
						34/7	
				65G-7.009	33/40	34/5	
						34/7	
				65G-8.001	34/8		
				65G-8.002	34/8		
				65G-8.003	34/8		
				65G-8.004	34/8		
				65G-8.005	34/8		
				65G-8.006	34/8		
				65G-8.007	34/8		
				65G-8.008	34/8		
				65G-8.009	34/8		
				65G-8.010	34/8		
				65G-8.011	34/8		
				65G-8.012	34/8		

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NAVIGATION DISTRICTS				67-37.006	34/1		34/8
66B-1.001	31/50			67-37.007	34/1		34/8
66B-1.003	33/52			67-37.008	34/1		34/8
66B-1.005	33/52			67-37.010	34/1		34/8
66B-1.006	33/52			67-37.011	34/1		34/8
66B-1.008	33/52			67-37.019	34/1		34/8
66B-1.015	33/52			67-48.001	34/3		34/4w
66B-2.003	33/52				34/5		
66B-2.005	33/52			67-48.002	30/39		
66B-2.006	33/52				34/3		34/4w
66B-2.008	33/52				34/5		
66B-2.015	33/52			67-48.004	34/3		34/4w
FLORIDA HOUSING FINANCE CORPORATION					34/5		
67-4.032	29/9	29/45		67-48.005	34/3		34/4w
67-18.005	28/42				34/5		
67-21.002	34/3		34/4w	67-48.007	34/3		34/4w
	34/5				34/5		
67-21.003	34/3		34/4w	67-48.0072	34/3		34/4w
	34/5				34/5		
67-21.0035	34/3		34/4w	67-48.0075	34/3		34/4w
	34/5				34/5		
67-21.004	34/3		34/4w	67-48.009	34/3		34/4w
	34/5				34/5		
67-21.0045	34/3		34/4w	67-48.0095	34/3		34/4w
	34/5				34/5		
67-21.006	34/3		34/4w	67-48.010	34/3		34/4w
	34/5				34/5		
67-21.007	34/3		34/4w	67-48.0105	34/3		34/4w
	34/5				34/5		
67-21.008	34/3		34/4w	67-48.013	34/3		34/4w
	34/5				34/5		
67-21.009	34/3		34/4w	67-48.014	34/3		34/4w
	34/5				34/5		
67-21.010	34/3		34/4w	67-48.015	34/3		34/4w
	34/5				34/5		
67-21.013	34/3		34/4w	67-48.017	34/3		34/4w
	34/5				34/5		
67-21.014	24/5			67-48.018	34/3		34/4w
	34/3		34/4w		34/5		
	34/5			67-48.019	34/3		34/4w
67-21.015	34/3		34/4w		34/5		
	34/5			67-48.020	34/3		34/4w
67-21.017	34/3		34/4w		34/5		
	34/5			67-48.0205	34/3		34/4w
67-21.018	34/3		34/4w		34/5		
	34/5			67-48.022	34/3		34/4w
67-21.019	24/46	24/46			34/5		
	34/3		34/4w	67-48.023	34/3		34/4w
	34/5				34/5		
67-32.009	24/28			67-48.027	34/3		34/4w
67-37.002	34/1		34/8		34/5		
67-37.005	34/1		34/8	67-48.028	34/3		34/4w
					34/5		
				67-48.029	34/3		34/4w
					34/5		

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67-48.030	34/3		34/4w	68A-25.032	34/1		
	34/5			68A-25.042	34/1		
67-48.031	34/3		34/4w	68A-27.002	34/1		
	34/5			68A-27.003	33/44		34/3w
FISH AND WILDLIFE CONSERVATION COMMISSION				68A-27.004	33/44		34/3w
					34/10		
68-1.003	34/8			68A-31.001	34/1		
68A-1.004	34/1		34/10	68B-13.008	27/31	26/13	
68A-4.001	34/1		34/10	68B-14.0035	34/1		
68A-4.002	34/1	34/8		68B-14.00355	34/1		
68A-4.007	34/1			68B-14.0036	34/1	34/8	
68A-6.0022	33/1	33/11		68B-14.0038	34/1		34/8w
68A-9.004	34/1	34/8		68B-14.0045	34/1		
68A-9.007	34/1			68B-14.005	34/1	34/8	34/10
68A-9.008	34/1		34/8w	68B-23.101	32/18		
68A-9.010	34/1	34/8		68B-23.103	32/18		
68A-11.003	34/1			68B-23.104	32/18		
68A-12.002	34/1		34/10	68B-23.106	32/18		
68A-12.007	34/1		34/10	68B-23.107	32/18		
68A-12.009	34/1		34/10	68B-23.108	32/18		
68A-13.003	34/1		34/10	68B-23.109	32/18		
68A-13.004	34/1		34/10	68B-23.110	32/18		
68A-13.007	34/1		34/10	68B-23.112	32/18		
68A-14.001	34/1		34/10	68B-24.001	34/10		
68A-14.0011	34/1			68B-24.002	34/10		
68A-15.004	34/1			68B-24.006	34/10		
68A-15.005	34/1		34/10	68B-24.007	34/10		
68A-15.006	34/1		34/10	68B-24.008	34/10		
68A-15.061	34/1	34/8		68D-16.029	34/8		
68A-15.062	34/1	34/8		FINANCIAL SERVICES			
68A-15.063	34/1	34/8		69-1	30/42c		
68A-15.064	34/1			69A-3.012	33/51		
68A-15.065	34/1	34/8		69A-46.010	33/47		
68A-16.002	34/10			69A-46.015	33/47		
68A-17.004	34/1			69A-46.016	33/47		
68A-17.005	34/1			69A-46.0165	33/47		
68A-18.004	34/1			69A-46.017	33/47		
68A-20.005	34/1	34/8		69A-46.040	33/47		
68A-21.002	34/1			69A-46.041	33/47		
68A-21.004	34/1			69A-58.004	33/51		34/3w
68A-23.002	34/1	34/8			34/4		
68A-23.003	34/1	34/8		69A-58.0081	33/51		34/3w
68A-23.004	34/1	34/8			34/4		
68A-23.005	30/1			69A-58.0082	33/51		34/3w
	34/1	34/8			34/4		
68A-24.002	34/1			69A-60.002	33/51		
68A-24.003	28/17			69A-60.003	33/51		
68A-24.004	28/17			69A-60.004	33/51		
68A-24.005	34/1		34/10	69A-60.005	33/51		
68A-24.0055	30/1			69A-62.001	29/44	29/46	
68A-24.006	28/17			69A-62.002	29/44	29/46	
	30/1			69A-64.005	34/1		
68A-24.009	30/1			69B-33.005(3)(a)	32/32c		
68A-25.004	34/1				32/32c		
68A-25.031	34/1						

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
69B-41.002(19)	32/32c			69O-186.003(1)(c)	33/50c		
	32/32c			69O-186.005	33/25		
69B-240.001	33/39			69O-186.013	32/40		
69I-73.001	33/49	34/6			33/8c		
69I-73.002	33/49			69O-186.017	33/41		
69I-73.003	33/49			69O-204.010	33/50	34/10	
69I-73.004	33/49			69O-204.020	33/50	34/10	
69I-73.005	33/49			69O-204.030	33/50	34/10	
69I-73.006	33/49			69O-204.040	33/50	34/10	
69J-7.004	34/8			69O-204.050	33/50		
69J-7.005	34/8			69O-204.060	33/50		
69K-1.001	33/24	33/49	34/3	69O-204.070	33/50	34/10	
69K-1.002	34/9			69O-204.101	33/48	34/7	
69K-9.004	34/3					34/8	
69L-7.501(1)(a)	34/9c			69V-40.001	33/40		
	34/9c			69V-40.002	33/40		
69L-7.602	31/23			69V-40.008	33/40		
69L-7.602(5)(q)	32/45c			69V-40.015	33/40		
69L-24.0231	34/4			69V-40.020	33/40		
69L-56.530	31/3			69V-40.021	33/40	33/52	
69M-1	29/52c			69V-40.022	33/40		
69O-1	31/37c			69V-40.025	33/40	33/52	
	31/37c			69V-40.027	33/40		
69O-125.005	31/6			69V-40.0271	33/40	33/52	
	31/26	32/7		69V-40.028	33/40	33/52	
	33/26			69V-40.0281	33/40		
	33/36c			69V-40.029	33/40	33/52	
69O-125.006	33/26			69V-40.031	33/40	33/52	
	33/36c			69V-40.043	33/40		
69O-137.001	33/41			69V-40.051	33/40	33/52	
69O-138.001	33/41			69V-40.053	33/40		
69O-139.019	33/10			69V-40.058	33/40	33/52	
69O-143.041	33/41	34/4		69V-40.099	33/40	33/52	
69O-143.042	33/41	34/4		69V-40.100	33/40	33/52	
69O-167.004	34/6			69V-40.105	33/40	33/52	
69O-170.006	31/32c			69V-40.156	33/40		
69O-170.0155	33/47	34/3	34/10	69V-40.160	33/40	33/52	
69O-170.020	32/5	32/12		69V-40.165	33/40	33/52	
69O-171.002	33/38	33/45		69V-40.170	33/40		
		33/46		69V-40.177	33/40		
69O-171.003	32/8	33/10		69V-40.200	33/40	33/52	
		33/14		69V-40.205	33/40		
		33/35		69V-40.220	33/40	33/52	
	32/23c			69V-40.225	33/40		
69O-171.008	33/38	33/45		69V-40.240	33/40	33/52	
		33/46		69V-40.242	33/40	33/52	
69O-171.009	32/8	32/32		69V-40.265	33/40		
		33/20		69V-40.270	33/40		
	32/23c			69V-40.285	33/40		
69O-175.001	31/2c			69V-560.102	34/7		
69O-175.003	31/26						
69O-186.003	33/25						