

~~(10)(8)~~ Pursuant to Section 240.4075(6), F.S., the Department shall collect a five dollar (\$5.00) fee upon initial licensure or renewal of all LPNs, RNs, and dual RN/ARNP licenses for the Student Loan Trust Fund.

~~(11)(9)~~ For application to change from active to inactive status as provided in Section 464.014, F.S.:

(a) through (b) No change.

(c) For dual RN/ARNP or RN/CNS license certificate seventy-five dollars (\$75.00).

~~(12)(10)~~ For renewal of an inactive license as provided in Section 464.014, F.S.:

(a) through (b) No change.

(c) For dual RN/ARNP or RN/CNS license certificate seventy-five dollars (\$75.00).

~~(13)(11)~~ For reactivation or change of status of an inactive or delinquent license, as provided in Sections 456.036(8) and 464.014, F.S.:

(a) through (b) No change.

(c) For dual RN/ARNP or RN/CNS license certificate seventy-five dollars (\$75.00).

~~(14)(12)~~ A delinquent status licensee shall pay a delinquency fee of fifty-five dollars (\$55.00) when the licensee applies for inactive status or for reactivation.

~~(15)(13)~~ The inactive status biennial renewal fee shall be fifty-five dollars (\$55.00).

~~(16)(14)~~ The continuing education provider application and renewal fees shall each be two hundred fifty dollars (\$250.00).

~~(17)(15)~~ The application fee for approval of a nursing program shall be one thousand dollars (\$1,000.00).

~~(18)(16)~~ The biennial renewal fee for certified nursing assistant shall be fifty five ~~twenty~~ dollars (~~\$55.20~~) for licensees renewing for two years and eighty dollars (\$80) for licensees renewing for three years, as provided in Section 464.203, F.S. The delinquency fee shall be twenty five dollars (\$25).

~~(19)(17)~~ The initial retired status license fee shall be fifty dollars (\$50.00).

Specific Authority 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS. Law Implemented 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS. History—New 9-12-79, Amended 3-5-81, 12-28-82, 11-17-83, Formerly 210-15.01, Amended 9-23-86, 2-5-87, 10-21-87, 11-19-89, 3-13-90, 1-1-92, 6-24-93, Formerly 210-15.001, 61F7-7.001, Amended 9-13-94, 11-6-94, 4-12-95, Formerly 59S-7.001, Amended 8-18-98, 11-2-98, 6-20-00, 7-7-02, 9-26-05, 9-4-06, 5-20-07, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-14.010  
 RULE TITLE: Citations

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: Citations.

SPECIFIC AUTHORITY: 456.072, 456.077, 461.005 FS.

LAW IMPLEMENTED: 456.057, 456.062, 456.072, 456.077, 461.012, 461.013(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: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

**Section II  
 Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE NO.: 5F-11.002  
 RULE TITLE: Standards of National Fire Protection Association Adopted

PURPOSE AND EFFECT: This rule revision is for the purpose of adopting the 2008 edition of National Fire Protection Association Standard 58, The LP-Gas Code, which dictates the safe storage, handling, use and distribution of propane in Florida.

SUMMARY: This proposed rule adopts the most recent edition of NFPA 58, The LP-Gas Code, which is the safety standard for propane in Florida. The new edition is updated to address current technical and procedural issues within the industry.

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: 527.06 FS.

LAW IMPLEMENTED: 527.06 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:

DATE AND TIME: April 7, 2008, 9:00 a.m. – 11:00 a.m.  
 PLACE: Eyster Auditorium, 3125 Conner Blvd., 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 7 days before the workshop/meeting by contacting: Vicki O’Neil, Bureau Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650; telephone: (850)921-8001. 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: Vicki O’Neil, Bureau Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, telephone: (850)921-8001

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-11.002 Standards of National Fire Protection Association Adopted.

(1) The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA No. 58, LP-Gas Code, 2008 ~~2004~~ edition, and for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code, 2006 edition, shall be the accepted standards for this state, subject to such additions and exceptions as are set forth in these rules. Reference to NFPA 58 and NFPA 54 in these rules shall be to the most recent edition as adopted herein. Section 6.6.7 of NFPA 58, 2008 ~~2004~~ edition, titled “Installation of Containers on Roofs of Buildings,” is hereby excluded from adoption. Section 7.1.6.2 of NFPA 54, 2006 edition, titled “Conduit With Both Ends Terminating Indoors” is hereby excluded from adoption.

(2) Each of the NFPA publications listed in subsection (1) above is incorporated by reference in each rule within this rule chapter in which reference is made to the publication. In each instance, the publication becomes a part of the rule, in the entirety of the publication, or in part thereof, as the rule provides or the context of the rule may require.

(3) “NFPA” is the recognized abbreviation for the National Fire Protection Association, Inc., and generally the abbreviation is used in these rules in identifying the publications of the association. The public may obtain a copy of any NFPA publication by writing the association, whose address is: National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.01, Amended 7-18-85, Formerly 4B-1.01, Amended 10-8-86, 2-6-90, 8-9-92, Formerly 4B-1.001, Amended 7-20-95, 7-23-97, 6-8-99, 5-23-00, 9-2-02, 1-29-06, 8-2-07\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vicki O’Neil, Bureau Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida, 32399-1650; telephone: (850)921-8001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Driggers, Director of Standards  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2008

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-1.09441	Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt the 2008-2009 Course Code Directory and Instructional Personnel Assignments to include new and updated courses. The effect is the inclusion in the Course Code Directory courses for which students may receive credit toward high school graduation.

SUMMARY: The Course Code Directory and Instructional Personnel Assignments is updated to include new courses which students may apply toward high school graduation.

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: 1001.02(1), 1009.53(3), 1011.62(1)(r) FS.

LAW IMPLEMENTED: 1009.531, 1009.534, 1009.535, 1009.536, 1011.62(1) FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.  
 PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Heather Sherry, Director of K-20 Articulation, Department of Education, 325 West Gaines Street, Suite 1401, Tallahassee, Florida 32399, (850)245-0427

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09441 Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) through (4) No change.

(5) The “Course Code Directory and Instructional Personnel Assignments ~~2008-2009~~ ~~2007-2008~~,” is hereby incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from K-12 Public Schools, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses and course descriptions for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Specific Authority 1001.02(1), 1009.53(3), 1011.62(1)(r) FS. Law Implemented 1009.531, 1009.534, 1009.535, 1009.536, 1011.62(1) FS. History—New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-18-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, 10-15-01, 7-30-02, 4-21-05, 11-21-05, 7-27-06, 1-18-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Keith Sheets, Jr., Office of K-20 Articulation, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Heather Sherry, Director, Office of K-20 Articulation, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2007

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-1.09981	Implementation of Florida’s System of School Improvement and Accountability

PURPOSE AND EFFECT: To amend the adequate progress provision of school grades to accommodate schools that improve the percentage of their lowest performing students who make learning gains, yet fall below the currently specified minimum requirement of at least fifty (50) percent of such students making learning gains.

SUMMARY: This amendment modifies a component of the school grades calculation requiring adequate progress for the lowest performing quartile of students in reading and in math. Under the current rule, for schools that have earned enough points to receive a school grade of “C” or higher, adequate progress is demonstrated if at least 50 percent of these students make learning gains in each subject. If adequate progress is not demonstrated, the school will receive a final grade that is one grade lower than the school would have received otherwise. The amendment allows schools that fall short of the 50-percent mark in this category to demonstrate adequate progress if (1) for schools with at least 40 percent of such students making learning gains, there is annual improvement in the percent making learning gains; or (2) for schools with less than 40 percent making learning gains, there is at least a five-percentage-point annual improvement in the percent making learning gains.

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: 1008.34 FS.

LAW IMPLEMENTED: 1008.34 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juan Copa, Chief, Bureau of Evaluation and Reporting, 325 West Gaines Street, Room 844, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09981 Implementation of Florida’s System of School Improvement and Accountability.

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

3. Schools designated as Performance Grade “C” or above shall be required to demonstrate that adequate progress in reading, defined as annual learning gains in paragraph (5)(b) of this rule, has been made by the lowest twenty-five (25) percent of students in the school who scored at or below FCAT Achievement Level 3, based on their previous year’s FCAT score. The minimum requirement for adequate progress is deemed to be met when at least fifty (50) percent of such students make learning gains as defined in paragraph (5)(b) of this rule. If the percent of such students making learning gains is below fifty (50) percent in the current year, adequate progress can be met if:

a. Schools demonstrate a one (1) percentage point improvement in the percent of such students making learning gains over the prior year, if the percent of such students making learning gains is at least forty (40) percent in the current year;  
or

b. Schools demonstrate a five (5) percentage point improvement in the percent of such students making learning gains over the prior year, if the percent of such students making learning gains is below forty (40) percent in the current year.

If the minimum requirement for adequate progress in reading among the lowest twenty-five (25) percent of students in the school is not met, the School Advisory Council shall amend its School Improvement Plan to include a component for improving learning gains of the lowest performing students. If a school otherwise designated as Performance Grade “B” or “C” does not make adequate progress, as defined above demonstrate learning gains for at least half of the lowest performing students, in at least one (1) of two (2) consecutive years, the final Performance Grade designation shall be reduced by one (1) letter grade. No school shall be designated as Performance Grade “A” unless the adequate progress criterion in reading, learning gains for at least half of the lowest performing students, is met each year.

4. through (b) No change.

(2) through (8)(a) No change.

(b) Math lowest twenty-five (25) percent will be added as an additional category of performance beginning in 2006-07. For this category of achievement, schools will earn one (1) point for each percent of students in the lowest twenty-five (25) percent in mathematics reading in the school as defined in paragraph (5)(c) of this rule who make learning gains as defined in paragraph (5)(b) of this rule. Improvement of the lowest twenty-five (25) percent of students in mathematics in each grade, as defined in paragraph (5)(b) of this rule, shall be aggregated for each school, unless the students so designated are performing above proficiency, defined as FCAT Achievement Levels 4 and 5.

1. Schools designated as Performance Grade “C” or above shall be required to demonstrate that adequate progress in mathematics, defined as annual learning gains in paragraph (5)(b) of this rule, has been made by the lowest twenty-five (25) percent of students in the school who scored at or below FCAT Achievement Level 3, based on their previous year’s FCAT score. The minimum requirement for adequate progress is deemed to be met when at least fifty (50) percent of such students make learning gains as defined in paragraph (5)(b) of this rule. If the percent of such students making learning gains is below fifty (50) percent in the current year, adequate progress can be met if:

a. Schools demonstrate a one (1) percentage point improvement in the percent of such students making learning gains over the prior year, if the percent of such students making learning gains is at least forty (40) percent in the current year;  
or

b. Schools demonstrate a five (5) percentage point improvement in the percent of such students making learning gains over the prior year, if the percent of such students making learning gains is below forty (40) percent in the current year.

If the minimum requirement for adequate progress in mathematics among the lowest twenty-five (25) percent of students in the school is not met, the School Advisory Council shall amend its School Improvement Plan to include a component for improving learning gains of the lowest performing students. If a school otherwise designated as Performance Grade “B” or “C” does not make adequate progress, as defined above demonstrate learning gains for at least half of the lowest performing students, in at least one (1) of two (2) consecutive years, the final Performance Grade designation shall be reduced by one (1) letter grade. No school shall be designated as Performance Grade “A” unless the adequate progress criterion in mathematics, learning gains for at least half of the lowest performing students, is met each year.

2. No change.

(c) through (d) No change.

(9) through (15) No change.

Specific Authority 1001.02, 1008.22, 1008.33, 1008.345 FS. Law Implemented 1000.03, 1001.42, 1003.63, 1008.33, 1008.34, 1008.345, 1008.36 FS. History—New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99, 2-2-00, 2-11-02, 12-23-03, 5-15-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juan Copa, Chief, Bureau of Evaluation and Reporting

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2008

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:

6A-4.0163 Reading Endorsement Competencies

PURPOSE AND EFFECT: The purpose of this rule is to establish the six (6) competencies required for teacher preparation programs and district in-service plans leading to the Reading Endorsement in Florida. The effect is the adoption of the publication containing the Reading Endorsement Competencies.

SUMMARY: This rule establishes the Reading Endorsement Competencies and Indicators that a teacher must complete in order to obtain the Reading Endorsement through the District Add-On Reading Endorsement In-service Plan. The rule also demonstrates the parallelism to the Reading Endorsement obtained through college coursework (Rule 6A-4.0292 F.A.C.).  
 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: 1001.02(2), 1001.215, 1012.55(1) FS.

LAW IMPLEMENTED: 1001.215, 1012.55(1) FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Evan Lefsky, Executive Director, Just Read, Florida! Department of Education, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-9699

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0163 Reading Endorsement Competencies.

The competencies and indicators required for approval of educator preparation programs pursuant to Rule 6A-5.066, F.A.C., and for district in-service add-on programs pursuant to Section 1012.575, Florida Statutes, for certification in the Reading Endorsement, are contained in the publication, Reading Endorsement Competencies, which is hereby incorporated by reference and made a part of this rule. Copies of the Reading Endorsement Competencies may be obtained by contacting Just Read, Florida!, Department of Education, 325 West Gaines Street, Room 1548, Tallahassee, Florida 32399, or from the website at <http://www.justreadflorida.com/endorsement/>.

Specific Authority 1001.02(2), 1001.215, 1012.55(1) FS. Law Implemented 1001.215, 1012.55(1) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Evan Lefsky, Executive Director, Just Read, Florida!

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Evan Lefsky, Executive Director, Just Read, Florida!

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2008

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-5.090  
 RULE TITLE: Content Area Reading Professional Development

PURPOSE AND EFFECT: The purpose of the rule is to delineate the professional development package designed to provide information that content area teachers need to become proficient in applying scientifically based reading strategies through their content areas pursuant to Section 1003.413(4)(b), Florida Statutes. The effect of the rule will be the provision of professional development that will, upon its completion, allow content area teachers to effectively deliver reading intervention to students who are fluent readers in English and who scored at level 2 in reading on the Florida Comprehensive Assessment Test (FCAT).

SUMMARY: This rule provides information on who is a candidate for the Content-Area Reading Professional Development (CAR-PD) package; outlines content of the CAR-PD package.

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: 1001.02(2), 1001.215, 1003.413(3)(g), (4)(b), 1003.4156, 1003.428 FS.

LAW IMPLEMENTED: 1001.215, 1003.413(3)(g), (4)(b), 1003.4156, 1003.428 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Evan Lefsky, Executive Director, Just Read, Florida! Department of Education, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-9699

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-5.090 Content Area Reading Professional Development.

(1) Pursuant to Section 1003.413(4)(b), Florida Statutes, the Department of Education must provide a professional development package designed to provide information that content area teachers in grades 6-12 need to become proficient in applying scientifically based reading strategies through their content areas. Content Area Reading Professional Development (CAR-PD) is designed to prepare content area teachers to effectively deliver reading intervention to students

who are fluent readers in English and who score at Level 2 in reading on the Florida Comprehensive Assessment Test (FCAT). Districts may elect whether to offer CAR-PD as an option within a school or school district.

(2) Personnel for whom CAR-PD is appropriate.

(a) In accordance with Rule 6A-6.054, F.A.C., teachers who are not certified in Reading (Grades K-12) or endorsed in reading, or who do not meet the definition of "highly qualified" in reading under the federal No Child Left Behind Act, and who provide reading intervention to fluent Level 2 students in their content area class must complete the CAR-PD package.

(b) Career and technical educators, both those who have a state-issued teaching certificate and those who do not, are candidates for the CAR-PD package. In addition, those teachers may enroll in and complete the district add-on reading endorsement program if they wish to acquire advanced knowledge in teaching reading.

(3) The CAR-PD one hundred fifty (150) hour package consists of Florida On-Line Reading Professional Development (FOR-PD) or Florida Reading Initiative (FRI) for sixty (60) inservice points, the CAR-PD Face to Face Academy for sixty (60) inservice points and a thirty (30) hour practicum developed by Florida Literacy and Reading Excellence (FLaRE) and/or by the district. Each district practicum must address Competency 6 indicators to include the following indicators from the Reading Endorsement Competencies: 6.1, 6.5, 6.6, 6.7, 6.9, 6.10 and 6.12 as incorporated by reference in Rule 6A-4.0163, F.A.C.

(4) Content area teachers must take FOR-PD or FRI in its entirety before beginning the sixty (60) hour Face to Face CAR-PD Academy. Once those two (2) courses are completed, content area teachers may begin to provide reading intervention through their content area classes to fluent students who score Level 2 on FCAT. These teachers may take the thirty (30) hour practicum simultaneously with providing reading intervention.

(5) The district shall decide who will facilitate the district practicum. Additionally, the district shall decide the time configuration of the sixty (60) hour Face to Face Academy.

(6) CAR-PD is a train the trainer model, and FLARE coordinators are the designated professional developers for the school or district-based CAR-PD teacher trainers. Once trained by FLARE, these facilitators may return to their school or districts and deliver the sixty (60) hour Face to Face CAR-PD Academy to content area teachers.

(7) Educators who have Reading Endorsement or Reading Certification K-12 are required to complete the sixty (60) hour Face to Face CAR-PD Academy in order to be qualified to train content area teachers. Other educators must complete the one hundred fifty (150) hour CAR-PD package in order to be qualified to be a trainer of content area teachers.

(8) CAR-PD does not fulfill the requirements for a Reading Endorsement.

(9) Inservice hours earned through CAR-PD may be used for renewal of certificates in all subject areas.

Specific Authority 1001.02(2), 1001.215, 1003.413(3)(g), (4)(b), 1003.4156, 1003.428 FS. Law Implemented 1001.215, 1003.413(3)(g), (4)(b), 1003.4156, 1003.428 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Evan Lefsky, Executive Director, Just Read, Florida!

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Evan Lefsky, Executive Director, Just Read, Florida!

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2008

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-6.021	State of Florida High School Diplomas

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to update information on scores needed to obtain a General Education Diploma (GED).

SUMMARY: The rule is amended to update GED Passing Scores due to changes made by the American Council of Education, General Education Development Testing Service.

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: 1001.02(1), 1003.435(1), (5) FS.

LAW IMPLEMENTED: 1003.435 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Teresa Bestor, Director, Adult Education and GED Programs, Division of Workforce Education, Florida Department of Education, 325 West Gaines Street, Room 644, Tallahassee, Florida 32399-0400, (850)245-9906

THE FULL TEXT OF THE PROPOSED RULE IS:

## 6A-6.021 State of Florida High School Diplomas.

The Commissioner shall award a State of Florida high school diploma pursuant to Section 1003.435, Florida Statutes, to a candidate who meets all of the requirements prescribed herein and has attained on each of the five (5) General Education Development Tests a minimum standard score of 410 or above on a scale of "0" to "800", with an average score of 450. ~~forty two (42) or above on each of the five (5) General Educational Development tests, with an average of forty five (45) effective July 1, 1998; forty four (44) or above on each of the five (5) General Educational Development tests, with an average of forty five (45) effective July 1, 1999; and forty five (45) or above on each of the five (5) General Educational Development tests, with an average of forty five (45) effective July 1, 2000.~~

(1) The Department, shall designate official testing centers in the state which are authorized to act as agents of the state in administering the GED Tests. The Department shall provide tests and test materials annually to the official testing designated centers, provide test scoring and reporting services, maintain a perpetual record of individual test results, and issue state of Florida high school diplomas to successful candidates.

(2) Each official designated testing center shall establish a schedule for testing which adequately meets the needs of the candidates public within its service area.

(3) Each district shall establish a fee of not less than the total national and state required fees nor more than fifty (50) dollars for each candidate applicant taking the entire test battery consisting of the five (5) GED Tests. This fee shall be paid at the time the application is filed. A fee of not less than the total national and state required fees nor more than the ten (10) dollars shall be paid by each candidate applicant for each retake of the Social Studies, Science, Reading Interpreting Literature and the Arts, and Mathematics tests. A fee of not less than the total national and state required fees nor more than twelve (12) dollars shall be paid by the candidate for each retake of the Writing Skills Test. However, the school board, community college, or agency administering the testing center may authorize the waiver, on a uniform or, on an individual basis, of all or any portion of the fees prescribed in this subsection herein. ~~It is recommended that districts identify and access funding sources such as the additional fees placed on vocational courses for the purpose of financial aid for use as a source of scholarships for students.~~

(4) In order to defray state costs for the testing program, each school board, community college, or agency administering the GED Tests shall remit to the Department the following fees:

(a) Entire battery of five (5) tests: seventeen (17) dollars.

(b) Retake of the Social Studies, Science, Reading Interpreting Literature and the Arts, and Mathematics tests: four (4) dollars.

(c) Retake of the Writing Skills test: five (5) dollars.

(d) Duplication of diploma: four (4) dollars.

(e) Duplication of transcript: four (4) dollars.

(f) Conversion of scores from applicants who have taken the GED in the military: seven (7) dollars.

~~(g) Annual contract fee as directed by the American Council on Education.~~

(5) The following requirements shall govern eligibility of candidates to take the GED Tests:

(a) ~~Be at least eighteen (18) years of age at the time of examination. However, under extraordinary circumstances, according to rules of the local school board, persons who are at least sixteen (16) years of age may be permitted to take the tests. Additionally, incarcerated youth above the age of sixteen (16) years of age at the time of examination may be permitted to take the test based on the written approval of the Department of Corrections Chief Examiner.~~

(b) ~~Submit an application to an approved testing center on Form DVE 090, Application for State of Florida High School Diploma, effective July, 1985, which provides essential personal and educational data. This form is hereby incorporated as a part of this rule and may be obtained from any approved GED testing center or from the GED Testing Office, Department of Education, Turlington Building, Tallahassee, Florida 32399.~~

(c) ~~Reside in the State at the time application is made.~~

(d) ~~Present a valid social security card, social security number or taxpayer identification number properly listing the name and associated number of the examinee. Additionally, the examinee must present a valid Florida Driver's License, or Florida Identification Card.~~

~~(5)(6) The Chief Examiner of each official testing center shall inform all candidates of testing opportunity and retesting limitations. Upon successful completion of the GED Tests as prescribed herein, a candidate shall be awarded a State of Florida high school diploma and shall be considered a high school graduate. A district may, in addition, also award a district diploma to the successful candidate.~~

~~(6)(7) Each candidate taking the GED Tests will be issued an official transcript of scores. A candidate who fails to attain the required minimum scores on the initial GED Tests may test a maximum of three (3) times in each subject area during the GED contract year. A candidate who fails to attain the required minimum scores on the initial GED testing may retake the tests at any subsequent testing session. After the second testing a candidate shall be eligible to retake the tests at any subsequent session if an overall minimum standard score of two hundred twenty (220) has been achieved and the candidate has made a standard score of forty five (45) or more on at least three (3) of the tests. A candidate who fails to achieve a standard score of forty five (45) or more on three (3) or more of the tests after the second testing shall not be eligible to retake the tests for a period of six (6) months.~~

Specific Authority 1001.02(1), 1003.435(1), ~~(5)(6)(b)~~ FS. Law Implemented 1003.435 FS. History—Amended 2-20-64, 4-11-70, 6-7-70, 6-17-74, Repromulgated 12-5-74, Amended 5-4-76, 6-7-77, 1-1-79, 9-1-79, 12-7-82, 7-10-85, Formerly 6A-6.21, Amended 12-21-87, 3-1-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Bestor, Director, Adult Education and GED Programs, Division of Workforce Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Hadi, Chancellor, Workforce Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2007

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.040  
 RULE TITLE: Voluntary Prekindergarten (VPK) Director Credential for Private Providers

PURPOSE AND EFFECT: The purpose of the rule is to address the objections raised by the Joint Administrative Procedures Committee regarding the approval and issuance of the credential for directors of private prekindergarten providers delivering the VPK program.

SUMMARY: This rule identifies the standards, training requirements, and procedures for the VPK Director Credential for private providers.

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: 1002.73(2)(a), 1002.79(1) FS.

LAW IMPLEMENTED: 1002.55(3)(f), 1002.57 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shan Goff, Executive Director, Office of Early Learning, Department of Education, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-0445

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.040 Voluntary Prekindergarten (VPK) Director Credential Endorsement for Private Providers.

~~(1) Requirements for the Endorsement. Consistent with the requirements of Section 1002.55(3)(f), Florida Statutes, a private prekindergarten program delivering the Voluntary Prekindergarten (VPK) Education Program must have a director who has a VPK Director Credential Endorsement, issued by the Department of Children and Families (DCF), that meets the requirements of subsection (2) of this rule. Successful completion of the Director Credential, as required by Section 402.305(2)(f), Florida Statutes, and paragraph 65C-22.003(8)(a), F.A.C., prior to the effective date of this rule shall satisfy this requirement.~~

~~(1)(2) Training Requirements for the VPK Director Credential. To be eligible for the Voluntary Prekindergarten (VPK) Director Credential Endorsement, issued by the Department of Children and Families (DCF), applicants must successfully complete the following requirements:~~

(a) A Florida credential certificate program, as referenced in paragraph 65C-22.003(8)(a), F.A.C., approved by DCF and the Department of Education (DOE);

(b) DOE-approved training on the VPK ~~Education~~ standards adopted by the State Board of Education;

(c) DOE-approved course(s) on emergent literacy; and

(d) DOE-approved course(s) that address the following VPK Director competencies:

1. Organizational Leadership and Management – To implement strategies and techniques that promote a responsive work and learning environment, VPK directors shall be able to demonstrate knowledge and application of:

a. Management strategies that support a professional culture and climate;

b. Instructional leadership skills and the provision of supports to VPK instructors;

c. Available resources and supports for VPK instructors and parents; and

d. Local processes and procedures for the transition of VPK children to public and private kindergarten programs.

2. Financial and Legal – To maintain effective financial planning and budgeting systems and sound practices related to legal obligations and responsibilities, VPK directors shall be able to demonstrate knowledge and application of:

a. Applicable laws and rules and legal responsibilities;

b. Roles and responsibilities of state agencies, local coalitions, and providers;

c. Monitoring requirements; and

d. Financial operating procedures.

3. Program and Performance Standards – To maintain an instructional leadership role in creating and sustaining an effective learning environment, VPK directors shall be able to demonstrate knowledge and application of:



- a. Developmentally appropriate and research-based instructional practices and their application in the classroom;
- b. Evaluation of the appropriateness and effectiveness of available prekindergarten curricula;
- c. Effective implementation of a prekindergarten curriculum in the classroom;
- d. Effective instructional strategies for children with disabilities or other special needs and for English language learners;
- e. Developmentally appropriate methods for the on-going assessment of young children and interpretation of these data for program planning and the delivery of instruction; and
- f. Local and state accountability systems.

(2) Procedure for VPK Director Credential.

(a) An applicant for the VPK Director Credential must complete and submit the Florida Voluntary Prekindergarten (VPK) Director Credential Application, Form DOE-DCA 01-0] which is incorporated by reference to become effective with the effective date of this rule.

(b) The VPK Director Credential will be issued upon verification of the completed application and supporting documentation that the applicant has met the onsite experience and educational requirements for a VPK Director Credential.

(3) Effective Date and Renewal. If the applicant obtained the DCF Director Credential prior to the effective date of this rule, the expiration date of the VPK Director Credential will be the same as the applicant's DCF Director Credential. If the applicant did not obtain the DCF Director Credential prior to the effective date of this rule, the expiration date of the VPK Director Credential shall be in accordance with subparagraph 65C-22.003(8)(d)2., F.A.C. To maintain an active VPK Director Credential Endorsement, the director of a private prekindergarten program delivering the Voluntary Prekindergarten (VPK) Education Program must meet the requirements in paragraph 65C-22.003(8)(d) subparagraphs 65C-22.003(8)(h)1-4., F.A.C.

(4) Revocation. The Department will revoke the VPK Director Credentials of a person who provided false information on an application for VPK Director Credential.

Specific Authority 1002.73(2)(a), 1002.79(1) FS. Law Implemented 1002.55(3)(f), 1002.57 FS. History--New 12-31-06, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Shan Goff, Executive Director, Office of Early Learning  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Shan Goff, Executive Director, Office of Early Learning  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2007

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-6.05281	Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, Day Treatment, or Early Delinquency Intervention Programs

PURPOSE AND EFFECT: The purpose of the amendment is to incorporate revisions required for educational programs in the Department of Juvenile Justice to ensure consistency with current Florida Statutes.

SUMMARY: The rule is amended to align with governing law.  
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: 1003.51(2)(e), (g), 1003.52(10), 1008.25 FS.

LAW IMPLEMENTED: 1001.03, 1003.51, 1003.52 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)245-0475

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.05281 Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, Day Treatment, or Early Delinquency Intervention Programs.

School districts must provide instruction to prepare all students to demonstrate proficiency in the skills necessary for successful grade-to-grade progression and high school graduation. For students placed in Department of Juvenile Justice (DJJ) programs, collaboration between the DJJ, the Department of Education, school districts, and private providers is essential in order for these students to attain this goal and become productive members of the community.

- (1) through (2) No change.
- (3) Student Assessment.
- (a) No change.

(b) All students in DJJ commitment, day treatment, or early delinquency intervention programs, who have not graduated from school, shall be assessed within ten (10) school seven (7) calendar days of the student's commitment. The entry assessments shall include:

1. Academic measures that provide proficiency levels in:
  - a. Reading,
  - b. Mathematics,
  - c. Writing.
2. Vocational interest and/or aptitude measures.

(c) No change.

(d) Students placed in a detention center ~~and not transferring to a commitment program~~ shall be assessed only upon entry for academic measures. ~~Assessment information for students in detention centers, transferring to commitment programs, shall be sent directly to the commitment program with the transfer of the student.~~

(e) A common ~~e~~Entry and exit academic assessment ~~measures~~ shall be selected as required by Section 1003.52, Florida Statutes, that ~~is~~ are appropriate for the age, grade, and language proficiency, and program length of stay of the students and shall be non-discriminatory with respect to culture, disability, and socioeconomic status.

(f) No change.

(g) The results of the academic measures, as required by paragraphs (3)(b)-(d) of this rule shall be reported in the format prescribed by Rule 6A-1.0014, F.A.C., to the Department of Education via the Automated Student Data System. The format for the reporting of the results of the academic measures shall ~~may~~ include standard scores for each academic area assessed.

- ~~1. Grade equivalent scores,~~
- ~~2. Percentiles,~~
- ~~3. Scaled scores.~~

(h) No change.

(4) Individual Academic Plans.

(a) 1. through 4. No change.

(b) Progress monitoring ~~Academic improvement~~ plans, required by Section 1008.25, Florida Statutes, or individual educational plans (IEPs) developed for eligible exceptional students, 504 plans developed for eligible students with disabilities, or individual plans developed for limited English proficient students may incorporate the requirements of subsections (4) and (5) of this rule.

(5) No change.

(6) Instructional Program and Academic Expectations.

(a) No change.

(b) Requirements. The instructional program shall meet the requirements of Sections 1003.42, 1003.43, 1003.438, 1003.52, 1008.23, and 1008.25, Florida Statutes, and include:

1. through 4. No change.

5. Instruction shall be delivered through a variety of instructional techniques to address students' academic levels and learning styles, including access to the Florida Virtual School as required in Section 1003.52(4), Florida Statutes.

(7) Qualifications and Procedures for Selection of Instructional Staff.

(a) through (c) No change.

(d) Full-time teachers working in juvenile justice schools, whether employed by a district school board or a provider, shall be eligible for the critical teacher shortage tuition reimbursement program as defined by Section 1009.58, Florida Statutes, and other teacher recruitment and retention programs.

(8) Funding.

(a) No change.

(b) As required by Sections 1003.51 and 1010.20, Florida Statutes, at least ninety (90) ~~eighty (80)~~ percent of the FEFP funds generated by students in DJJ programs must be spent on instructional costs for these students and one-hundred (100) percent of the formula-based categorical funds generated by these students must be spent on appropriate categoricals such as instructional materials and public school technology for these students.

(c) No change.

(9) through (11) No change.

Specific Authority 1003.51 FS. Law Implemented 1003.51, 1003.52 FS. History—New 4-16-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2008

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.053  
RULE TITLE: K-12 Comprehensive Research-Based Reading Plan

PURPOSE AND EFFECT: The purpose of the proposed rule is to provide criteria for the development and implementation of district plans for use of the research-based reading instruction allocation provided in Section 1011.62(9), Florida Statutes. The effect of the rule will be the establishment of criteria by which the K-12 Comprehensive Reading Plans will be evaluated and approved pursuant to Section 1001.215(5) and (6), Florida Statutes.

SUMMARY: This rule delineates the requirements for approval of a district's K-12 Comprehensive Research-Based Reading Plan; provides approval requirements in the areas of professional development, assessment, curriculum, and instruction.

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: 1001.02(2), 1001.215(5), (6), 1011.62(9) FS.

LAW IMPLEMENTED: 1001.02, 1001.215, 1011.62 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Evan Lefsky, Executive Director, Just Read, Florida! Department of Education, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-9699

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.053 K-12 Comprehensive Research-Based Reading Plan.

(1) Annually, school districts shall submit a K-12 Comprehensive Reading Plan for the specific use of the research-based reading instruction allocation in the format prescribed by the Department for review and approval by the Just Read, Florida! Office pursuant to Section 1011.62, Florida Statutes. The K-12 Comprehensive Reading Plan must accurately depict and detail the role of administration (both district and school level), professional development, assessment, curriculum, and instruction in the improvement of student learning. This information must be reflected for all schools and grade levels, including charter schools, alternative schools, and juvenile justice facilities. The K-12 Comprehensive Research-Based Reading Plan must ensure that:

(a) Leadership at the district and school level is guiding and supporting the initiative;

(b) The analysis of data drives all decision-making;

(c) Professional development is systemic throughout the district and is targeted at individual teacher needs as determined by analysis of student performance data;

(d) Measurable student achievement goals are established and clearly described; and

(e) Appropriate research-based instructional materials and strategies are used to address specific student needs.

(2) Research-Based Reading Instruction Allocation. Districts will submit a budget for the K-12 Comprehensive Reading Plan, including salaries and benefits, professional development costs, assessment costs, and programs/materials costs. Budgets must be in accordance with the district approved plan.

(3) Reading Leadership Teams. Districts must describe the process the principal will use to form and maintain a Reading Leadership Team and report rosters of Reading Leadership Team members to the Just Read, Florida! Office in the fall of each school year.

(4) Professional Development. The plan must make adequate provisions to require principals to:

(a) Target specific areas of professional development need based on assessment data and reflect those goals in the Individual Professional Development Plan (IPDP);

(b) Differentiate and intensify professional development for teachers based on progress monitoring data;

(c) Identify mentor teachers and establish model classrooms within the school;

(d) Ensure that time is provided for teachers to meet weekly for professional development; and

(e) Provide teachers with the information contained in the K-12 Comprehensive Research-Based Reading Plan.

(5) Charter schools. Charter schools must be given the opportunity to participate in the district plan, but may opt not to participate. Charter schools that choose to participate in the plan must meet the requirements outlined in the District K-12 Comprehensive Reading Plan; however, they may meet these requirements through methods that differ from those in the district plan. One plan must be submitted for each district that includes charter schools that choose to participate. The district will maintain documentation of the following:

(a) District's offer of invitation to charter schools to participate in the plan;

(b) District's assurance that they will monitor charter schools for fidelity to the plan;

(c) Charter school's agreement to implement the plan with fidelity or charter school's decision not to participate; and

(d) Charter school's agreement to be monitored by the school district for fidelity to the plan.

As with any school in the district, charter schools are subject to the district prioritization of funds based on school need and do not receive a set amount of funding through the reading allocation based upon their student enrollment. If the charter school declines to participate, the funds that would have been directed to the school remain in the district to serve low performing schools.

(6) Reading/Literacy Coaches.

(a) District leadership must allocate resources to hire reading/literacy coaches for the schools determined to have the greatest need based on:

1. Student performance data;
2. Experience and expertise of the administration and faculty in reading assessment, instruction, and intervention; and
3. Receptiveness of administration and faculty to the coaching model.

(b) The district must ensure that the number of schools served by state, federal, or locally funded reading/literacy coaches is maintained or increased over the previous year and prioritized based on school need.

(c) All reading /literacy coaches must report their time to the Progress Monitoring and Reporting Network (PMRN) on a biweekly basis. Principals will be required to log onto the PMRN prior to the start of each school year to enroll their reading/literacy coach(es). Principals must provide the funding source(s) for each coach at the beginning of the school year. Any reading/literacy coach who is funded through the Research-Based Reading Instruction Allocation in the Florida Education Finance Program (FEFP) as part of the K-12 Comprehensive Reading Plan must be a full-time coach. Reading/literacy coaches who split their time between two schools are considered full-time coaches.

(d) Districts must explain how they will monitor the implementation and effectiveness of the coaching model and assure communication between the district, school administration, and the reading coach throughout the year to address areas of concern.

(e) All schools utilizing reading/literacy coaches must implement the Just Read, Florida! reading/literacy coach model as described below:

1. The reading/literacy coach will serve as a stable resource for professional development throughout a school to generate improvement in reading and literacy instruction and student achievement. Coaches will support and provide initial and ongoing professional development to teachers in:

a. Each of the major reading components, as needed, based on an analysis of student performance data;

b. Administration and analysis of instructional assessments; and

c. Providing differentiated instruction and intensive intervention.

2. Coaches will:

a. Model effective instructional strategies for teachers;

b. Facilitate study groups;

c. Train teachers in data analysis and using data to differentiate instruction;

d. Coach and mentor colleagues;

e. Provide daily support to classroom teachers;

f. Work with teachers to ensure that research-based reading programs (comprehensive core reading programs, supplemental reading programs and comprehensive intervention reading programs) are implemented with fidelity;

g. Help to increase instructional density to meet the needs of all students;

h. Help lead and support reading leadership teams at their school(s);

i. Continue to increase their knowledge base in best practices in reading instruction, intervention, and instructional reading strategies;

j. Report their coach logs bi-weekly through the Progress Monitoring and Reporting Network (PMRN);

k. Work with all teachers (including ESE, content area, and elective areas) in the school they serve, prioritizing their time to those teachers, activities, and roles that will have the greatest impact on student achievement, namely coaching and mentoring in classrooms;

l. Work frequently with students in whole and small group instruction in the context of modeling and coaching in other teachers' classrooms;

m. Not be asked to perform administrative functions that will confuse their role for teachers; and

n. Spend limited time administering or coordinating assessments.

(f) While the reading coach must not be assigned a regular classroom teaching assignment, they are expected to work frequently with students in whole and small group instruction in the context of modeling and coaching in other teachers' classrooms.

(g) Minimum Qualifications. Reading/literacy coaches must have experience as successful classroom teachers. Coaches must exhibit knowledge of scientifically based reading research, special expertise in quality reading instruction and infusing reading strategies into content area instruction, and data management skills. They must have a strong knowledge base in working with adult learners. Coaches must be excellent communicators with outstanding presentation, interpersonal, and time management skills. The coach must have a minimum of a bachelor's degree and advanced coursework or professional development in reading is required. The reading/literacy coach must be endorsed or K-12 certified in the area of reading, or working toward that status by completing a minimum of two (2) reading endorsement competencies of sixty (60) in-service hours each or six (6) semester hours of college coursework in reading per year.

(7) District level monitoring of the District K-12 Reading Plan Implementation. The plan must demonstrate adequate provisions for:

(a) Monitoring the level of implementation of the K-12 Comprehensive Research-Based Reading Plan at the school and classroom level, including an explanation of the data that will be collected, how it will be collected, and the frequency of review. Districts must also explain how concerns are

communicated if it is determined that the K-12 Comprehensive Research-Based Reading Plan is not being implemented with fidelity.

(b) Ensuring fidelity of implementation of all reading programs and strategies used at the school level and determining appropriate instructional adjustments.

(c) Incorporating reading and literacy instruction by all content area teachers into subject areas to extend and build discussions of text in order to deepen understanding. This must include a description of the utilization of leveled classroom libraries and independent reading practice.

(d) Reporting of data elements as required by the K-12 Comprehensive Reading Plan (as indicated in Section 1001.215, Florida Statutes) within the Automated Student and Staff Data Base System for survey periods 2, 3, and 5. These data elements include:

1. Progress Monitoring assessment scores not reported to PMRN.
2. Student Enrollment in Reading Intervention.
3. Reading Endorsement competency status for teachers.
4. Reading Certification progress status for teachers.
5. CAR-PD status for teachers, in accordance with Rule 6A-5.090, F.A.C.

(8) School-level monitoring of District K-12 Reading Plan Implementation.

(a) Districts must describe the process used by principals to monitor implementation of, and ensure compliance with, the reading plan, including weekly reading walk throughs conducted by administrators.

(b) Districts must describe how principals monitor collection and utilization of assessment data, including progress monitoring data, to determine intervention and support needs of students.

(9) Assessment, Curriculum, and Instruction.

(a) Elementary schools must offer reading instruction in a dedicated, uninterrupted block of time of at least ninety (90) minutes duration daily to all students. The reading block will include whole group instruction utilizing the comprehensive core reading program and small group differentiated instruction in order to meet individual student needs.

(b) A Comprehensive Core Reading Program (CCRP) must be implemented as the major instructional tool for reading instruction. Districts are provided a performance-based flexibility option which may exempt schools from the use of the CCRP. Districts implementing this flexibility must describe their plan for reading instruction, including the intervention for students reading below grade level in grades K-5 or K-6 as applicable. It is a district decision whether to implement the following performance-based flexibility option:

1. Elementary schools meeting all of the following criteria are not required to implement a Comprehensive Core Reading Program:

a. A current school grade of an A or B;

b. Adequate Yearly Progress (AYP) in reading met for all subgroups;

c. Ninety (90) percent of students meeting high standards in reading (an FCAT score of Level 3 or above).

(c) The second performance-based flexibility option may exempt elementary schools from the use of the CCRP as well as the ninety (90) minute reading block. Districts implementing this flexibility must report the reading instruction that will be provided, including the time allotted for reading instruction. It is a district decision whether to implement the following performance-based flexibility option:

1. For students in grades four and five scoring Level 4 or 5 on FCAT reading, districts should offer enrichment programs steeped in content that continue to develop the child's reading skills. These students are not required to receive instruction from a Comprehensive Core Reading Program, nor are they required to receive ninety (90) minutes of reading instruction.

(d) K-12 reading instruction will align with Florida's Formula for Success, 6+4+ii+iii, which includes six (6) components of reading: oral language, phonological awareness, phonics, fluency, vocabulary, and comprehension; four types of classroom assessments: screening, progress monitoring, diagnosis, and outcome measures; initial instruction (i) including considerations for background knowledge, motivation, and the provision for print rich, explicit, systematic, scaffolded, and differentiated instruction, and the reading/writing connection; immediate, intensive intervention (ii): including extended time, flexible grouping, accommodations, and more frequent progress monitoring.

(e) Instructional Materials Charts:

1. Districts are required to submit Instructional Materials Charts that address all research-based instructional materials used to provide reading instruction with a description of how they will be integrated into the overall instructional design:

a. Comprehensive Core Reading Programs (CCRP) – elementary school level only.

b. Developmental Reading Programs – (DRP) – middle school level only.

c. Supplemental Intervention Reading Programs (SIRP).

d. Comprehensive Intervention Reading Programs (CIRP).

e. Educational technology.

2. The instructional materials charts must also address the following:

a. Reading instructional minutes per day – elementary school level only.

b. Assessments listed by grade. Elementary – screening, progress monitoring, diagnostic, and outcome measure. Middle and High School – screening (including fluency with criteria for placement in extended time reading intervention), progress monitoring assessment for fluent and disfluent students, diagnostic, and outcome measure.

c. Reading Intervention. Elementary – minutes per day, days per week, group size cap for intervention. Middle and High School – minutes per day, days per week for both fluent and disfluent students, class size cap for reading intervention courses, and whether content area intervention is offered.

d. All charter schools and juvenile justice facilities must be listed within these charts. Districts must note which charter schools have opted out of the plan.

(f) The plan must demonstrate compliance with Rule 6A-6.054, F.A.C., K-12 Student Reading Intervention Requirements.

(g) Districts are required to develop Assessment/Curriculum Decision Trees to demonstrate how assessment data from progress monitoring and other forms of assessment will be used to determine specific reading instructional needs and interventions for students in grades K-12. The chart must include:

1. Name of assessment(s).
2. Targeted audience.
3. Performance benchmark used for decision-making.
4. Assessment/curriculum connection.

5. An explanation of how instruction will be modified for students who have not responded to a specific reading intervention delivered with fidelity with the initial intensity (time and group size) provided.

Specific Authority 1001.02(2), 1001.215(5), (6), 1011.62(9) FS. Law Implemented 1001.02, 1001.215, 1011.62 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Evan Lefsky, Executive Director, Just Read, Florida!

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Evan Lefsky, Executive Director, Just Read, Florida!

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2008

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.054  
RULE TITLE: K-12 Student Reading Intervention Requirements

PURPOSE AND EFFECT: The purpose of the rule is to provide criteria for reading intervention for students in grades K-12 as required by Section 1008.25, Florida Statutes. The effect of the rule is to establish criteria for diagnosing and meeting the varying instructional needs of students reading below grade level and for students who score below levels of performance on statewide assessments. The rule will also establish criteria for designing and offering reading courses for middle and high school students scoring at Levels 1 or 2 on the

Florida Comprehensive Assessment Test in reading pursuant to the comprehensive reading plan required by Section 1011.62(9), Florida Statutes.

SUMMARY: This rule outlines requirements for assessment, curriculum, and instruction for elementary, middle, and high school students who show deficiencies in reading; provides scheduling and content requirements for reading intervention.

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: 1001.02(2), 1001.215(5), (6), 1003.4156(1)(b), 1003.428(2)(b)2.c., 1008.25(2)(b), (4), (5) FS.

LAW IMPLEMENTED: 1001.215, 1003.4156, 1003.428, 1008.25 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Evan Lefsky, Executive Director, Just Read, Florida!, Department of Education, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-9699

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.054 K-12 Student Reading Intervention Requirements.

(1) Elementary Assessment, Curriculum, and Instruction.

(a) Pursuant to Section 1008.25, Florida Statutes, any elementary student who exhibits a substantial deficiency in reading based upon locally determined assessments, statewide assessments, or through teacher observations must be given intensive reading instruction immediately following the identification of the reading deficiency. For elementary students not participating in the statewide reading assessment, substantial deficiency in reading must be defined by the district school board. For students required to participate in the statewide assessment, a substantial deficiency in reading is defined by scoring Level 1 or Level 2 on the Florida Comprehensive Assessment Test (FCAT) in Reading. Students who exhibit a substantial deficiency in reading must be provided with additional diagnostic assessments to determine the nature of the student's difficulty, the areas of academic need, and strategies for appropriate intervention and instruction.

(b) Immediate intensive intervention must be provided daily for all students who have been identified with a reading deficiency. This intervention must be in addition to or as an extension of the ninety (90) minute reading block in a smaller group size setting or one on one. The student must continue to be provided with intensive reading instruction until the reading deficiency is remedied.

(2) Middle School Assessment, Curriculum, and Instruction.

(a) Pursuant to Section 1003.4156, Florida Statutes, middle school students who score at Level 1 on FCAT Reading are required to complete an intensive reading course. Those students who score at Level 2 must be placed in an intensive reading course or a content area reading intervention course.

(b) Middle school students who score at Level 1 or Level 2 on FCAT Reading and have intervention needs in the areas of decoding and/or fluency must have an extended block of reading intervention. This may occur through a double block of intensive reading or by blocking together a class of "Intensive Reading" with another subject area class. This block of time must be taught by the same teacher. This teacher must have the Reading Endorsement or Certification in Reading (Grades K-12). Teachers of sixth grade students may be certified in Elementary Education. Classroom infrastructure (class size, materials, etc.) must be adequate to implement the intervention course. This intervention course should include on a daily basis:

1. Whole group explicit instruction;
2. Small group differentiated instruction;
3. Independent reading practice, utilizing classroom library materials, monitored by the teacher;
4. Infusion of Sunshine State Standard (SSS) benchmarks specific to the subject area blocked with the intensive reading course (biology, world history, etc.); and
5. A focus on informational text at a ratio matching FCAT.

(c) Districts must establish criteria beyond FCAT for placing students into different levels of intensity for reading intervention classes to meet individual instructional needs of students. Districts must determine fluency assessments and benchmark criteria for placement of students requiring additional instructional time in reading intervention. Examples include data from screenings, progress monitoring and diagnostic assessments already in use in the district, as well as teacher recommendation. Schools must diagnose specific reading deficiencies of students scoring at Level 1 and Level 2 on FCAT Reading.

(d) Districts may serve fluent Level 2 students in content area classes through a content area reading intervention. Teachers of these classes must complete the one hundred fifty (150) hour Content Area Reading Professional Development (CAR-PD) package or have the Reading Endorsement or Certification in Reading (Grades K-12). Classroom

infrastructure (class size, materials, etc.) must be adequate to implement the content area reading intervention course. This intervention course should include on a daily basis:

1. Whole group explicit instruction;
2. Small group differentiated instruction;
3. Independent reading practice, utilizing classroom library materials, monitored by the teacher;
4. Infusion of SSS benchmarks specific to the subject area (biology, world history, etc.); and
5. A focus on informational text at a ratio matching FCAT.

(e) Schools must progress monitor students scoring at Level 1 and 2 on FCAT Reading a minimum of three (3) times per year. This should include a baseline, midyear, and end of the year assessment.

(f) Based on the following schedules, reading intervention requirements are listed below if not provided through a content area course for fluent Level 2 students:

1. FCAT Reading Level 1 and Level 2 Fluent:
  - a. Traditional schedule: daily 36 weeks, 1 period.
  - b. 4x4 schedule: daily 18 weeks.
  - c. Alternate day block: every other day 36 weeks.
2. FCAT Reading Level 1 and Level 2 Disfluent:
  - a. Traditional schedule: daily 36 weeks, 2 periods.
  - b. 4x4 schedule: daily 36 weeks.
  - c. Alternative day block: daily 36 weeks, 2 periods – blocked.
3. Other schedule types should provide comparable instructional time for students.

(g) End-of-year assessments should be used to determine specific areas of student reading difficulty and reading intervention placement.

(h) One of the following courses as listed in the 2008-2009 Course Code Directory incorporated in Rule 6A-1.09441, F.A.C., must be used to provide reading intervention to all middle school Level 1 students and those Level 2 students not being served through a content area reading intervention course (all courses require Reading Endorsement or Certification in Reading (Grades K-12):

1. 1000000 M/J INTENSIVE LANGUAGE ARTS
2. 1000010 M/J INTENSIVE READING
3. 1000020 M/J INTENSIVE READING & CAREER PLANNING
4. 1002180 M/J DEVELOPMENTAL LANGUAGE ARTS THROUGH ESOL (MC)
5. 7810020 READING: 6-8

(3) High School Assessment, Curriculum, and Instruction.

(a) Pursuant to Section 1003.428, Florida Statutes, high school students who score at Level 1 on FCAT Reading are required to complete an intensive reading course. Those students who score at Level 2 must be placed in an intensive reading course or a content area reading intervention course.

(b) High school students who score at Level 1 or Level 2 on FCAT Reading and who have intervention needs in the areas of decoding and/or fluency must have an extended block of reading intervention. This may occur through a double block of intensive reading or by blocking together a class of "Intensive Reading" with another subject area class. This block of time must be taught by the same teacher. This teacher must have the Reading Endorsement or Certification in Reading (Grades K-12). Classroom infrastructure (class size, materials, etc.) must be adequate to implement the intervention course. This reading intervention course should include on a daily basis:

1. Whole group explicit instruction;
2. Small group differentiated instruction;
3. Independent reading practice, utilizing classroom library materials, monitored by the teacher;
4. Infusion of SSS benchmarks specific to the subject area blocked with the intensive reading course (biology, world history, etc.); and
5. A focus on informational text at a ratio matching FCAT.

(c) Districts must establish criteria beyond FCAT for placing students into different levels of intensity for reading intervention classes to meet individual instructional needs of students. Districts must determine fluency assessments and benchmark criteria for placement of students requiring additional instructional time in reading intervention. Examples include data from screenings, progress monitoring and diagnostic assessments already in use in the district, as well as teacher recommendation. Schools must diagnose specific reading deficiencies of students scoring at Level 1 and Level 2 on FCAT Reading.

(d) Districts may serve fluent Level 2 students in content area classes through a content area reading intervention. Teachers of these classes must complete the 150 hour Content Area Reading Professional Development (CAR-PD) package or have the Reading Endorsement or Certification in Reading (Grades K-12). Classroom infrastructure (class size, materials, etc.) should be adequate to implement the content area reading intervention course. This intervention course should include on a daily basis:

1. Whole group explicit instruction;
2. Small group differentiated instruction;
3. Independent reading practice, utilizing classroom library materials, monitored by the teacher;
4. Infusion of SSS benchmarks specific to the subject area (biology, world history, etc.); and
5. A focus on informational text at a ratio matching FCAT.

(e) Passing scores on FCAT and concordant scores on other assessments may not be used to exempt students from required intervention. In lieu of the provisions listed above, students in grades 11 and 12 who have met the graduation requirement with a Level 2 score on FCAT Reading may be

served through reading courses, content area courses without a specific professional development requirement, or before or after school.

(f) Schools must progress monitor students scoring at Level 1 and 2 on FCAT Reading a minimum of three (3) times per year. This should include a baseline, midyear, and end of the year assessment.

(g) Based on the following schedules, reading intervention requirements are listed below if not provided through a content area course for fluent Level 2 students.

1. 9th and 10th grade FCAT Reading Level 1 and Level 2 Fluent:

- a. Traditional schedule: 36 weeks, 1 period.
- b. 4x4 schedule: daily 18 weeks.
- c. Alternate day block: every other day 36 weeks.

2. 9th and 10th grade Level 1 and Level 2 Disfluent:

- a. Traditional schedule: daily 36 weeks, 2 periods.
- b. 4 x 4 schedule: daily 36 weeks.
- c. Alternate day block: daily 36 weeks, 2 periods – blocked.

3. 11th and 12th grade FCAT Reading Level 1 and Level 2 Fluent, graduation requirement not met:

- a. Traditional schedule: daily until graduation requirement is met, 1 period.
- b. 4x4 schedule: daily until graduation requirement is met.
- c. Alternate day block: every other day until graduation requirement is met.

4. 11th and 12th grade FCAT Reading Level 1 and Level 2 Disfluent, graduation requirement not met:

- a. Traditional schedule: daily until graduation requirement is met, 2 periods.
- b. 4x4 schedule: daily until graduation requirement is met.
- c. Alternate day block: daily until graduation requirement is met.

5. 11th and 12th grade FCAT Reading Level 1, graduation requirement met through concordant score:

- a. Traditional schedule: daily, 36 weeks, 1 period.
- b. 4x4 schedule: daily, 18 weeks.
- c. Alternate day block: every other day, 36 weeks.

6. Other schedule types should provide comparable instructional time for students.

(h) End-of-year assessments should be used to determine specific areas of student reading difficulty and reading intervention placement.

(i) One of the following courses as listed in the 2008-2009 Course Code Directory incorporated in Rule 6A-1.09441, F.A.C., must be used to provide reading intervention to all high school Level 1 students and those Level 2 students not being served through a content area reading intervention course (all courses require Reading Endorsement or Certification in Reading (Grades K-12):

1. 1000400 INTENSIVE LANGUAGE ARTS



- 2. 1000410 INTENSIVE READING
- 3. 7910100 READING: 9-12
- 4. 1002380 DEVELOPMENTAL LANGUAGE ARTS THROUGH ESOL
- 5. 7910400 LIFE SKILLS READING: 9-12

Specific Authority 1001.02(2), 1001.215(5), (6), 1003.4156(1)(b), 1003.428(2)(b)2.c., 1008.25(2)(b), (4), (5) FS. Law Implemented 1001.215, 1008.25, 1003.4156, 1003.428 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Evan Lefsky, Executive Director, Just Read, Florida!

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Evan Lefsky, Executive Director, Just Read, Florida!

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2008

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0783  
 RULE TITLE: District School Board Exclusive Authority to Sponsor Charter Schools

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide a streamlined process for districts applying for exclusivity and for charter schools to submit documentation in support of or opposition to the granting and/or denying of exclusivity. The effect will be a rule which is streamlined for all parties to utilize.

SUMMARY: This rule provides for the implementation of Section 1002.335, Florida Statutes, relating to granting exclusive authority to sponsor charter schools to school districts.

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: 1002.335(14) FS.

LAW IMPLEMENTED: 1002.335 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jean Miller, Interim Executive Director, Office of Independent Education and Parental Choice, (850)245-0878

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6A-6.0783 follows. See Florida Administrative Code for present text).

6A-6.0783 District School Board Exclusive Authority to Sponsor Charter Schools.

(1) Purpose. Section 1002.335(5)(e), Florida Statutes, provides for the State Board of Education to grant exclusive authority to a district school board to authorize charter schools within the geographic boundaries of the school district if the district school board provided fair and equitable treatment to its charter schools during the four years prior to the district school board's application. This rule establishes the basis for the State Board of Education's determination and procedures through which the State Board of Education will reach its determination.

(2) Resolution. On or before the March 1 prior to the fiscal year exclusive authority is to be in effect, the district school board shall submit to the Agency Clerk a written resolution adopted by the district school board indicating its intent to retain exclusive authority to authorize charter schools.

(3) Application Form. Form IEPC-EA1 will be used for the district's application, any charter school responses, and any district rebuttal, and is hereby incorporated by reference and made a part of this rule. The form will be published electronically at [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org). A hard copy of the form may be obtained from the Office of Independent Education and Parental Choice, Suite 522, 325 W. Gaines Street, Tallahassee, Florida 32399. A completed Form IEPC-EA1 for each district, including scores, will be published at [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org). Districts, as well as charter schools, will be able to print their completed form after submitting to the system.

(4) Application. The application shall be filed by the district school board by completing the online application. The online application will be open for fifteen (15) calendar days. The starting date for districts to begin submission shall be published at least fifteen (15) calendar days before the application period opens at [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org). Beginning with fiscal year 2009-2010 and thereafter, the application will be due on or before March 1 of the year prior to the fiscal year for which exclusive authority is to be in effect. All district application information will be posted live on the website at [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org) within twenty-four (24) hours of the final submission date for viewing by the public. Charter schools who may choose to respond, must view the comments submitted by the school district on-line and then provide a written response on-line as outlined in subsection (5) of this rule.

(5) Responses to the Application. Any currently operating charter school and any charter school that operated or was authorized by the school district during the four (4) year period under consideration may file an online response to the district's application. The online response shall be filed during a fifteen (15) day period that starts the day the district applications are available for public view on the website. All charter school response information will be posted live on the website at [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org) within twenty-four (24) hours of the final submission date for viewing by the public. Districts who wish to rebut information provided by the charter school, must view the comments submitted by the charter school on-line and then provide a written response on-line as outlined in subsection (6) of this rule.

(6) District Rebuttal. A district may file an online rebuttal to the charter school's response. The online rebuttal shall be filed during the ten (10) calendar day period that starts the day the charter school's responses are available for public view on the website. All district rebuttal information will be posted live on the website at [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org) within twenty-four (24) hours of the final submission date for viewing by the public. This is the final input for the application process. Reviewers will have access to all three input areas described above and will input scores and comments during a twenty (20) calendar day period that starts the day the district's rebuttals are available for public view on the website. Reviewer's scores will be posted on-line for public viewing within twenty-four (24) hours after the reviewer time period ends.

(7) In reaching its determination of whether the school district has provided fair and equitable treatment to its charter schools during the previous four (4) years, the State Board of Education shall consider the criteria outlined in Section 1002.335(5)(e), Florida Statutes. The explanation and responses relating to the above criteria will be reviewed based on the evidence provided by the parties as identified in Form IEPC-EA1.

(8) Intent to Grant or Deny. After review of the applications and responses is complete, the Commissioner will issue the notice of intent of the State Board of Education to grant or deny exclusive authority for each applicant based on the scoring requirements identified in Form IEPC-EA1. Each notice will be published at [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org) and a copy mailed to each party.

(9) If the Notice of Intent to Grant/Deny is Not Challenged. Each notice of intent that is not challenged by any party shall be set for public hearing before the State Board of Education. At the public hearing, each party will be provided two (2) minutes to summarize their arguments and may be provided additional time only to respond to questions posed by members of the State Board of Education.

(10) If the Notice of Intent to Grant/Deny is Challenged. Any party that filed an application or response may challenge the intended action by filing a request for hearing with the

Agency Clerk within twelve (12) calendar days after publication of the notice of intent on the website. The request shall contain the name, address and telephone number of the party requesting the hearing, identify the party's standing (as a district that applied for exclusive authority or a party identified in subsection (5) of this rule that filed a response to a district's application), and attach a copy of the Intent to Grant/Deny Exclusive Authority.

(a) The Commissioner will designate a hearing officer to conduct an informal hearing.

(b) Within fifteen (15) calendar days of the date the request for hearing is filed with the Agency Clerk, the challenging party shall file with the Agency Clerk a written statement that identifies each score that is challenged and state with specificity the reasons why the score should be different.

(c) Within fifteen (15) calendar days of the filing of the challenging party's written statement, any other party may file with the Agency Clerk a written statement limited to argument in response and rebuttal of the challenging party's statement.

(d) The written statements of the challenging party and any responding parties shall comply with the filing requirements of Rule 28-106.104, F.A.C. Argument for each score challenged shall not exceed three (3) pages, and the total number of pages for each party's written statement shall not exceed thirty (30) pages. These page limits are exclusive of supporting documentation.

(e) All written statements shall have relevant supporting documentation attached. The supporting documentation is not limited to documents previously submitted in subsections (4), (5), or (6) of this rule.

(f) A hearing shall be held if requested by any party; however, the hearing shall be limited to matters identified in the written statements filed by the parties.

(g) The hearing officer shall conduct a de novo review of the parties' written statements, oral hearing (if held), and the information previously submitted pursuant to subsections (4), (5), and (6) of this rule.

(h) Non-attorneys who file written statements or participate in any hearing are governed by the standards of conduct identified in paragraph 28-106.107(3)(f), F.A.C. The hearing officer shall submit a Recommended Final Order consisting of findings of fact and conclusions of law to the Commissioner, with a copy served by mail upon the parties who appeared before the hearing officer, with the original to be filed with the Agency Clerk. The hearing officer's findings of fact shall be based upon a preponderance of the evidence.

(11) Each Recommended Final Order to Grant or Deny Exclusive Authority shall be set for public hearing before the State Board of Education. At the public hearing, each party will be provided two (2) minutes to summarize their arguments and may be provided additional time only to respond to questions posed by members of the State Board of Education.

In its Final Order, the State Board of Education may adopt, reject or modify the hearing officer's findings of fact or conclusions of law in the Recommended Final Order.

Specific Authority 1002.335(14) FS. Law Implemented 1002.335 FS. History--New 7-25-07, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jean Miller, Interim Executive Director, Office of Independent Education and Parental Choice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jean Miller, Interim Executive Director, Office of Independent Education and Parental Choice  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0902  
RULE TITLE: Requirements for Identification, Eligibility Programmatic and Annual Assessments of English Language Learners

PURPOSE AND EFFECT: This rule is amended to update terminology, to clarify the eligibility determination and assessment of limited English proficient students, and to incorporate the standards for annual assessment to measure progress limited English proficiency students are making towards mastery of the English language.

SUMMARY: This rule prescribes the requirements for identification, eligibility determination, programmatic assessment and annual assessment of English language learners.

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: 1001.02 FS.

LAW IMPLEMENTED: 1003.56, 1011.62 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa C. Saavedra, Executive Director, Academic Achievement through Language Acquisition. Phone: (850)245-5074 or Email: Lisa.Saavedra@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0902 Requirements for Identification, Eligibility Assessment and Programmatic and Annual Assessments of English Language Learners Limited English Proficient Students.

(1) Requirements for identification. ~~Beginning with the 1990-91 school year, each student shall be surveyed upon initial enrollment in a school district, with questions specified in this rule. Each student~~ Students whose initial enrollment in the school district was prior to the 1990-91 school year shall be surveyed upon initial enrollment unless he or she has they have been surveyed previously with the questions provided in this rule. The survey shall contain the following questions:

(a) Is a language other than English used in the home?

(b) Did the student have a first language other than English?

(c) Does the student most frequently speak a language other than English?

The questions may appear on a school's the registration form or a separate survey form. The home language and the national origin of each student shall also be collected and retained in the district's data system. Affirmative responses to question (b) or (c), or both requires that the student be placed in the English for Speakers of Other Languages (ESOL) program until completion of the eligibility assessment. A student for whom the only affirmative response to the survey is question (a) does not need to be placed in the ESOL program pending assessment. These student not placed in the ESOL program shall be given the aural and oral or listening and speaking assessment and if in grades 3 through 12, the reading and writing assessment shall be completed within the timelines described below.

(2) Assessment to determine eligibility for appropriate services and funding.

(a) Each student who responded "yes" to any question on the home language survey shall be assessed to determine if the student is limited English proficient based on one of the standards set forth in this subsection (2) of this rule. Any student identified by the home language survey who also meets one of the standards in subparagraphs (2)(a)1., 2. and 3. of this rule shall be classified as an English Language Learner (ELL) determined to be limited English proficient and shall receive appropriate instruction and funding as specified in Sections 1003.56 and 1011.62, Florida Statutes, as amended by Chapter 2002.387, Laws of Florida.

1. Any student in grades K through 12 who scores within the limited English proficient range as determined by the publisher's standards on a Department of Education approved aural and oral language proficiency test or scores below the English proficient level on a Department of Education approved assessment in listening and speaking, shall be classified as an English Language Learner determined

~~limited English proficient~~ and shall be provided appropriate services. Assessment of each student's aural and oral proficiency or listening and speaking should be completed as soon as possible after the student's initial enrollment but not later than twenty (20) school days after the student's enrollment unless documented in the following manner:

a. The documentation shall include the reason for the delay, evidence that the student is accorded the programming required for ELLs pending the delay, and a specific timetable for completing the assessment.

b. This documentation shall be mailed to the parents in the language they understand, unless clearly not feasible no later than eight (8) weeks after initial enrollment.

c. A copy shall be retained in the student's files for a minimum of one (1) year.

2. Any student in grade ~~3~~ 4 or above, who scores at or below 32nd percentile on reading comprehension and writing or language usage subtests ~~subparts~~ of a nationally norm referenced test or scores below the English proficient level on a Department of Education approved assessment in reading and writing shall be determined to be limited English proficient and shall be classified as an English Language Learner and provided appropriate services. The assessment in reading and writing shall be completed within one (1) year after the student's enrollment.

3. Any student in grades 3 through 12 who scores English proficient on the aural and oral assessment but whose reading and writing assessment has not been completed within twenty (20) school days shall be referred to an ELL Committee for a placement determination. The ELL Committee shall be convened within twenty (20) school days after the aural and oral assessment or listening and speaking assessment, and shall use the procedures described below to determine whether the student should be placed in the ESOL program pending the reading and writing assessment. The ELL Committee must make a written determination, signed by a majority of the members that in their opinion the student's reading and writing skills exceed the skills equivalent to the 32nd percentile on both the reading and writing subparts of a nationally norm referenced test. No ELL Committee meeting is required if the student is enrolled in the ESOL program pending the reading and writing assessment.

4. ~~3.~~ Any student who is determined not to be an English Language Learner as described in subparagraph (2)(a)1. or 2. of this rule ~~limited English proficient~~ or any student determined to be an English Language Learner ~~limited English proficient~~ based solely on one reading or writing assessment as described ~~standards~~ in subparagraph (2)(a)2. of this rule may be referred to an ELL LEP Committee to determine eligibility for appropriate services as a ~~limited English proficient student~~ based upon a parent's or a teacher's request. The ELL LEP Committee may determine a student to be an English Language Learner ~~limited English proficient~~ or not to be an English

Language Learner ~~limited English proficient~~ according to consideration of at least two (2) of the following criteria in addition to the test results from subparagraph (2)(a)1. or 2. of this rule:

a. Extent and nature of prior educational or academic experience, and social experience, and a student interview;

b. Grade level mastery of basic competencies or skills in English in listening, speaking, reading and writing according to applicable local, state, or national criterion-referenced standards;

~~c.b.~~ Written recommendation and observation by current and previous instructional and supportive services staff;

~~d.e.~~ Level of mastery of basic competencies or skills in English and heritage home language according to appropriate local, state or national criterion-referenced standards;

~~e.d.~~ Grades from the current or previous years; or

~~f.e.~~ Test results other than subparagraph (2)(a)1. or 2. of this rule.

(b) Any determinations by the ~~ELL LEP~~ Committee shall be contained in a written evaluation which shall be placed in the ELL Student Plan ~~limited English proficient student's plan~~. Such evaluations shall further set forth a plan, which will be implemented, to address the student's English language needs.

(c) In lieu of the standards in subparagraph (2)(a)1., ~~and 2. and 3.~~ of this rule, a school district may use either a district assessment or the test form of the Comprehensive English Language Learner Assessment (CELLA) approved for use as placement test a district developed or adapted test procedure to assess a student's level of limited English proficiency. The alternative standards for assessing students for placement procedure must be submitted as part of the District ELL Plan and approved by the Department of Education prior to implementation. In reviewing the district's submission of the assessment and procedure in lieu of subparagraphs (2)(a)1. and 2. of this rule, the Department shall make including an affirmative determination that the instruments and standards proposed to be utilized by the school district are valid and reliable measures of whether or not a student's level of English language proficiency is limited English proficient.

~~(d) Assessment of each student's aural and oral proficiency should be completed as soon as possible after the student's initial enrollment and shall be completed within four weeks unless documented in the following manner:~~

1. ~~The reason for the delay, evidence that the child is accorded the programming required for limited English proficient students pending the delay, and a specific timetable for completing the assessment.~~

2. ~~This documentation shall be mailed to the parents in their primary language no later than eight weeks after initial enrollment.~~

3. ~~A copy shall be retained in the student's files for a minimum of one year.~~

~~(d)(e)~~ For each student in grade 3 or above who scored within the English proficient range on the aural and oral language proficiency test scored at or above the English proficient level on a listening and speaking assessment in accordance with subparagraph (2)(a)1. of this rule, but was enrolled in the ESOL program under the provisions of subparagraph (2)(a)3. of this rule, the assessment of reading and writing proficiency shall be completed within one (1) year after the date of enrollment. ~~Assessment of each student's reading and writing proficiency shall be completed within one year after the date of enrollment for those students who are not identified as limited English proficient.~~ For students transferring into the school district, assessments completed within one year prior to the date of the student's transfer may be used. ~~For students enrolled in the district prior to 1990-91 who responded "yes" on the home language survey, assessments, completed within one year of the date the district administered the home language survey may be used.~~

~~(e)(f)~~ Assessment of a student's English proficiency as specified in subparagraphs (2)(a)1. and 2. of this rule shall be completed as rapidly as possible. The student shall receive services until assessment is completed. In the interim, from enrollment to eight weeks, the student shall be eligible for ESOL English for Speakers of Other Languages funded services based on a school district interim assessment procedure which shall be described in the District ELL school district LEP Plan approved by the Department of Education.

~~(f)(g)~~ An ELL A-LEP Committee, after notification to the parent of the opportunity to participate in the meeting, shall conduct assessments referred to in subsections (2) and (3) of this rule and recommend an ELL Student Plan ~~limited English proficient student plan~~ for such student.

~~(g)(h)~~ An eligible student shall be reported for ESOL funding as specified in Section 1011.62 1003-56, Florida Statutes, ~~as amended by Chapter 90-288, Laws of Florida.~~

(3) Programmatic Assessment.

(a) Each student determined to be an ELL ~~limited English proficient~~ shall be further assessed in academic areas ~~basic subject areas~~ so as to aid the student's teacher in developing an appropriate instructional program.

(b) Each school district shall seek to document the prior schooling experience of ELLs ~~limited English proficient students~~ by means of school records, transcripts and other evidence of educational experiences, and take such experiences into account in planning and providing appropriate instruction

to such students. The school district shall award equal credit for courses taken in another country or a language other than English as they would the same courses taken in the United States or taken in English. For foreign-born students, the same district adopted policies regarding age appropriate placement shall be followed as are followed for students born in the United States. Should a school district use a placement test for determining appropriate grade or course placement, such assessment may not be based in whole or in part on the student's English language proficiency. Students classified as ELLs shall be placed in the appropriate English for Speakers of Other Language or Language Arts through ESOL course and core subject area courses based on their assigned grade level.

(c) Any ~~limited English proficient student's~~ teacher, administrator, parent or parent's designee may request the convening of an ELL a-LEP Committee to review the student's progress in attaining necessary subject area competencies or in overcoming persistent deficiencies in overall student performance. The ELL-LEP Committee may be reconvened at any time after a student has been served for a semester. The ELL-LEP Committee shall make recommendations for appropriate modifications in the student's programming to address problems identified and shall document such modifications in the student's ELL Student Plan.

(4) Annual assessment to determine progress towards English language proficiency.

(a) All students classified as ELLs and former ELLs who were exited from the ESOL program based on another assessment and were not tested on CELLA in the prior year's assessment shall be assessed annually on the CELLA.

(b) The CELLA shall be administered in accordance with standard written instructions appropriate for the examination. The written instructions will be issued by the Commissioner in the form of directions for administration and other written communications, and provided to school districts in sufficient time prior to each test.

(c) Provisions shall be made by school districts to administer the test to students who are absent on the designated testing dates according to directions specified by the Commissioner. The directions will be issued in the form of test administration manuals and other written communications, and provided to school districts in sufficient time prior to each test.

(d) Beginning with the effective date of this rule, the English language proficiency levels for Oral Skills, Reading, and Writing shall be as shown in the following tables:

<u>Oral Skills (listening and Speaking) grade cluster scale scores by English Language Proficiency Level</u>				
<u>Grade</u>	<u>Beginning</u>	<u>Low Intermediate</u>	<u>High Intermediate</u>	<u>Proficient</u>
<u>Clusters</u>				
<u>K-2</u>	<u>495-632</u>	<u>633-649</u>	<u>650-672</u>	<u>673-755</u>
<u>3-5</u>	<u>560-675</u>	<u>676-697</u>	<u>698-719</u>	<u>720-805</u>
<u>6-8</u>	<u>565-680</u>	<u>681-712</u>	<u>713-732</u>	<u>733-830</u>
<u>9-12</u>	<u>580-681</u>	<u>682-713</u>	<u>714-738</u>	<u>739-835</u>

<u>Writing grade cluster scale scores by English Language Proficiency Level</u>				
<u>Grade</u>	<u>Beginning</u>	<u>Low Intermediate</u>	<u>High Intermediate</u>	<u>Proficient</u>
<u>Clusters</u>				
<u>K-2</u>	<u>515-636</u>	<u>637-657</u>	<u>658-689</u>	<u>690-775</u>
<u>3-5</u>	<u>575-674</u>	<u>675-702</u>	<u>703-726</u>	<u>727-825</u>
<u>6-8</u>	<u>580-687</u>	<u>688-719</u>	<u>720-745</u>	<u>746-845</u>
<u>9-12</u>	<u>600-689</u>	<u>690-720</u>	<u>721-745</u>	<u>746-850</u>

<u>Reading grade cluster scale scores by English Language Proficiency Level</u>				
<u>Grade</u>	<u>Beginning</u>	<u>Low Intermediate</u>	<u>High Intermediate</u>	<u>Proficient</u>
<u>Clusters</u>				
<u>K-2</u>	<u>345-545</u>	<u>546-628</u>	<u>629-689</u>	<u>690-800</u>
<u>3-5</u>	<u>590-689</u>	<u>690-714</u>	<u>715-733</u>	<u>734-810</u>
<u>6-8</u>	<u>600-713</u>	<u>714-741</u>	<u>742-758</u>	<u>759-815</u>
<u>9-12</u>	<u>605-743</u>	<u>744-761</u>	<u>762-777</u>	<u>778-820</u>

(e) The Commissioner shall annually review the CELLA performance data, the CELLA cut scores and the CELLA English proficiency levels. After consulting with experts in the fields of second language acquisition and assessment, and other stakeholder groups, the Commissioner shall recommend to the State Board of Education whether to maintain the existing cut scores and proficiency levels or make changes as may be necessary to the scores, proficiency levels or other requirements of this rule.

Specific Authority 1001.02 FS. Law Implemented 1003.56, 1011.62 FS., as amended by Section 150, Chapter 2002-387, Laws of Florida. History--New 10-30-90, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lisa C. Saavedra, Executive Director, Academic Achievement through Language Acquisition

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2008

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0903

RULE TITLE: Requirement for Classification, Reclassification, and Post Reclassification of English Language Learners

PURPOSE AND EFFECT: This rule is amended to update terminology, clarify the eligibility determination and assessment of limited English proficient students, and to incorporate the standards for annual assessment to measure progress limited English proficiency students are making towards mastery of the English language.

SUMMARY: This rule prescribes the requirements for classification, reclassification, post-reclassification of English language learners, and standards for exit from the ESOL program.

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: 1001.02, 1003.56, 1011.62 FS.

LAW IMPLEMENTED: 1003.56, 1011.62 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa C. Saavedra, Executive Director, Academic Achievement through Language Acquisition. Phone: (850)245-5074 or Email: Lisa.Saavedra@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0903 Requirement for Classification, Reclassification, and Post Reclassification of English Language Learners.

(1) Classification and reclassification for English Language Learners (ELLs) ~~limited English proficient students.~~

~~(a)~~ Each student identified as an ELL ~~limited English proficient~~ shall continue to receive appropriate instruction and be reported for state funding until such time as the student is reclassified as English proficient. English proficiency shall be determined by reassessing the student utilizing the same or comparable assessment instruments, procedures and standards, adjusted for age and grade level, used to determine the student's eligibility assessment. The standards for determining whether the ELLs have attained sufficient English proficiency to exit the English for Speakers of Other Languages (ESOL) program shall be based on multiple measures.

(2) Standards for Student Exit from the ESOL Program.

(a) A student previously classified as an ELL shall be determined English proficient based on at least two (2) of the following standards:

1. The Comprehensive English Language Learning Assessment (CELLA) may be used as one (1) of the measures for determining exit. Oral skills, reading, and writing scale scores for each grade cluster shall be added to determine the composite score at grade level. Scores equal to and greater than the CELLA composite scores in the following table shall be used to determine the level of English proficiency for students tested in listening, speaking, reading and writing on grade level:

<u>Grade Cluster</u>	<u>CELLA English Proficient Composite Scores</u>
<u>K-2</u>	<u>2050 and greater</u>
<u>3-5</u>	<u>2150 and greater</u>
<u>6-8</u>	<u>2200 and greater</u>
<u>9-12</u>	<u>2250 and greater</u>

If the CELLA is selected as one (1) of the exit measures, a minimum CELLA composite score for students tested on grade level and a score at the proficient level on CELLA Reading tested on grade level shall be used to determine the level of English proficiency.

2. A score at or above the proficient level on a Department approved listening and speaking assessment or above the publisher's cut score on an aural and oral assessment. If this measure is used for students in grades 3 through 12, the second measure shall be an assessment in reading and writing.

3. A score at or above the 33rd national percentile on the reading comprehension and writing or language usage subtests on a nationally norm referenced test. The second measure shall be a listening and speaking or aural and oral assessment.

4. A Florida Comprehensive Assessment Test (FCAT) achievement level of three (3) or greater or equivalent developmental scale score on the Reading test of the Sunshine State Standards pursuant to Rule 6A-1.09422, F.A.C. The second measure shall be an assessment in listening and speaking or aural and oral, and writing.

5. A Florida Comprehensive Assessment Test (FCAT) achievement level of three (3) or greater on the Writing + of the Sunshine State Standards pursuant to Rule 6A-1.09422, F.A.C. The second measure shall be an assessment in listening and speaking or aural and oral, and reading.

(b) School districts shall adopt the exit standards described in paragraph (2)(a) of this rule. In lieu of the standards described in subparagraphs (2)(a)1-5. of this rule, a district may propose an alternative exit standard for use during the first full academic year after this rule is adopted. The district shall submit its proposed alternative exit standards as an amendment to the District's ELL Plan. The proposed alternative exit standards shall be approved by the Department of Education prior to implementation. Alternative exit standards may not be used if their use will result in standards for students classified as ELL that are higher than those required of all other students in the school for determining grade promotion, minimum grade level achievement level, or graduation.

(c)~~(b)~~ Notwithstanding the exit standards described in paragraph (2)(a) of this rule, upon the request of a student's teacher, counselor, administrator, or parent, a student who has been classified as an ELL ~~limited English proficient~~ and enrolled in an English for Speakers of Other Languages (ESOL) program may be reassessed utilizing ~~additional information upon the request of an English for speakers of other languages teacher, counselor, administrator or parent.~~ The ELL IEP Committee shall consider the student's assessment results based on paragraph (2)(a) of this rule and may use criteria established in subparagraph 6A-6.0902(2)(a)4., F.A.C., other assessment information to determine that the student should be exited from the ESOL program if the committee determines that another instructional program or combination of instructional programs better meets the needs of the student. The documentation of the assessment instruments used and the justification for such action shall be retained in the student's records. The ELL Committee shall be convened to review the assessment information and make further determinations for placement and additional services

for any student in grades K-12 with inconsistent assessment information or discrepancies between scores for each language domain of listening, speaking, reading, and writing.

~~(d)(e)~~ An ELL limited English proficient student shall be enrolled in one or more programs other than ESOL English for speakers of other languages programs based on eligibility and need. The amount of time the student is assigned to such a program(s) shall be comparable to that assigned to non-limited English proficient students under similar conditions, provided; however, the student assigned full time to a program other than ESOL shall be provided English for Speakers of Other Languages or Language Arts through ESOL and basic subject area instruction using either ESOL instructional strategies or heritage language instructional strategies as required by Rule 6A-6.0904, F.A.C., as soon as possible.

~~(e)(d)~~ A former ELL limited English proficient student may only be reclassified as English proficient utilizing the procedures in paragraphs ~~(2)(+)~~(a) and (b) of this rule.

~~(f)(e)~~ Extension of time in the ESOL program for ELLs limited English proficient students shall be determined by applying the multiple criteria for entry as specified in Rule 6A-6.0902, F.A.C., and the ELL LEP Committee procedure. This extension of instruction shall be provided to all ELLs limited English proficient students not satisfying the standards in this subsection and to all ELLs whose academic achievement is not on grade level due to lack of English language proficiency, including listening, speaking, reading, and writing in English ~~other limited English proficient students on an individualized basis whose aural and oral proficiency testing and achievement results in English are not consistent.~~ An ELL LEP Committee considering the extension of programming for such students shall refer the students as necessary, for appropriate remedial, compensatory, special and supportive services evaluations, and programs.

~~(g)(f)~~ English Language Learners Limited English proficient students provided ESOL or heritage home language instruction may be reported for funding in the Florida Educational Finance Program as specified in Section 1011.62, Florida Statutes F.S., as amended by Chapter 2003.391, Laws of Florida.

~~(3)(2)~~ Post Reclassification.

(a) The performance of former ELLs limited English proficient students shall be reviewed periodically to ensure parity of participation once they have been classified as English proficient. These reviews shall take place automatically at the student's first report card and semi-annually during the first year after exiting, and at the end of the second year after exiting. Any consistent pattern of either under-performance on appropriate tests or failing grades shall result in the convening of an ELL LEP Committee, with parental participation, to assess the student's need for additional appropriate programming such as ESOL or other

needed programs. Special consideration shall be given to any decline in grades and decline in test performance and to parent preference.

(b) The ELL LEP Committee shall recommend an appropriate ELL Student student LEP Plan for students reclassified as ELLs limited English proficient. The basis and nature of such recommendations shall be in writing and maintained in the student's file. Any such plan shall be reevaluated for continued appropriateness after one year, and each year thereafter as necessary.

(c) Any student who is reclassified as an ELL limited English proficient shall be provided appropriate instruction on the basis of an annual extension pursuant to a documented determination of the student's needs.

(d) A student who exits the program and is later reclassified as an ELL limited English proficient, may be reported in the ESOL program, as specified in Sections 1003.56 and 1011.62, Florida Statutes, F.S., as amended by Chapter 2002-387, Laws of Florida.

(e) Lack of a students' ESOL funding eligibility does not relieve a school district of any obligation it may have under state or federal law to continue to provide appropriate services to ELLs limited English proficient beyond the state ESOL program funding limits.

Specific Authority 1001.02 FS. Law Implemented 1003.56, 1011.62 FS., as amended by Section 150, Chapter 2002-387, Laws of Florida. History--New 10-30-90, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lisa C. Saavedra, Executive Director, Academic Achievement through Language Acquisition

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2008

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-20.002	Postsecondary Educational Institution Administrative Responsibilities for State Student Aid and Tuition Assistance Programs

PURPOSE AND EFFECT: The purpose of this proposed rule is to update text to include tuition assistance programs, the William L. Boyd, IV, Florida Resident Access Grant, and the Access to Better Learning and Education Grant. The effect is a rule consistent with current Florida Statute.



SUMMARY: Changes are proposed to rule text, specific authority, and law implemented to reflect current Florida Statutes.

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

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

SPECIFIC AUTHORITY: 1001.02(1), 1009.50(6), 1009.505(5), 1009.51(1), 1009.52(7), 1009.53(3), 1009.55(2), 1009.72(7), 1009.73(1), 1009.765, 1009.77(7), 1009.89(2), 1009.891(2) FS.

LAW IMPLEMENTED: 1001.02, 1009.50, 1009.505, 1009.51, 1009.52, 1009.53, 1009.532, 1009.55, 1009.72, 1009.73, 1009.765, 1009.77, 1009.89, 1009.891 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Antworth, Director, State Scholarship and Grant Programs, Florida Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759, (850)410-5185

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.002 Postsecondary Educational Institution Administrative Responsibilities for State Student Aid and Tuition Assistance Programs.

These responsibilities apply to all Rules 6A-20.001 through 6A-20.100099, F.A.C.

(1) Institutions enrolling students who receive state financial aid and state tuition assistance funds shall:

(a) Develop written procedures for institutional administration of state aid programs,

(b) Provide adequate staff to administer state student aid program funds in an effective, efficient, and accountable manner,

(c) Provide the coordination of institutional, state, ~~and~~ federal student aid, and state tuition assistance awards to students,

(d) Maintain complete, accurate, and auditable student records documenting the institution's administration of state student aid and state tuition assistance funds,

(e) Retain required records for five (5) years or until audited and any audit exceptions are resolved,

(f) Verify and certify student enrollment and eligibility, determination of total educational cost, and calculate financial need,

(g) Disburse state aid and state tuition assistance funds to eligible students,

(h) Secure and maintain student acknowledgment of receipt of funds,

(i) Complete and return to the Department in the format and by the date established by the Department all reports for the administration of state funds and state tuition assistance,

(j) Complete and return institutional applications for state aid funds in the format and by the date established by the Department, and

(k) Refund to the ~~Office Bureau~~ of Student Financial Assistance, Department of Education, any funds for students who fail to meet eligibility criteria. Refunds are to be made within sixty (60) days of the end of the regular registration period or within sixty (60) days of the date the student's ineligibility is determined, whichever is earlier. The amount of refund due the Department shall be:

1. An amount equal to one hundred (100) percent of any state aid and state tuition assistance funds disbursed by the institution to ineligible students, or

2. An amount equal to one hundred (100) percent of any state aid and state tuition assistance funds received by the institution but not disbursed to students, or

3. An amount of state funds, excluding loans, disbursed to eligible students who subsequently withdraw which is consistent with the percentage of refund as defined by the institution's refund policy.

(2) Institutions enrolling students who are eligible to receive state aid and state tuition assistance funds and who are enrolled in courses at more than one (1) institution and earning credits toward an associate or bachelor's degree shall notify the Department which institution is the responsible institution for the administration and delivery of state aid.

Specific Authority 1001.02(1), 1009.50(6), 1009.505(5), 1009.51(1), 1009.52(7), 1009.53(3), ~~1009.55(2)~~, 1009.72(7), 1009.73(1), 1009.765, 1009.77(7), 1009.89(2), 1009.891(2) FS. Law Implemented 1001.02, 1009.50, 1009.505, 1009.51, 1009.52, 1009.53, 1009.532, 1009.55, 1009.72, 1009.73, 1009.765, 1009.77, 1009.89, 1009.891 FS. History--New 12-9-86, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Theresa Antworth, Director, State Scholarship and Grant Programs

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2008

**DEPARTMENT OF EDUCATION****State Board of Education**

RULE NO.: 6A-20.0021  
 RULE TITLE: Program Compliance Audits of State Student Financial Aid and the State Tuition Assistance Grant Programs

**PURPOSE AND EFFECT:** The purpose of this amendment is to reflect current practice in that program compliance audits for state financial aid programs and tuition assistance grant programs are conducted by the Office of Student Financial Assistance rather than the Inspector General's Office. This amendment will bring participating postsecondary institutions in alignment with the Florida Single Audit Act.

**SUMMARY:** The Office of the Inspector General within the Department previously conducted program audits. This rule change reflects current practice and brings participating postsecondary institutions in alignment with the Florida Single Audit Act. Statutory references are updated to reflect current Florida Statutes.

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

Any person who wishes to provide information regarding 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:** 295.01(3), 1001.02(1), 1009.51(1), 1009.52(7), 1009.53(3), 1009.72(7), 1009.73(1), 1009.765, 1009.77(7), 1009.89(2), 1009.891(2) FS.

**LAW IMPLEMENTED:** 295.01, 1009.51, 1009.52, 1009.53, 1009.72, 1009.73, 1009.765, 1009.77, 1009.89, 1009.891 FS.

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

**DATE AND TIME:** 8:30 a.m., April 15, 2008

**PLACE:** 325 West Gaines Street, Department of Education, Tallahassee, Florida 32399

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Theresa Antworth, Director, State Scholarship and Grant Programs, Florida Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759, (850)410-5185

**THE FULL TEXT OF THE PROPOSED RULE IS:**

6A-20.0021 Program Compliance Audits of State Student Financial Aid and the State Tuition Assistance Grant ~~Florida Resident Access Grant~~ Programs.

The Commissioner shall require the performance of a program compliance audit (also called examination) on a biennial basis for each state student financial aid and state tuition assistance grant ~~Florida resident access grant~~ program administered by a private independent college, university, or school (hereafter

called institution) in accordance with Florida Statutes and State Board of Education Administrative Rules. The purpose of such audits shall be to determine whether the institution has administered the state student financial aid and state tuition assistance grant ~~Florida resident access grant~~ programs in substantial compliance with applicable statutes and rules. This rule shall be effective for audits beginning with the 2007-08 ~~1989-90~~ school year.

(1) Designation of auditors. It shall be the responsibility of the institution receiving state student financial aid and state tuition assistance grant ~~Florida resident access grant~~ programs to secure an audit from an independent certified public accounting (CPA) firm at the institution's expense. The CPA firm shall agree to:

(a) Conduct the audits in accordance with the instructions of the Department's Office of Student Financial Assistance ~~Inspector General~~.

(b) Provide two (2) ~~four (4)~~ or more audit report copies and management letters to the Department.

(c) Allow the state officials or representatives access to review the audit workpapers.

(2) Responsibilities of the Department. It shall be the responsibility of the Office of Student Financial Assistance ~~Department~~ to coordinate each program compliance audit performed by a certified public accounting firm and to ensure that the results of such audits are provided to the Department in accordance with the provisions of subsection (1) of this rule. Instructions for the audits are to be provided by the Office of Student Financial Assistance ~~Department~~.

(3) Responsibilities of the institution. Responsibilities of the institution shall include:

(a) Submitting, when required, a refund check to the Office ~~Bureau~~ of Student Financial Assistance within thirty (30) calendar days from the date on the audit determination letter sent to the institution by the Office of Student Financial Assistance, as provided for in subsection (7) of this rule, or

(b) Notifying the Office ~~Bureau~~ of Student Financial Assistance that it desires either to appeal the examination findings or to have a one hundred (100) percent examination, as provided for in subparagraph (6)(b)2. of this rule.

(4) Instances of noncompliance. The certified public accounting firm shall report instances of noncompliance with applicable statutes and rules found during the examination in accordance with the following provisions:

(a) Students shall be classified as ineligible, if the examination of supporting documentation discloses instances of noncompliance with eligibility criteria specified by applicable statutes and rules.

(b) Awards shall be classified as questioned costs, if the examination discloses one (1) or more of the following conditions:

1. Awards, or the portions thereof, not properly paid or delivered to students, or not properly credited to students' accounts,

2. Awards made to ineligible students, and

3. Awards for which supporting documentation, necessary to establish eligibility, is missing and cannot be located.

(c) Instances of noncompliance which do not affect student eligibility or cause the classification of awards as questioned costs shall be reported with the auditor's findings, but shall have no impact on determining the amount of refunds or whether to expand a sample as provided in subsection (5) of this rule.

(5) Sample selection. For each program administered by the institution, the certified public accounting firm shall select a random sample of fifty (50) award recipients, or twenty-five (25) percent of the total number of award recipients, whichever is less, but no less than ten (10) award recipients; however, if there are less than ten (10) award recipients, then all award recipients shall be selected. If the error rate determined for the initial random sample is equal to or greater than ten (10) percent of the monetary value of the sample, the sample shall be expanded to become statistically valid and representative of the entire award population.

(6) Refunds. Refunds shall be determined in accordance with the following provisions:

(a) For each program with an error rate of less than ten (10) percent of the monetary value of the sample awards, the institution shall refund the specific awards which are classified in the final audit report as questioned costs.

(b) For each program with an error rate equal to or greater than ten (10) percent, the institution shall either:

1. Refund an amount calculated by multiplying the sample error rate times the total awards in the program population, or

2. Engage a CPA firm, at the institution's expense, to audit one hundred (100) percent of the awards in the program population, and refund the sum of the specific awards classified as questioned costs.

(7) Audit determination letter. Within ten (10) working days after receipt of a final audit report, the Office of Student Financial Assistance ~~Office of the Inspector General~~ will complete a desk review and ~~submit the audit to the Bureau of Student Financial Assistance who will~~ write the audit determination letter to the Financial Aid Director and the President of the institution. The audit determination letter to the concerned institution shall include:

(a) A reference to the final audit report and the authority under which a refund, if any, is being requested;

(b) A computation of the requested refund, if any, and

(c) Notice to the institution that it may appeal the audit determination letter, within fifteen (15) calendar days from the date of the audit determination letter, by requesting an informal hearing. The Commissioner, or designee, shall schedule the informal hearing to be held between representatives of the

institution and ~~Office Bureau~~ of Student Financial Assistance within ninety (90) calendar days of the institution's request. If these parties are unable to arrive at a satisfactory agreement or are unable to hold an informal hearing within the ninety (90) calendar days period, the institution may request a formal hearing by submitting a letter to the Commissioner. The Commissioner shall request the Division of Administrative Hearings of the Department of Administration to assign a hearing officer, and the Department shall proceed with the hearing as prescribed by Section 120.57, Florida Statutes.

Specific Authority 295.01(3), 1001.02(1), 1009.51(1), 1009.52(7), 1009.53(3), 1009.72(7), 1009.73(1), 1009.765, 1009.77(7), 1009.89(2), 1009.891(2) FS. Law Implemented 295.01, 1009.51, 1009.52, 1009.53, 1009.72, 1009.73, 1009.765, 1009.77, 1009.89, 1009.891 FS. History--New 9-19-90, Amended 2-15-95, 11-16-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Theresa Antworth, Director, State Scholarship and Grant Programs

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 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."

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.314  
 RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rule 33-601.314, F.A.C. to clarify disciplinary charge [9-9].

SUMMARY: The proposed rule amends Rule 33-601.314, F.A.C. to clarify disciplinary charge [9-9], by removing "scarring or other non-life threatening acts" and adding "branding" to the prohibited conduct in that paragraph.

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 FS.  
LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 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:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Sections 1 through 8 No change.

Maximum  
Disciplinary  
Actions

**SECTION 9 – MISCELLANEOUS INFRACTIONS**

Sections 9-1 through 9-7 No change.

9-9 Tattooing, being tattooed, branding or body art to include body piercing, ~~scarring or other non-life threatening acts~~ 30 DC + 60 GT

Sections 9-10 through 9-36 No change.

Sections 10 through 11 No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History–New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05, 6-5-05, 10-27-05, 10-12-06, 11-8-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dean Aufderheide, Director, Mental Health Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**LAND AND WATER ADJUDICATORY COMMISSION**

**Poinciana Community Development District**

RULE NO.: 42AA-1.002  
RULE TITLE: Boundary

PURPOSE AND EFFECT: The Petition, as supplemented, proposes to modify the land area presently serviced by the District by amending its boundary to add approximately 212.65 acres. The District currently covers approximately 3,028 acres of land located entirely within Polk County, Florida. There are no lands within the expansion parcel that are to be excluded from the District. Petitioner has written consent to amend the boundary of the District from the owners of one hundred percent of the real property comprising the expansion parcel. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition, as supplemented, for expansion by the District Board of Supervisors constitutes consent of the landowners. The

proposed 212.65 acre expansion area will include single family residential units that will be added to the overall development schedule.

SUMMARY: The Petition, as supplemented, proposes to modify the land area presently serviced by the District by amending its boundary to add approximately 212.65 acres. The District currently covers approximately 3,028 acres of land located entirely within Polk County, Florida. There are no lands within the expansion parcel that are to be excluded from the District. Petitioner has written consent to amend the boundary of the District from the owners of one hundred percent of the real property comprising the expansion parcel. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition, as supplemented, for expansion by the District Board of Supervisors constitutes consent of the landowners. The proposed 212.65 acre expansion area will include single family residential units that will be added to the overall development schedule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: In association with the Petition, as supplemented, the Petitioner has caused a Statement of Estimated Regulatory Costs ("SERC") to be prepared in compliance with Section 120.541, F.S. By way of summary, the SERC estimates the principal individuals and entities likely to be required to comply with the amended rule are the single family residential households that locate within the proposed expansion area. The SERC estimates that rule amendment implementation and enforcement costs to the Commission and state agencies will be modest. The costs to Polk and Osceola Counties are modest and will be offset by the payment of requisite filing and annual fees. The SERC estimates there will be no effect on state and local revenues from the proposed amendment of the rule. The SERC indicates the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the

infrastructure and associated community facilities. Prospective future landowners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operations and maintenance of the District. The SERC further provides the decision to locate within the District is completely voluntary. The SERC concludes that the expansion of the District's boundary will have no impact on small businesses. As to impact on small counties, neither Polk nor Osceola Counties are "small" counties as defined by Section 120.52, F.S. The SERC analysis is based on a straightforward application of economic theory. Input was received from the developer's engineer and other professionals associated with the developer.

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.

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: 190.005, 190.046, FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046, 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:

DATE AND TIME: Wednesday, April 9, 2008, 10:00 a.m.

PLACE: Room 2107, The Capitol, 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 two days before the workshop/meeting by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULE IS:

42AA-1.002 Boundary.

The boundaries of the district are as follows:

PARCEL A

PERIMETER DESCRIPTION

LEGAL DESCRIPTION

A PORTION OF SECTIONS 13, 14, 15, 22, 23, 24, 25, 26, 35 AND 36, IN TOWNSHIP 27 SOUTH, RANGE 28 EAST, POLK COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT LOCATED AT THE NORTHWEST CORNER OF POINCIANA NEIGHBORHOOD 1 EAST, VILLAGE 4, IN TOWNSHIP 27 SOUTH, RANGE 28 EAST, AS RECORDED IN PLAT BOOK 56, PAGE 25, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, THENCE RUN S04°40'45"E FOR A DISTANCE OF 301.04 FEET TO THE POINT OF BEGINNING. SAID POINT OF BEGINNING BEING LOCATED ON THE SOUTHERLY SIDELINE OF CYPRESS PARKWAY AND THE EASTERLY SIDELINE OF RHODODENDRON AVENUE; THENCE RUN S89°54'30"E FOR A DISTANCE OF 2930.85 FEET; THENCE RUN S89°46'58"E FOR A DISTANCE OF 5321.93 FEET; THENCE RUN S89°58'45"E FOR A DISTANCE OF 886.32 FEET; THENCE RUN EASTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTH HAVING A RADIUS OF 2059.86 FEET, THROUGH A CENTRAL ANGLE OF 19°04'49" A DISTANCE OF 685.96 FEET; THENCE RUN EASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 93°12'37" A DISTANCE OF 40.67 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 3139.52 FEET, THROUGH A CENTRAL ANGLE OF 20°42'36" A DISTANCE OF 1134.80 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 90°58'35" A DISTANCE OF 39.70 FEET; THENCE RUN N84°09'21"W FOR A DISTANCE OF 396.38 FEET; THENCE RUN WESTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE SOUTH HAVING A RADIUS OF 650.53 FEET, THROUGH A CENTRAL ANGLE OF 23°40'59" A DISTANCE OF 268.90 FEET; THENCE RUN WESTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 540.00 FEET, THROUGH A CENTRAL ANGLE OF 67°17'36" A DISTANCE OF 634.23 FEET; THENCE RUN S04°52'04"W FOR A DISTANCE OF 1734.81 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 560.00 FEET, THROUGH A CENTRAL ANGLE OF 28°42'35" A DISTANCE OF 280.60 FEET; THENCE RUN S33°34'39"W FOR A DISTANCE OF 472.17 FEET; THENCE RUN S56°25'21"E FOR A DISTANCE OF 1140.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE SOUTH HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF

90°00'00" A DISTANCE OF 39.27 FEET; THENCE RUN S33°34'39"W FOR A DISTANCE OF 258.00 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1825.00 FEET, THROUGH A CENTRAL ANGLE OF 35°13'56" A DISTANCE OF 1122.23 FEET; THENCE RUN S01°39'17"E FOR A DISTANCE OF 1818.87 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1125.00 FEET; THROUGH A CENTRAL ANGLE OF 37°45'34" A DISTANCE OF 741.41 FEET; THENCE RUN S36°06'17"W FOR A DISTANCE OF 469.92 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1525.00 FEET, THROUGH A CENTRAL ANGLE OF 46°06'17" A DISTANCE OF 1227.14 FEET; THENCE RUN S10°00'00"E FOR A DISTANCE OF 403.95 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 3350.00 FEET, THROUGH A CENTRAL ANGLE OF 10°00'00" A DISTANCE OF 584.69 FEET; THENCE RUN S00°00'00"E FOR A DISTANCE OF 1200.84 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 2075.00 FEET, THROUGH A CENTRAL ANGLE OF 20°19'55" A DISTANCE OF 736.33 FEET; THENCE RUN S20°19'55"E FOR A DISTANCE OF 443.56 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1925.00 FEET, THROUGH A CENTRAL ANGLE OF 26°36'00" A DISTANCE OF 893.70 FEET; THENCE RUN S06°16'05"W FOR A DISTANCE OF 520.38 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 6225.00 FEET, THROUGH A CENTRAL ANGLE OF 09°04'15" A DISTANCE OF 985.52 FEET; THENCE RUN S15°20'20"W FOR A DISTANCE OF 1617.02 FEET; THENCE RUN N74°39'40"W FOR A DISTANCE OF 269.91 FEET; THENCE RUN WESTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE SOUTH HAVING A RADIUS OF 1575.00 FEET, THROUGH A CENTRAL ANGLE OF 15°20'20" A DISTANCE OF 421.65 FEET; THENCE RUN N90°00'00"W FOR A DISTANCE OF 1819.67 FEET; THENCE RUN WESTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTH HAVING A RADIUS OF 2950.00 FEET, THROUGH A CENTRAL ANGLE OF 52°36'25" A DISTANCE OF 2708.59 FEET; THENCE RUN N37°23'35"W FOR A DISTANCE OF 502.05 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 2300.00 FEET, THROUGH A CENTRAL ANGLE OF 11°48'13" A DISTANCE OF 473.83 FEET; THENCE RUN N49°11'48"W FOR A DISTANCE OF 833.92 FEET; THENCE RUN WESTERLY ALONG THE ARC OF A

CURVE, CONCAVE TO THE NORTH HAVING A RADIUS OF 1875.00 FEET, THROUGH A CENTRAL ANGLE OF 30°30'00" A DISTANCE OF 998.11 FEET; THENCE RUN N18°41'48"W FOR A DISTANCE OF 940.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1925.00 FEET, THROUGH A CENTRAL ANGLE OF 22°30'00" A DISTANCE OF 755.95 FEET; THENCE RUN N41°11'48"W FOR A DISTANCE OF 1295.00 FEET; THENCE RUN N48°48'12"E FOR A DISTANCE OF 475.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTH HAVING A RADIUS OF 1325.00 FEET, THROUGH A CENTRAL ANGLE OF 40°00'00" A DISTANCE OF 925.03 FEET; THENCE RUN N08°48'12"E FOR A DISTANCE OF 3153.37 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1825.00 FEET, THROUGH A CENTRAL ANGLE OF 24°02'18" A DISTANCE OF 765.68 FEET; THENCE RUN N32°50'30"E FOR A DISTANCE OF 855.99 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1450.00 FEET, THROUGH A CENTRAL ANGLE OF 65°00'00" A DISTANCE OF 1644.97 FEET; THENCE RUN N32°09'30"W FOR A DISTANCE OF 749.99 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1300.00 FEET, THROUGH A CENTRAL ANGLE OF 16°30'00" A DISTANCE OF 374.37 FEET; THENCE RUN N15°39'30"W FOR A DISTANCE OF 740.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1975.00 FEET, THROUGH A CENTRAL ANGLE OF 24°00'00" A DISTANCE OF 827.29 FEET; THENCE RUN N39°39'30"W FOR A DISTANCE OF 765.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1225.00 FEET, THROUGH A CENTRAL ANGLE OF 39°45'00" A DISTANCE OF 849.87 FEET; THENCE RUN N00°05'30"E FOR A DISTANCE OF 229.96 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" A DISTANCE OF 39.27 FEET TO THE POINT OF BEGINNING. CONTAINING 2875.650 ACRES MORE OR LESS.

ALSO INCLUDING:

PARCEL C

PERIMETER DESCRIPTION

LEGAL DESCRIPTION

A PORTION OF SECTIONS 13, 24, AND 25, IN TOWNSHIP 27 SOUTH, RANGE 28 EAST, POLK COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF POINCIANA NEIGHBORHOOD 3, VILLAGE 3, IN TOWNSHIP 27 SOUTH, RANGE 28 EAST, AS RECORDED IN PLAT BOOK 52, PAGE 19, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA. SAID POINT BEING ON THE SOUTHERLY SIDELINE OF WALNUT STREET AND THE EASTERLY SIDELINE OF MARIGOLD AVENUE. THENCE RUN FROM A TANGENT BEARING OF S56°25'21"E RUN EASTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTH HAVING A RADIUS OF 2392.77 FEET, THROUGH A CENTRAL ANGLE OF 34°37'51" A DISTANCE OF 1446.24 FEET; THENCE RUN N88°56'48"E FOR A DISTANCE OF 97.67 FEET; THENCE RUN S04°03'28"W FOR A DISTANCE OF 330.04 FEET; THENCE RUN S54°03'28"W FOR A DISTANCE OF 153.75 FEET; THENCE RUN S61°47'51"W FOR A DISTANCE OF 211.04 FEET; THENCE RUN S08°01'02"E FOR A DISTANCE OF 40.95 FEET; THENCE RUN S47°33'48"E FOR A DISTANCE OF 170.24 FEET; THENCE RUN S05°05'14"W FOR A DISTANCE OF 170.69 FEET; THENCE RUN S08°32'10"W FOR A DISTANCE OF 224.90 FEET; THENCE RUN S01°40'55"W FOR A DISTANCE OF 227.80 FEET; THENCE RUN S05°05'14"W FOR A DISTANCE OF 1230.28 FEET; THENCE RUN S18°34'59"W FOR A DISTANCE OF 582.94 FEET; THENCE RUN S37°56'48"W FOR A DISTANCE OF 336.99 FEET; THENCE RUN S00°06'26"W FOR A DISTANCE OF 170.14 FEET; THENCE RUN S38°18'16"W FOR A DISTANCE OF 323.43 FEET; THENCE RUN S49°40'20"W FOR A DISTANCE OF 257.88 FEET; THENCE RUN S56°44'06"W FOR A DISTANCE OF 156.10 FEET; THENCE RUN S7°17'59"W FOR A DISTANCE OF 146.98 FEET; THENCE RUN S46°42'14"W FOR A DISTANCE OF 268.65 FEET; THENCE RUN S61°53'00"W FOR A DISTANCE OF 158.15 FEET; THENCE RUN N78°20'54"W FOR A DISTANCE OF 169.83 FEET; THENCE RUN N53°53'43"W FOR A DISTANCE OF 180.00 FEET; THENCE RUN S36°06'17"W FOR A DISTANCE OF 70.00 FEET; THENCE RUN S52°45'05"W FOR A DISTANCE OF 157.04 FEET; THENCE RUN N81°15'40"W FOR A DISTANCE OF 148.46 FEET; THENCE RUN N77°03'48"W FOR A DISTANCE OF 59.12 FEET; THENCE RUN S12°56'12"W FOR A DISTANCE OF 80.00 FEET; THENCE RUN N77°03'48"W FOR A DISTANCE OF 166.57 FEET; THENCE RUN FROM A TANGENT BEARING OF N10°00'00"W RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1375.00 FEET, THROUGH A CENTRAL ANGLE OF 24°50'04" A DISTANCE OF 595.98 FEET; THENCE RUN N36°06'17"E FOR A DISTANCE OF 469.92 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1275.00 FEET, THROUGH A CENTRAL ANGLE OF 37°45'33" A DISTANCE OF 840.25 FEET; THENCE RUN

N01°39'17"W FOR A DISTANCE OF 1818.87 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 1675.00 FEET, THROUGH A CENTRAL ANGLE OF 35°13'55" A DISTANCE OF 1029.98 FEET; THENCE RUN N33°34'39"E FOR A DISTANCE OF 258.09 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" A DISTANCE OF 39.27 FEET TO THE POINT OF BEGINNING. CONTAINING 154.728 ACRES MORE OR LESS.

LESS AND EXCEPT:

LOT 1, BLOCK 302, "POINCIANA NEIGHBORHOOD 6 NORTH VILLAGE 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52, PAGES 42 THROUGH 49 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 27 SOUTH, RANGE 28 EAST, POLK COUNTY, FLORIDA, RUN NORTH 89°56'36" EAST ALONG THE NORTH LINE OF SAID SECTION 35 A DISTANCE OF 644.07 FEET; THENCE DEPARTING SAID NORTH LINE, SOUTH 00°03'25" EAST A DISTANCE OF 102.49 FEET TO THE NORTHERLYMOST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 1, BEING A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2519.00 FEET, A CENTRAL ANGLE OF 01°55'54" AND A CHORD OF 84.92 FEET THAT BEARS SOUTH 41°32'37" EAST; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 84.96 FEET; THENCE SOUTH 46°34'51" WEST, A DISTANCE OF 74.50 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 91°26'07" AND A CHORD OF 35.80 FEET THAT BEARS NORTH 8°42'05" WEST, SAID POINT BEING HEREAFTER REFERRED TO AS POINT "A"; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 39.90 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2619.00 FEET, A CENTRAL ANGLE OF 01°24'21" AND A CHORD OF 64.25 FEET THAT BEARS NORTH 41°16'50" WEST, THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 64.28 FEET; THENCE NORTH 49°25'20" EAST A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING. (CONTAINING 0.20 ACRES, MORE OR LESS.)

ALSO LESS AND EXCEPT:

AN APPROXIMATE 2 1/2 ACRE PARCEL LOCATED IN TRACT C, NEIGHBORHOOD 1-E VILLAGE 4, AS RECORDED IN PLAT BOOK 56, PAGE 31, BEING IN SECTION 14, TOWNSHIP 27 SOUTH, RANGE 28 EAST, POLK COUNTY, FLORIDA.

TOGETHER WITH:

Description: Solivita – Phase VIA(Recorded in Plat Book 131, Pages 30-35 of the Public Records of Polk County, Florida).

All of Blocks 14, 15, 16 and 17; portions of Blocks 18, 19, 20, 21, 22, 23, 24, 25 and 26; all of Tracts K-1, K-2, K-3, K-4, K-6, K-7, K-8 and K-9, a portion of Tract K-5; all of the public right-of-way for Rough Lane; portions of the public right-of-ways for, Score Drive, Long Court and Spike Drive; a portion of Greenway 1 as shown on Page 34; a portion of Greenways 1, 2 and 3 as shown on Page 35; a portion of Greenways 1 and 2 as shown on Page 36; a portion of Greenways 2 and 3 as shown on Page 37 and a portion of Greenway 1 as shown on Page 38, the above as shown on Replat of a Portion of Poinciana Neighborhood 1, Village 3, as recorded in Plat Book 58, Pages 31 through 38, Public Records of Polk County, Florida. (Please note that the portions of the Replat of a Portion of Poinciana Neighborhood 1, Village 3 plat described above were vacated by the Polk County Board of County Commissioners at their July 13, 2005 meeting) being more particularly described as follows:

Commence at the Northwest corner of Section 13, Township 27 South, Range 28 East, Polk County, Florida; thence S 89°57'44" E along the North line of said Section 13 a distance of 2472.78 feet to the Point of Beginning, said point being the Northeast corner of Golf Villas II at Poinciana, as recorded in Plat Book 72, Pages 16 through 18, Public Records of Polk County, Florida; thence continue S 89°57'44" E along said North line a distance of 2369.24 feet to the most Northerly corner of Lot 8, Block 59, of said Replat of a Portion of Poinciana Neighborhood 1, Village 3; thence along the Westerly line of said Block 59 the following courses and distances : S 14°41'52" W a distance of 355.07 feet; thence S 19°01'09" E a distance of 256.27 feet to the Most Southerly corner of Lot 12 of said Block 59, said point being on a Northwesterly projection of the Southerly line of Block 55 as shown on said Plat; thence S 56°39'52" E along the Southerly line of said Block 55 a distance of 209.11 feet to the Southeast corner of Lot 5 of said Block 55, said point being on the Westerly line of Greenway 3 as shown on said Plat; thence S 58°57'28" W along the Westerly line of said Greenway 3 a distance of 78.56 feet to the Northeast corner of Lot 7, Block 54 as shown on said Plat; thence S 85°52'35" W along the Northerly line of said Block 54 a distance of 251.43 feet to a point on the Westerly line of said Block 54; thence along the Westerly line of said Block 54 the following courses and distances: S 53°27'40" W a distance of 129.38 feet; thence S 33°12'14" W a distance of 129.39 feet; thence S 10°10'36" W a distance of 150.32 feet to the Southwest corner of Lot 11 of

said Block 54; thence S 06°23'29" E along the West line of Greenway 4 as shown on said Plat a distance of 59.99 feet to the Northwest corner of Lot 7, Block 52 as shown on said Plat; thence along the Westerly line of said Block 52 the following courses and distances: S 22°29'49" E a distance of 144.98 feet; thence S 31°54'09" E a distance of 138.60 feet to a point on the Southerly line of said Block 52; thence S 78°11'28" E along the Southerly line of said Block 52 a distance of 228.53 feet to the Southwest corner of Lot 3 of said Block 52; thence S 09°21'52" E along the West line of Greenway 5 as shown on said Plat a distance of 107.64 feet to the Northwest corner of Lot 2, Block 51 as shown on said Plat; thence along the Westerly line of said Block 51 the following courses and distances : S 39°07'24" W a distance of 267.65 feet; thence S 00°32'13" W a distance of 252.09 feet; thence S 31°54'27" E a distance of 135.03 feet to the most Westerly corner of Lot 8 of said Block 51; thence S 04°54'55" W along the West line of Greenway 4 lying South of said Lot 8, Block 51 and North of Lot 6, Block 47 as shown on said Plat, a distance of 64.55 feet to the Northwest corner of said Lot 6, Block 47; thence along the Northerly line of said Block 47 the following courses and distance : N 81°26'08" W a distance of 127.07 feet; thence S 69°09'12" W a distance of 129.16 feet to a point on the Westerly line of said Block 47; thence along the Westerly line of said Block 47 the following courses and distances : S 46°18'56" W a distance of 128.96 feet; thence S 23°22'07" W a distance of 129.08 feet; thence S 08°30'30" E a distance of 163.06 feet to the most Southerly corner of Lot 11 of said Block 47; thence S 26°23'05" E along the West line of Greenway 3 lying South of said Lot 11, Block 47 and North of Lot 11, Block 40 as shown on said Plat and along the Westerly line of said Block 40 a distance of 422.01 feet to the most Westerly corner of Lot 7 of said Block 40; thence S 41°02'16" E along the Southwesterly line of said Lot 7, Block 40 a distance of 120.64 feet to a point on the Southerly line of said Block 40; thence along the Southerly line of said Block 40 the following courses and distance : S 61°20'51" E a distance of 121.61 feet; thence S 76°39'46" E a distance of 121.62 feet; thence N 88°15'31" E a distance of 121.64 feet; thence N 77°08'44" E a distance of 91.93 feet; thence N 83°49'57" E a distance of 178.53 feet to a point on the Westerly right-of-way line of Country Club Road as shown on said Plat, said point being on the arc of a non tangent curve, concave Westerly, having a central angle of 06°44'44" and a radius of 4010.00 feet; thence Southerly along the arc of said curve and along said Westerly right-of-way line a distance of 472.10 feet to the Northeast corner of Lot 1, Block 39 as shown on said Plat ( chord bearing and distance between said points being S 05°51'52" E 471.83 feet ); thence along the Northerly line of said Block 39 the following courses and distances : S 89°43'43" W a distance of 367.50 feet; thence S 73°05'33" W a distance of 125.80 feet to a point on the Westerly line of said Block 39; thence S 40°55'23" W along the Westerly line of said Block 39 a distance of 125.61 feet; thence continue along the Westerly line of said Block 39 and along the West line of



Greenway 2, lying South of Lot 10 of said Block 39 and North of Lot 6, Block 37 as shown on said Plat, and along the Westerly line of said Block 37, S 27°19'09" W a distance of 614.17 feet; thence continue along the Westerly line of said Block 37 S 37°44'32" E a distance of 217.18 feet to the most Southerly corner of Lot 4 of said Block 37; thence S 22°32'13" W along the West line of Greenway 2 lying South of Lot 3 of said Block 37 and North of Lot 20, Block 27 as shown on said Plat, a distance of 115.01 feet to the most Easterly corner of Lot 19 of said Block 27; thence along the Northerly and Easterly lines of said Block 27 the following courses and distances : N 37°38'21" W a distance of 271.09 feet; thence S 88°52'22" W, a distance of 143.19 feet; thence S 64°58'04" W a distance of 303.42 feet; thence N 25°00'35" W a distance of 119.91 feet; thence S 65°08'34" W a distance of 192.00 feet; thence S 74°04'39" W a distance of 111.97 feet; thence S 82°08'35" W a distance of 43.45 feet; thence leaving the Northerly line of said Block 27, N 07°48'58" W a distance of 52.62 feet; thence N 11°19'01" W a distance of 119.72 feet; thence N 79°56'01" W a distance of 15.34 feet; thence N 06°46'04" E a distance of 65.11 feet; thence N 20°03'14" E a distance of 65.99 feet; thence N 87°19'26" E a distance of 12.72 feet to a point on a non tangent curve, concave Northwesterly, having a central angle of 40°55'26" and a radius of 359.00 feet; thence Northeasterly along the arc of said curve a distance of 256.42 feet to the point of reverse curvature of a curve ( chord bearing and distance between said points being N 72°29'01" E a distance of 251.00 feet ), concave Southeasterly, having a central angle of 43°07'10" and a radius of 180.00 feet; thence Northeasterly along the arc of said curve a distance of 135.46 feet to the point of reverse curvature of a curve, concave Northwesterly, having at central angle of 47°51'29" and a radius of 405.60 feet; thence Northeasterly along the arc of said curve a distance of 338.79 feet to a point ( chord bearing and distance between said points being N 71°12'14" E 329.03 feet ); thence N 38°55'40" W a distance of 175.50 feet; thence N 45°04'59" W a distance of 134.31 feet; thence S 70°54'23" W a distance of 77.22 feet; thence S 88°26'21" W a distance of 88.14 feet to a point on a non tangent curve, concave Southeasterly, having a central angle of 29°37'12" and a radius of 518.63 feet; thence Southwesterly along the arc of said curve a distance of 268.11 feet to the point of tangency of said curve ( chord bearing and distance between said points being S 68°44'26" W a distance of 265.14 feet ), said point being on the arc of a non tangent curve, concave Northerly, having a central angle of 79°03'34" and a radius of 62.03 feet; thence Southwesterly and Northwesterly along the arc of said curve a distance of 85.57 feet to the point of curvature of a curve (chord bearing and distance between said points being N 86°30'33" W 78.95 feet), concave Northeasterly, having a central angle of 29°32'58" and a radius of 104.83 feet; thence Northwesterly along the arc of said curve a distance of 54.06 feet to the point of reverse curvature of a curve, concave Southwesterly, having a central angle of 01°59'34" and a radius

of 2234.64 feet; thence Northwesterly along the arc of said curve a distance of 77.72 feet to the point of reverse curvature of a curve, concave Southeasterly, having a central angle of 82°36'31" and a radius of 50.00 feet; thence Northeasterly along the arc of said curve a distance of 72.09 feet to the point of tangency of said curve; thence N 62°38'41" E a distance of 131.11 feet to the point of curvature of a curve, concave Northwesterly, having a central angle of 91°36'50" and a radius of 144.00 feet; thence Northeasterly and Northwesterly along the arc of said curve a distance of 230.25 feet to the point of tangency of said curve; thence N 28°58'03" W a distance of 74.32 feet to the point of curvature of a curve, concave Southwesterly, having a central angle of 56°47'36" and a radius of 132.50 feet; thence Northwesterly along the arc of said curve a distance of 131.34 feet to the point of compound curvature of a curve, concave Southerly, having a central angle of 26°25'29" and a radius of 227.90 feet; thence Southwesterly along the arc of said curve a distance of 105.11 feet to the point of tangency of said curve; thence S 67°48'53" W a distance of 101.50 feet to the point of curvature of a curve, concave Northeasterly, having a central angle of 86°11'07" and a radius of 50.00 feet; thence Southwesterly and Northwesterly along the arc of said curve a distance of 75.21 feet to the point of reverse curvature of a curve, concave Southwesterly, having a central angle of 10°53'40" and a radius of 601.00 feet; thence Northwesterly along the arc of said curve a distance of 114.28 feet to the point of reverse curvature of a curve, concave Southeasterly, having a central angle of 104°14'28" and a radius of 50.00 feet; thence Northeasterly along the arc of said curve a distance of 90.97 feet to the point of reverse curvature of a curve, concave Northwesterly, having a central angle of 24°02'38" and a radius of 530.90 feet; thence Northeasterly along the arc of said curve a distance of 222.79 feet to the point of compound curvature of a curve, concave Westerly, having a central angle of 86°47'49" and a radius of 189.00 feet; thence Northeasterly and Northwesterly along the arc of said curve a distance of 286.31 feet to the point of tangency of said curve; thence N 43°29'39" W a distance of 91.36 feet to the point of curvature of a curve, concave Southerly, having a central angle of 82°30'10" and a radius of 157.50 feet; thence Northwesterly and Southwesterly along the arc of said curve a distance of 226.79 feet to the point of tangency of said curve; thence S 54°00'10" W a distance of 157.26 feet to the point of curvature of a curve, concave Northeasterly, having a central angle of 105°35'45" and a radius of 50.00 feet; thence Northwesterly along the arc of said curve a distance of 92.15 feet to the point of compound curvature of a curve, concave Easterly, having a central angle of 06°37'12" and a radius of 1340.56 feet; thence Northwesterly along the arc of said curve, a distance of 154.89 feet to the point of compound curvature of a curve, concave Southeasterly, having a central angle of 92°01'56" and a radius of 50.00 feet; thence Northeasterly along the arc of said curve a distance of 80.31 feet to the point of reverse curvature of a curve, concave Northwesterly, having a central angle of

14°34'38" and a radius of 665.00 feet; thence Northeasterly along the arc of said curve a distance of 169.19 feet to the point of compound curvature of a curve, concave Northwesterly, having a central angle of 68°17'04" and a radius of 166.62 feet; thence Northeasterly along the arc of said curve a distance of 198.57 feet to the point of reverse curvature of a curve, concave Easterly, having a central angle of 26°34'37" and a radius of 100.78 feet; thence Northeasterly along the arc of said curve a distance of 46.75 feet to the point of tangency of said curve; thence N 21°57'58" E a distance of 13.30 feet; thence N 38°04'31" W a distance of 106.93 feet; thence N 46°46'59" W a distance of 98.41 feet; thence N 55°57'20" W a distance of 98.24 feet; thence N 65°07'34" W a distance of 98.24 feet; thence N 73°45'49" W a distance of 89.70 feet; thence N 62°57'12" W a distance of 70.73 feet; thence N 45°03'03" W a distance of 77.53 feet; thence N 16°59'23" W a distance of 74.56 feet; thence N 10°42'56" E a distance of 74.56 feet; thence N 38°46'36" E a distance of 77.53 feet; thence N 44°54'08" W a distance of 121.58 feet to a point on the arc of a non tangent curve, concave Southeasterly, having a central angle of 18°05'23" and a radius of 325.00 feet; thence Southwesterly along the arc of said curve a distance of 102.61 feet to a point (chord bearing and distance between said points being S 39°44'51" W 102.19 feet); thence N 59°17'51" W a distance of 50.00 feet to a point on a non tangent curve, concave Southeasterly, having a central angle of 02°33'13" and a radius of 375.00 feet; thence Southwesterly along the arc of said curve a distance of 16.71 feet to a point ( chord bearing and distance between said points being S 29°25'32" W 16.71 feet ); thence N 56°31'23" W a distance of 9.97 feet to a point on a non tangent curve, concave Southeasterly, having a central angle of 39°42'30" and a radius of 324.00 feet; thence Southwesterly along the arc of said curve a distance of 224.54 feet to a point (chord bearing and distance between said points being S 07°57'40" W 220.08 feet); thence S 79°10'49" W a distance of 18.50 feet to a point on the East right-of-way line of Fairway Road (80.00 foot right-of-way) as shown on said plat, said point being on the arc of a non tangent curve, concave Southwesterly, having a central angle of 72°13'02" and a radius of 590.00 feet; thence Northwesterly along the arc of said curve and along said East right-of-way line a distance of 743.65 feet to the point of tangency of said curve (chord bearing and distance between said points being N 48°02'30" W 695.39 feet); thence continue along said right-of-way line N 84°09'01" W a distance of 136.28 feet to the point of curvature of a curve, concave Northeasterly, having a central angle of 89°02'54" and a radius of 25.00 feet; thence Northwesterly along the arc of said curve and along said right-of-way line a distance of 38.85 feet to the point of tangency of said curve, said point being on the East right-of-way line of Marigold Avenue (150.00 foot right-of-way) as shown on said plat; thence N 04°53'53" E along the East right-of-way line of said Marigold Avenue a distance of 11.91 feet to the point of curvature of a curve, concave Westerly, having a central angle

of 08°01'14" and a radius of 3289.52 feet; thence Northerly along the arc of said curve and along said East right-of-way line a distance of 460.48 feet to a point on the Southerly line of Greenway 1 as shown on the plat of said Golf Villas II at Poinciana, (chord bearing and distance between said points being N 00°53'16" E 460.11 feet); thence along the Southerly line of said Greenway 1 the following courses and distances: N 55°49'17" E, a distance of 269.01 feet; thence S 84°51'03" E a distance of 262.50 feet to a point on the East line of said Greenway 1; thence N 10°01'57" E along the East line of said Greenway 1 and along the East line of Tract A-1 as shown on said plat of Golf Villa II at Poinciana, a distance of 764.20 feet to the Point of Beginning.

LESS AND EXCEPT: Containing 177.61 acres more or less.

Lot 67, Solivita – Phase VIA, according to the plat thereof, as recorded in Plat Book 131, Pages 30 through 35 of the Public Records of Polk County, Florida, being further described as follows:

Begin at the Northwest corner of said Lot 67; thence North 72°52'04 East along the Northwesterly line of said lot, 125.38 feet; thence South 17°02'52 East along the Northeasterly line of said lot, same being the Southwesterly line of Tract P-E18 as shown on said plat, 55.00 feet; thence South 72°52'04" West along the Southeasterly line of said lot, 125.30 feet; thence North 17°07'56" West along the Southwesterly line of said lot, same being the Northeasterly right-of-way line of Sorrento Road as shown on said plat, 55.00 feet to the Point of Beginning. Said lot contains 6,894 square feet, more or less.

LESS AND EXCEPT:

Lot 117, Solivita – Phase VIA, according to the plat thereof, as recorded in Plat Book 131, Pages 30 through 35 of the Public Records of Polk County, Florida, being further described as follows:

Begin at the Northwest corner of said Lot 117; thence North 80°34'33 East along the Northerly line of said lot, 131.58 feet; thence South 11°36'32 East along the Easterly line of said lot, same being the Westerly line of Tract G-4 as shown on said plat, 55.04 feet; thence South 80°34'33" West along the Southerly line of said lot, 134.44 feet to a point on the arc of a non-tangent curve concave Westerly having a radius of 325.00 feet, a central angle of 03°55'26" and a chord of 22.25 feet that bears North 07°27'44" West; thence Northerly along the arc of said curve and the Westerly line of said lot, same being the Easterly right-of-way line of Vizcaya Court as shown on said plat, 22.26 feet; thence North 09°25'27" West continuing along said lot line and said right-of-way line, 32.76 feet to the Point of Beginning. Said lot contains 7,300 square feet, more or less.

ALSO INCLUDING:

DESCRIPTION: SOLIVITA – PHASE VIB

A portion of Blocks 18 through 26, Tract K-5, Greenway 1 (lying Southeasterly and Easterly of Block 23), Greenway 1 (lying between Blocks 22 and 23), Greenway 1 (lying South of Block 26), Greenway 2 (lying between Blocks 24 and 26),

Greenway 3 (lying between Blocks 21 and 22) and a portion of the following publicly dedicated road right-of-ways (all 60-foot-wide): Cart Lane, Long Court, Score Drive and Spike Drive, of the Replat of a Portion of Poinciana Neighborhood 1, Village 3, as recorded in Plat Book 58, Pages 31 through 38, Public Records of Polk County, Florida, (Please note that the portions of the Replat of a Portion of Poinciana Neighborhood 1, Village 3 plat described above were vacated by the Polk County Board of County Commissioners at their July 27, 2005 meeting) being more particularly described as follows:

Commence at the Northwest corner of Section 13, Township 27 South, Range 28 East, Polk County, Florida; thence South 89°57'44" East along the North line of said Section 13, 2472.78 feet to the Northeast corner of Golf Villas II at Poinciana, as recorded in Plat Book 72, Pages 16 through 18, Public Records of Polk County, Florida; thence South 10°01'57" West along the East line of Tract A-1 as shown on said plat of Golf Villa II at Poinciana and along the East line of Greenway 1 as shown on said plat, 764.20 feet to a point on the Southerly line of said Greenway 1; thence along said Southerly line the following courses and distances: North 84°51'03" West, 262.50 feet; thence South 55°49'17" West, 269.01 feet to a point on a non-tangent curve, concave Westerly, having a central angle of 08°01'14" and a radius of 3289.52 feet, said point being on the East right-of-way line of Marigold Avenue as shown on the plat of Poinciana Neighborhood 1 Village 3, as recorded in Plat Book 52, Pages 8 through 18 of the Public Records of Polk County, Florida; thence Southerly along the arc of said curve and along said East right-of-way line a distance of 460.48 feet to the point on tangency of said curve (chord bearing and distance between said points being South 00°53'16" West 460.11 feet); thence South 04°53'53" West along the East right-of-way line of said Marigold Avenue, 11.91 feet to the point of curvature of a curve, concave Northeasterly, having a central angle of 89°02'54" and a radius of 25.00 feet; thence Southeasterly along the arc of said curve and along said right-of-way line, 38.85 feet to the point of tangency of said curve, said point being on the North right-of-way line of Fairway Road as shown on said plat; thence along said North right-of-way line the following courses and distances: South 84°09'01" East a distance of 136.28 feet to the point of curvature of a curve, concave Southwesterly, having a central angle of 72°13'02" and a radius of 590.00 feet; thence Southeasterly along the arc of said curve and along said right-of-way line a distance of 743.65 feet to the Point of Beginning; thence North 79°10'56" East, 18.50 feet to a point on the arc of a non-tangent curve concave East having a radius of 324.00 feet and a chord bearing and distance of North 07°57'40" East, 220.08 feet; thence Northerly along the arc of said curve, through a central angle of 39°42'30", a distance of 224.55 feet; thence South 56°31'23" East, 9.97 feet to a point on the arc of a non-tangent curve concave Southeast having a radius of 375.00 feet and a chord bearing and distance of North 29°25'32" East, 16.71 feet; thence Northeasterly along the arc

of said curve, through a central angle of 02°33'13", a distance of 16.71 feet; thence South 59°17'51" East, 50.00 feet to a point on the arc of a non-tangent curve concave Southeast having a radius of 325.00 feet and chord bearing and distance of North 39°44'51" East, 102.19 feet; thence Northeasterly along the arc of said curve, through a central angle of 18°05'23", a distance of 102.61 feet; thence South 44°54'08" East, 121.58 feet; thence South 38°46'36" West, 77.53 feet; thence South 10°42'56" West, 74.56 feet; thence South 16°59'23" East, 74.56 feet; thence South 45°03'03" East, 77.53 feet; thence South 62°57'12" East, 70.73 feet; thence South 73°45'49" East, 89.70 feet; thence South 65°07'34" East, 98.24 feet; thence South 55°57'20" East, 98.24 feet; thence South 46°46'59" East, 98.41 feet; thence South 38°04'31" East, 106.93 feet; thence South 21°57'58" West, 13.30 feet to the point of curvature of a curve concave East having a radius of 100.78 feet, a central angle of 26°34'37", and a chord bearing and distance of South 08°31'13" West, 46.33 feet; thence Southerly along the arc of said curve a distance of 46.75 feet to a point of reverse curvature of a curve concave Northwest having a radius of 166.62 feet and a central angle of 68°17'04"; thence Southwesterly along the arc of said curve, a distance of 198.57 feet to the point of compound curvature of a curve, concave North having a radius of 665.00 feet and a chord bearing and distance of South 70°53'44" West, 168.73 feet; thence Westerly along the arc of said curve, through a central angle of 14°34'38", a distance of 169.19 feet to a point of reverse curvature of a curve concave Southeast having a radius of 50.00 feet and a central angle of 92°01'56"; thence Southwesterly along the arc of said curve, a distance of 80.31 feet to a point of compound curvature of a curve concave East having a radius of 1,340.56 feet and a central angle of 06°37'12"; thence Southerly along the arc of said curve, a distance of 154.89 feet to a point of compound curvature of a curve concave North having a radius of 50.00 feet and a central angle of 105°35'45"; thence Easterly along the arc of said curve, a distance of 92.15 feet; thence North 54°00'10" East, 157.26 feet to a point on the arc of a curve concave South having a radius of 157.50 feet, a central angle of 82°30'10", and a chord bearing and distance of South 84°44'44" East, 207.70 feet; thence Easterly along the arc of said curve a distance of 226.79 feet; thence South 43°29'39" East, 91.36 feet to a point on the arc of a curve concave West having a radius of 189.00 feet, a central angle of 86°47'49", and a chord bearing and distance of South 00°05'45" East, 259.71 feet; thence Southerly along the arc of said curve a distance of 286.31 feet to a point of compound curvature of a curve concave Northwest having a radius of 530.90 feet and a central angle of 24°02'38"; thence Southwesterly along the arc of said curve, a distance of 222.79 feet to a point of reverse curvature of a curve concave East having a radius of 50.00 feet and a central angle of 104°14'28"; thence Southerly along the arc of said curve, a distance of 90.97 feet to a point of reverse curvature of a curve concave Southwest having a radius of

601.00 feet and a central angle of 10°53'40"; thence Southeasterly along the arc of said curve, a distance of 114.28 feet to a point of reverse curvature of a curve concave North having a radius of 50.00 feet and a central angle of 86°11'07"; thence Easterly along the arc of said curve, a distance of 75.21 feet; thence North 67°48'53" East, 101.50 feet to a point on the arc of a curve concave South having a radius of 227.90 feet, a central angle of 26°25'29", and a chord bearing and distance of North 81°01'37" East, 104.18 feet; thence Easterly along the arc of said curve a distance of 105.11 feet to a point of compound curvature of a curve concave Southwest having a radius of 132.50 feet and a central angle of 56°47'36"; thence Southeasterly along the arc of said curve, a distance of 131.34 feet; thence South 28°58'03" East, 74.32 feet to a point on the arc of a curve concave West having a radius of 144.00 feet, a central angle of 91°36'50", and a chord bearing and distance of South 16°50'22" West, 206.49 feet; thence Southerly along the arc of said curve a distance of 230.25 feet; thence South 62°38'47" West, 131.11 feet to a point on the arc of a curve concave East having a radius of 50.00 feet, a central angle of 82°36'31", and a chord bearing and distance of South 21°20'32" West, 66.01 feet; thence Southerly along the arc of said curve a distance of 72.09 feet to a point of reverse curvature of a curve concave West having a radius of 2234.64 feet and a central angle of 01°59'34"; thence Southerly along the arc of said curve, a distance of 77.72 feet to the point of reverse curvature of a curve concave Northeast having a radius of 104.83 feet and a chord bearing and distance of South 32°42'55" East, 53.47 feet; thence Southeasterly along the arc of said curve, through a central angle of 29°32'58", a distance of 54.06 feet to the point of tangency of said curve, said point being on the arc of a non-tangent curve concave North having a radius of 62.03 feet and a chord bearing and distance of South 86°31'17" East, 78.95 feet; thence Easterly along the arc of said curve, through a central angle of 79°04'28", a distance of 85.57 feet to the point of curvature of a curve concave South having a radius of 518.63 feet and a chord bearing and distance of North 68°44'26" East, 265.14 feet; thence Easterly along the arc of said curve, through a central angle of 29°37'12", a distance of 268.11 feet; thence North 88°26'21" East, 88.14 feet; thence North 70°54'23" East, 77.22 feet; thence South 45°04'59" East, 134.31 feet; thence South 38°55'40" East, 175.50 feet to the point on the arc of a non-tangent curve concave North having a radius of 405.60 feet and a chord bearing and distance of South 71°12'44" West, 329.03 feet; thence Westerly along the arc of said curve, through a central angle of 47°51'29", a distance of 338.79 feet to a point of reverse curvature of a curve concave South having a radius of 180.00 feet and a central angle of 43°07'10"; thence Westerly along the arc of said curve, a distance of 135.46 feet to a point of reverse curvature of a curve concave North having a radius of 359.00 feet and a central angle of 40°55'26"; thence

Westerly along the arc of said curve, a distance of 256.42 feet; thence South 87°19'26" West, 12.72 feet; thence South 20°03'14" West, 65.99 feet; thence South 06°46'04" West, 65.11 feet; thence South 79°52'10" East, 15.34 feet; thence South 11°19'01" East, 119.72 feet; thence South 07°48'58" East, 52.62 feet; thence South 82°08'35" West, 273.79 feet to a point on the aforesaid Westerly right-of-way line of Fairway Road; thence North 01°02'42" West along said Westerly right-of-way line, 108.48 feet to a point on the arc of a curve concave West having a radius of 1,790.51 feet, a central angle of 30°48'08", and a chord bearing and distance of North 16°26'46" West, 951.03 feet; thence Northerly along the arc of said curve and said Westerly right-of-way line a distance of 962.58 feet; thence North 31°50'49" West along said right-of-way line, 414.62 feet to a point on the arc of a curve concave East having a radius of 1,660.00 feet, a central angle of 24°16'23", and a chord bearing and distance of North 19°42'38" West, 698.00 feet; thence Northerly along the arc of said curve and said Westerly Right-of-Way Line a distance of 703.25 feet; thence North 07°34'27" West, 566.77 feet to a point on the arc of a curve concave West having a radius of 590.00 feet, a central angle of 04°21'33", and a chord bearing and distance of North 09°45'13" West, 44.88 feet; thence Northerly along the arc of said curve and said Westerly right-of-way line a distance of 44.89 feet to the POINT OF BEGINNING.

Containing 35.03 acres, more or less.

LESS AND EXCEPT:

Lot 31, Solivita – Phase VIB, according to the plat thereof, as recorded in Plat Book 133, Pages 14 through 17 of the Public Records of Polk County, Florida, being further described as follows:

Begin at the Northwest corner of said Lot 31; thence North 57°47'34" East along the Northwestern line of said lot and the Southeasterly Right-of-Way line of Amalfi Lane as shown on said plat, 80.00 feet; thence South 32°15'06" East along the Northeasterly line of said lot, 143.74 feet to a point on the arc of a non-tangent curve concave Northwesternly having a radius of 530.90 feet, a central angle of 08°40'30" and a chord of 80.30 feet that bears South 60°45'09" West; thence Southwesterly along the arc of said curve and the Northwesternly line of Tract P-E3, Solivita – Phase VIA, according to the plat thereof, as recorded in Plat Book 131, Pages 30 through 35 of the Public Records of Polk County, Florida, 80.38 feet; thence North 32°10'20" West along the Southwesterly line of said lot, 139.60 feet to the Point of Beginning. Said lot contains 11,429 square feet, more or less.

ALL TOGETHER CONTAINING A TOTAL ACREAGE OF 3239.728 acres.

Specific Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History—New 11-1-99, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Lisa Saliba  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Lisa Saliba  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: November 20, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: October 26, 2007

**DEPARTMENT OF VETERANS' AFFAIRS**

RULE NOS.:	RULE TITLES:
55-1.001	Agency Established
55-1.0015	Agency Description
55-1.003	Agency Head
55-1.005	Organization and Operations
55-1.021	General Information
55-1.023	Statutory Chapters and Rules
55-1.032	Agency Clerk
55-1.033	Public Access
55-1.034	Drug-Free Workplace

PURPOSE AND EFFECT: To remove rules that are redundant of statute, to update contact information and conform rules to current Florida Statutes.

SUMMARY: Organization.

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: 292.05(3), 296.04(2) FS.

LAW IMPLEMENTED: 20.37, 292.05, 296.04(2), 296.34(3), (5), 296.02, 296.33, 112.0455 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55-1.001 Agency Established.

~~The Department of Veterans' Affairs is a component department of the executive branch of the government of the State of Florida, authorized by Article IV, Section 11, Florida Constitution, and created and existing pursuant to Sections 20.37 and 292.05, Florida Statutes.~~

Specific Authority 292.05(3) FS. Law Implemented 20.37 FS. History--New 7-5-89, Repealed.

55-1.0015 Agency Description.

~~The Department of Veterans' Affairs exists to provide assistance to all former, present and future members of the Armed Forces of the United States and their dependents in securing all benefits or privileges to which such persons are or may become entitled under any federal or state law or regulation by reason of their service in the Armed Forces of the United States, without charge to such claimant.~~

Specific Authority 292.05(3) FS. Law Implemented 292.05 FS. History--New 7-5-89, Repealed.

55-1.003 Agency Head.

(1) The head of the Department of Veterans' Affairs is the Governor and Cabinet.

(2) The Executive Director of the Department shall be appointed by the Governor with the approval of three members of the Cabinet and subject to confirmation by the Senate. The Executive Director shall serve at the pleasure of the Governor and Cabinet.

(3) Authority to take the following action is hereby delegated to the Executive Director of the Department of Veterans' Affairs or his designee:

(a) To approve the transfer of appropriations pursuant to Section 216.292, Florida Statutes.

(b) To administer personnel rules for career service employees and persons paid from OPS and to administer personnel actions for employees exempt from the career service system.

(c) To add, delete, or transfer authorized positions within each budget entity in accordance with Sections 216.262 and 216.141, Florida Statutes.

(d) To administer travel and per diem expenses of public officers, employees and authorized persons on official business, pursuant to Section 112.061, Florida Statutes.

(e) To negotiate, execute and enter into contracts and agreements, except as provided in subparagraph (h), required for operation of the Department or to carry out programs approved by the Legislature or Governor and Cabinet; except, however, this delegation shall exclude awards of commodity contracts by the Department of ~~Management~~ General Services.

(f) To expend appropriated funds and make purchases including capital outlay to carry out day-to-day operations of the Department. ~~However, all purchases over \$25,000 which are not made from a state contract established by the Department of General Services shall be reported at least quarterly.~~

(g) To execute contracts and orders approved by or on behalf of the Governor and Cabinet.

(h) To contract for consultant and professional services up to \$100,000. However, selection of consultant and professional services, other than sole source, shall be by procedures set

forth in the Consultants Competitive Negotiations Act, Section 287.055, Florida Statutes (1988), or other competitive selection process established by rule.

(i) To enter into leases of real property for the Department's operations.

(j) To designate appropriate officials or employees to act as custodian of the records of the Department, to accept service of process on behalf of the Department or Executive Director in accordance with law.

(k) To bring suit in the name of the Department and in consultation with the Attorney General, or to defend suit in the name of the Department.

(l) To settle claims, actions, causes of action and legal proceedings brought against the Department or its employee acting within the scope of his/her employment. ~~Such settlement shall be limited to \$25,000.~~

(m) To notify state attorneys, sheriffs or other law enforcement agencies of activity in violation of state law or Department rules when such violation is beyond the capacity of the Department to halt or prosecute.

(n) To accept donations and gifts of property or grants of money on behalf of the Department in compliance with the law, provided such gifts are unencumbered and have no impact on any other agency of the state.

~~(o) To refer Petitions filed pursuant to Section 120.57(1), Florida Statutes, appealing admittance and dismissal decisions made under Sections 296.04(2), (5)(a) and 296.34(3) and (5), Florida Statutes, to the Division of Administrative Hearings.~~

~~(p) To appoint a departmental hearing officer to conduct a hearing to consider issues raised by Petitions filed pursuant to Section 120.57(2), Florida Statutes, appealing admittance and dismissal decisions made under Sections 296.04(2) and (5)(a) and 296.34(3) and (5), Florida Statutes.~~

~~(q)(+)~~ To respond in behalf of the Department to petitions filed pursuant to Sections 120.54, 120.56 and 120.57(1) and (2), Florida Statutes, and to issue declaratory statements pursuant to Section 120.565, Florida Statutes.

~~(p)(+)~~ To approve memberships in professional and other organizations in which state funds appropriated to the Department will be used in payments or dues pursuant to Section 216.345, Florida Statutes.

~~(q)(+)~~ To initiate all rulemaking.

~~(r)(+)~~ To perform other such functions as may be necessary to supervise, direct, conduct and administer the day-to-day duties of the Department as authorized by law or by rules and policies adopted by the Governor and Cabinet.

~~(s)(+)~~ The quarterly report of the Executive Director shall include reports of actions taken under items (e), (h), (i), (k), (l), (m), (n) and ~~(p)(+)~~ above.

(4) When a matter which is the subject of a delegation approved in subsection (3) becomes controversial or when extraordinary events arise concerning a delegated action, that matter shall be brought before the Governor and Cabinet for

their decision. Final action on all Department actions which result in a Recommended Order being issued pursuant to Section 120.57, Florida Statutes, shall be taken by the Governor and Cabinet.

(5) In addition to the delegations listed in subsection (3), the Governor and Cabinet have and may from time to time in the future approve additional delegations to the Executive Director or other staff when adopting other rules of the Department. A person interested in a particular program should review the specific rules of that program.

Specific Authority 292.05(3) FS. Law Implemented 292.05, 296.04(2), (5), 296.34(3), (5) FS. History--New 7-5-89, Amended 5-5-92, 1-2-94, \_\_\_\_\_.

#### 55-1.005 Organization and Operations.

The organization and operations of the Department are as follows:

(1) The Office of the Executive Director is established to provide overall management direction to the Department. Subunits of this office are:

(a) The Veterans' Domiciliary Home of Florida, a state home for veterans, provides domiciliary care for eligible veterans who are disabled but are not in need of hospitalization or nursing home care services.

(b) The Veterans' Nursing Home of Florida, a licensed health care facility operated by the Department pursuant to the provisions of Part I of Chapter 400, Florida Statutes.

(c) The General Counsel provides legal advice to the Department.

(d) The Florida Commission on Veterans' Affairs, while not subject to control, supervision or direction, is assigned to the Department of Veterans' Affairs to serve as an advisory body to the Department.

(e) The Legislative Affairs Office represents the Department in all matters involving legislation at both the State and Federal levels.

(2) The Division of Veterans' Benefits and Assistance is established to provide management direction to the following subunits:

(a) The Bureau of Veterans' Claims Services assists veterans and their dependents with the processing of claims and appeals for entitlements through the United States Department of Veterans Affairs (VA).

(b) The Bureau of Veterans' Field Services assists veterans and their dependents, through each VA Medical Center (VAMC) in Florida, to ensure that they receive the benefits to which they are entitled and to provide outreach service to veterans in the community.

(c) The Bureau of State Approving for Veterans' Training reviews courses and schools to determine whether they meet the requirements of the VA or other applicable federal regulations as to suitability for veterans.

(3) The Division of Administration and Public Information is established to provide management direction to the following subunits:

(a) The Bureau of Information and Research provides for the coordination of media, dissemination of information and statistical analysis of pertinent data.

(b) The Personnel Section provides for all human resource needs.

(c) The Fiscal Section provides for all fiscal needs.

(d) The Purchasing Section provides for all purchasing and reproduction needs.

(e) The Administrative Section provides for all administrative and automated data processing (ADP) support.

(f) The Staff Development Office provides professional education to employees and required training for County/City Veteran Service Officers.

~~(4) The structure of the Executive Staff's areas of responsibilities are shown in the following graphic illustration.~~

Specific Authority 292.05(3) FS. Law Implemented 292.05, 296.02, 296.33 FS. History--New 7-5-89, Amended 7-2-90, 6-21-92, \_\_\_\_\_.

55-1.021 General Information.

(1) The principal office of the Department is located at 11351 Ulmerton Rd., Room 311-K, Largo, Florida 33778. ~~144 1st Avenue South, Suite 418, St. Petersburg, Florida 33701.~~

(2) The mailing address of the Department is Florida Department of Veterans' Affairs, 11351 Ulmerton Rd., Room 311-K, Largo, Florida 33778. ~~Post Office Box 31003, St. Petersburg, FL 33731.~~

(3) The normal business hours of the Department are from 8:00 a.m. to 4:30 p.m. of each work day Monday through Friday, excluding the holidays observed by the state as set forth at Section 110.117, Florida Statutes.

(4) Information regarding forms, publications, documents or other matters may be obtained by contacting the Director of Administration and Public Information at the above location, or by mail to the address set forth above.

Specific Authority 292.05(3) FS. Law Implemented 292.05 FS. History--New 7-5-89, Amended \_\_\_\_\_.

55-1.023 Statutory Chapters and Rules.

(1) The operation of the Department is affected by Chapters 292, 295, and 296, and Part VIII of Chapter 744, Florida Statutes.

(2) All Administrative Rules of the Department adopted pursuant to Chapter 120, Florida Statutes, are contained in Title 55, Florida Administrative Code.

(3) The operation of the Department is also affected by Title 38, United States Code, and by Title 38, United States Code of Federal Regulations.

Specific Authority 292.05(3), 296.04(2) FS. Law Implemented 292.05 FS. History--New 7-5-89, Amended 7-2-90, \_\_\_\_\_.

55-1.032 Agency Clerk.

(1) The General Counsel of the Department of Veterans' Affairs is hereby designated as the Agency Clerk for the Department. Materials are to be delivered to 4040 Esplanade Way, Suite #152, Tallahassee, Florida 32399-0950. ~~144 1st Avenue South, Suite 418, St. Petersburg, Florida 33731.~~ Materials mailed are to be addressed to General Counsel, Florida Department of Veterans' Affairs, 4040 Esplanade Way, Suite #152, Tallahassee, Florida 32399-0950. ~~Post Office Box 31003, St. Petersburg, FL 33731.~~ The telephone number for the Agency Clerk is (850)487-1533. ~~(813)898-4443.~~

(2) There shall be affixed to each Final Order rendered by the Department the following Certificate of Filing executed by the Agency Clerk and providing in substance as follows:

Certificate of Filing

I HEREBY CERTIFY that the foregoing Final Order has been filed in the official records of the Department of Veterans' Affairs, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

(Signed) \_\_\_\_\_

Name and Position

Specific Authority 292.05(3) FS. Law Implemented 292.05 FS. History--New 7-5-89, Amended \_\_\_\_\_.

55-1.033 Public Access.

~~(1) The public shall be afforded full access to all agency proceedings pursuant to Chapter 286, Florida Statutes.~~

~~(2) The Department of Veterans' Affairs shall follow the provisions of Chapter 28-8, F.A.C., regarding procedures to be followed when the agency desires to conduct a meeting or workshop by means of communications media technology.~~

Specific Authority 292.05(3) FS. Law Implemented 292.05 FS. History--New 7-5-89, Repealed \_\_\_\_\_.

55-1.034 Drug-Free Workplace.

~~The procedures and policies for drug testing, employee assistance, and discipline, as set forth in Department of Management Services Rule 60L-19, F.A.C., are adopted by the Department. This Rule is the Department's implementation of the Drug-Free Workplace Act, Section 112.0455, Florida Statutes.~~

Specific Authority 292.05(3) FS. Law Implemented 112.0455 FS. History--New 2-21-93, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Earl Daniell

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**DEPARTMENT OF VETERANS' AFFAIRS**

RULE NOS.:	RULE TITLES:
55-2.002	Membership of Florida Cabinet
55-2.003	Meetings of the Governor and Cabinet as Head of the Department of Veterans' Affairs
55-2.004	Presiding Officer
55-2.005	Quorum
55-2.006	Agendas
55-2.007	Distribution of Agendas
55-2.008	Recording of Proceedings
55-2.009	Minutes
55-2.010	Quarterly Reports
55-2.011	Agency Action
55-2.012	Voting
55-2.013	Amendment to Rules

PURPOSE AND EFFECT: To remove rules that are redundant of statute. To amend requirements for the content of quarterly report preceding legislative session.

SUMMARY: Meetings of Governor and Cabinet as Head of Department.

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: 292.05(3) FS.

LAW IMPLEMENTED: 20.37, 292.05 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55-2.002 Membership of Florida Cabinet.

~~The Florida Cabinet shall consist of the Secretary of State, the Attorney General, the Comptroller, the Treasurer, the Commissioner of Agriculture, and the Commissioner of Education.~~

Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed.

55-2.003 Meetings of the Governor and Cabinet as Head of the Department of Veterans' Affairs and Notice.

The business of the Department of Veterans' Affairs shall be presented to the Governor and Cabinet by the Executive Director of the Department or some person designated by him in accordance with rules governing meetings of the Cabinet. Requirements as to presiding officer, quorum, agendas,

minutes, recordings, voting and agency action shall also follow such rules. Regular public meetings of the Governor and Florida Cabinet to transact the business of the Department of Veterans' Affairs shall be at 9:00 a.m., on the second and fourth Tuesdays of each month, in the Cabinet Meeting Room, Lower Level, The Capitol, or at such other place and time in Tallahassee, Florida, as may be designated by the Governor or a majority of the Cabinet. The Executive Director shall publish a standard notice of the Department of Veterans' Affairs meeting in the Florida Administrative Weekly at least seven (7) days in advance. Said notice shall comply with Rule 28-2.001, F.A.C. A meeting shall not be held on holidays, election days, or when the number present fails to constitute a quorum. Special meetings may be held at any place or time at the call of the Governor or of a majority of the members of the Cabinet or as provided by law.

Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Amended.

55-2.004 Presiding Officer.

~~The Governor shall be the presiding officer. In his absence, the meeting shall be presided over by the Secretary of State, or in his absence, the Attorney General.~~

Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed.

55-2.005 Quorum.

~~A quorum shall consist of a majority of the membership of the Governor and Cabinet except where otherwise provided by law.~~

Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed.

55-2.006 Agendas.

~~The business of the Department of Veterans' Affairs shall be presented to the Governor and Cabinet by the Executive Director of the Department or some person designated by him. It shall be in the form of an agenda. Each item of business on each agenda requiring action by the Governor and Cabinet shall be separately presented to the Governor and Cabinet with an explanatory summary of the item and with a recommendation for action. All agenda, their explanation and recommendations, shall be supported by such additional information, not included as an integral part of the agenda, as may be necessary to fully inform the Governor and Cabinet of the matter before it. The agenda shall contain the items to be considered in the order of presentation. After the agenda has been made available, change shall be only for good cause, as determined by the person designated to preside, and stated in the record. Notification of such change shall be at the earliest practicable time. Any item deferred must be re-agendaed for the next regularly scheduled meeting of the Governor and Cabinet unless a longer period of deferment is approved by a~~



~~majority vote of the Governor and Cabinet. Department of Veterans' Affairs committee reports shall be received at the meeting of the Department. Any matters contained in a committee report which require action by the Governor and Cabinet must be submitted to the Department of Veterans' Affairs for evaluation, recommendation and presentation on an agenda.~~

~~Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed \_\_\_\_\_.~~

55-2.007 Distribution of Agendas.

~~All agenda containing items for consideration by the Governor and Cabinet shall be furnished to each member by 5 p.m. of the eighth calendar day, prior to the regular meeting day and made available for distribution on request of any interested persons. Charges may be made for duplication and distribution of agendas to such interested parties.~~

~~Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed \_\_\_\_\_.~~

55-2.008 Recording of Proceedings.

~~The Secretary of State shall record electronically the proceedings of each meeting, which proceedings shall be transcribed into writing and copies distributed to the Governor and Cabinet members. The electronic recording and the transcribed record shall be permanently filed in the Office of the Secretary of State.~~

~~Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed \_\_\_\_\_.~~

55-2.009 Minutes.

~~(1) The Executive Director of the Department of Veterans' Affairs shall keep the official minutes of the meeting of the Department, transcribe them into writing, and have them approved the next time the Department appears before the Governor and Cabinet with an agenda.~~

~~(2) The minutes of each meeting of the Department, when approved, shall be the official and controlling record of the meeting. The minutes, before being submitted for approval, shall be checked against the electronic recordings of each meeting to ascertain their accuracy.~~

~~Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed \_\_\_\_\_.~~

55-2.010 Quarterly Reports.

The Executive Director of the Department of Veterans' Affairs shall submit a quarterly report to the Governor and each member of the Cabinet not later than one month following the end of each quarter. Unless a meeting to discuss the report is requested by a member of the Cabinet such report shall be presented as an agendaed item during the next regular meeting scheduled by the Executive Director of the Department. Whenever an audit report is issued on the Department of

Veterans' Affairs, the Executive Director of the Department shall include an explanation of said report in the next regular quarterly report. Such explanation shall include the areas of criticism identified in the audit report and any actions taken to resolve or correct the criticisms. ~~The quarterly report that is due immediately preceding the start of a regularly scheduled session of the Florida Legislature shall also include any recommendations for reorganization plus a brief summary of the proposed legislative program of the Department and information to show why the proposed changes are needed.~~

~~Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Amended 5-5-92, \_\_\_\_\_.~~

55-2.011 Agency Action.

~~Action of the Head of the Department of Veterans' Affairs shall be by motion, duly made, seconded and passed by simple majority or as otherwise required by law.~~

~~Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed \_\_\_\_\_.~~

55-2.012 Voting.

~~It shall be the duty of the presiding officer to determine the vote on each motion. If any member desires to record the vote on any motion, he shall be granted that right on request. No member may abstain on any motion where a vote is called unless otherwise provided by law.~~

~~Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed \_\_\_\_\_.~~

55-2.013 Amendment to Rules.

~~These rules may be amended in conformity with the requirements of Chapter 120, F.S.~~

~~Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:

David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Earl Daniell

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: March 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: February 15, 2008

**DEPARTMENT OF VETERANS' AFFAIRS**

RULE NOS.:

55-4.001

55-4.002

55-4.003

RULE TITLES:

The Commission

Membership; Qualifications; Term of Office of Commission Members

Organization and Meetings of the Commission

PURPOSE AND EFFECT: To remove rules that are redundant of statute.

SUMMARY: Florida Commission on Veterans' Affairs.  
 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: 292.05(3) FS.

LAW IMPLEMENTED: 292.04 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55-4.001 The Commission.

~~(1) The Florida Commission on Veterans' Affairs is established pursuant to Section 292.04, Florida Statutes (1988 Supplement), to serve as an advisory body to the Department of Veterans' Affairs.~~

~~(2) The Commission shall conduct a biennial survey of the possible contributions that veterans or state organizations of veterans and their auxiliaries can make to the State of Florida to assist the Department in providing benefits to veterans and their dependents. The Commission shall report the results of the survey to the Department together with recommendations as to how such contributions can be encouraged.~~

~~(3) The Commission shall work with the various veterans organizations and their auxiliaries within the state and shall function as a liaison between such organizations and the Department on matters pertaining to veterans and their organizations.~~

Specific Authority 292.05(3) FS. Law Implemented 292.04 FS. History—New 7-31-84, Formerly 271-1.01, 271-1.001, Amended 10-4-89, Repealed.

55-4.002 Membership; Qualifications; Term of Office of Commission Members.

~~(1) The Commission consists of nine members appointed by the Governor, subject to confirmation by the Senate.~~

~~(a) Eight commissioners shall be appointed from various regions of the state, with consideration given to proportional representation of the veterans in the state based on population.~~

~~(b) One commissioner shall be appointed from the state at large.~~

~~(2) The Governor may suspend a member of the Commission only for cause, subject to removal or reinstatement of the member by the Senate.~~

~~(3) Each member shall possess the following qualifications:~~

~~(a) Be a veteran of a war in which the United States was or is a participant;~~

~~(b) Have been separated from the Armed Forces of the United States under honorable conditions, and~~

~~(c) Be a resident of the state.~~

~~(4) Commissioners shall serve for terms of four years.~~

~~(a) A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.~~

~~(b) A member of the Commission shall be eligible for reappointment.~~

Specific Authority 292.05(3) FS. Law Implemented 292.04 FS. History—New 7-31-84, Formerly 271-1.02, 271-1.002, Amended 10-4-89, Repealed.

55-4.003 Organization and Meetings of the Commission.

~~(1) The Commission shall select a chairperson, a vice chairperson and a secretary elected by the members to serve a two year term.~~

~~(a) Meetings of the Commission shall be held quarterly upon the call of the Chairperson.~~

~~(b) The Commission may meet at any place within the state.~~

~~(c) A quorum for the purpose of conducting Commission business shall consist of a majority of the appointed members.~~

~~(d) A majority of the members of a committee shall constitute a quorum for the conduct of business assigned to that committee.~~

~~(e) In the presence of a quorum, commission or committee business shall be conducted by majority vote. Upon the request of any member, a roll call vote shall be taken.~~

~~(f) Except where such rules conflict with the provisions of this rule chapter, Roberts Rules of Order, Revised Edition, shall govern the deliberations of all commission and committee business.~~

~~(2) The Commission is assigned to the Department of Veterans' Affairs which:~~

~~(a) Shall cooperate fully with the Commission in matters related to the duties of the Commission, and~~

~~(b) Shall endeavor to implement the recommendations of the Commission concerning its duties.~~

~~(3) The Commission, in the performance of its duties under Section 292.04, Florida Statutes, shall not be subject to control, supervision, or direction by the Department of Veterans' Affairs.~~

Specific Authority 292.05(3) FS. Law Implemented 292.04 FS. History—New 7-31-84, Formerly 271-1.03, 271-1.003, Amended 10-4-89, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**DEPARTMENT OF VETERANS' AFFAIRS**

RULE NOS.:               RULE TITLES:  
55-5.001                Purpose  
55-5.002                Procurement Goal  
55-5.003                Procedures

PURPOSE AND EFFECT: To remove rules that are redundant of statute.

SUMMARY: Minority Business Enterprise Procurement.

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: 287.0947(2) FS.

LAW IMPLEMENTED: 215.422, 255.05(1)(a), 287.042(4)(f), 287.0945(1), 287.0947, 287.062(1), (4), (5), 287.0947 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55-5.001 Purpose.

~~These rules are adopted by the Department of Veterans' Affairs to promote and enhance the participation of certified minority business enterprises in providing to the Department commodities, contractual services, and construction contracts, other than those construction contracts which are subject to the provisions of Chapter 339, Florida Statutes. The Department is committed to the legislatively-stated goal of assisting certified minority business enterprises in gaining entry into the procurement arena and securing a percentage of the Department's procurement dollars, which will help to stimulate and develop Florida's minority business sector.~~

~~Specific Authority 287.0947(2) FS. Law Implemented 287.042(4)(f), 287.0945(1), 287.0947 FS. History--New 7-2-90, Repealed\_\_\_\_\_.~~

55-5.002 Procurement Goal.

~~All purchasing and contracting entities within the Department will be responsible for a good faith effort to utilize certified minority business enterprises in the procurement of~~

~~commodities, contractual services and construction projects in endeavoring to meet the goals as set forth in Section 287.042(4)(f) of the Florida Statutes.~~

~~Specific Authority 287.0947(2) FS. Law Implemented 287.042(4)(f), 287.0945(1), 287.0947 FS. History--New 7-2-90, Amended 1-26-93, Repealed\_\_\_\_\_.~~

55-5.003 Procedures.

~~(1) The Executive Director of the Department designates the Director of Administration and Public Information as the Minority Business Enterprise Assistance Officer to oversee the minority business enterprise activities of the Department.~~

~~(2) The Minority Business Enterprise Assistance Officer shall:~~

~~(a) Seek out, identify, compile, and maintain a list of minority owned firms which have provided, or desire to provide, services or commodities to the Department;~~

~~(b) Make discretionary purchases for less than the threshold amount for Category 2 purchases, where permitted by law, from certified minority business enterprises;~~

~~(c) Review contracts to determine those which could be reserved for bidding only among the certified minority business enterprises that are on the list maintained under paragraph (2)(a) above;~~

~~(d) Coordinate the minority business enterprise activities of the Department with the Minority Business Enterprise Assistance Office of the Department of Management Services;~~

~~(3) The Department shall encourage prime contractors to utilize certified minority business enterprises as subcontractors on state-funded projects.~~

~~(4) The Department shall annually develop minority participation goals no less than the established goals set forth in Section 287.042(4)(f) of the Florida Statutes, based upon available data in accordance with the State Comptroller's determination of dollar amounts expended during the previous fiscal year.~~

~~(5) The Department shall assure timely payment to vendors and contractors as provided in Section 215.422, Florida Statutes.~~

~~(6) The Department shall encourage participation by certified minority business enterprises in the state purchasing system by providing advance payment when permitted by law and in accordance with Comptroller's Memorandum Number 1 (1983-84).~~

~~Specific Authority 287.0947(2) FS. Law Implemented 215.422, 255.05(1)(a), 287.062(1), (4), (5), 287.0947 FS. History--New 7-2-90, Amended 1-26-93, Repealed\_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**DEPARTMENT OF VETERANS' AFFAIRS**

RULE NOS.:	RULE TITLES:
55-6.001	Authority
55-6.002	Purpose
55-6.003	Public Inspection and Duplication
55-6.004	Final Orders Required to be Indexed
55-6.005	Listing of Final Orders
55-6.006	Numbering of Final Orders
55-6.007	System for Indexing Final Orders
55-6.008	Maintenance of Records
55-6.009	Plan

PURPOSE AND EFFECT: To remove rules that are redundant of statute.

SUMMARY: Final Order Indexing, Management And Availability.

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: 120.533, (1)(f), (1)(j) FS.

LAW IMPLEMENTED: 120.53(2)-(4), (2)(a)1.-5., 119.041(2) FS., Chapter 91-30, Section 10, Laws of Florida.

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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55-6.001 Authority.

~~These rules regarding the indexing, management, and availability of final orders are issued pursuant to Section 120.533, Florida Statutes, and Chapter 1S-6, Florida Administrative Code, and have been approved by the Department of State pursuant to Section 120.53(2)(c), Florida Statutes.~~

Specific Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History--New 1-26-93, Repealed.

55-6.002 Purpose.

~~The purpose of this chapter is to provide public access to and availability of final orders.~~

Specific Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History--New 1-26-93, Repealed.

55-6.003 Public Inspection and Duplication.

~~The following shall be made available from the agency for public inspection and copying, at no more than cost:~~

~~(1) All final orders.~~

~~(2) A current subject matter index identifying final orders which are indexed.~~

~~(3) A list of all final orders which are not indexed, which must be listed pursuant to Rule 1S-6.005, Florida Administrative Code.~~

Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)1.-5. FS. History--New 1-26-93, Repealed.

55-6.004 Final Orders Required to be Indexed.

~~For purposes of this chapter, final orders issued pursuant to Sections 120.565, 120.57(1), (2), and (3), Florida Statutes, which are required to be indexed pursuant to Rule 1S-6.004, Florida Administrative Code, shall be indexed. The categories and types of final orders which are excluded from indexing pursuant to Sections 120.53(2), (3), 120.53(2)(d), Florida Statutes, which are not required to be indexed pursuant to Rule 1S-6.004, Florida Administrative Code, are as follows: final orders resulting from stipulations, consent agreements, and agreed settlements which are of limited or no precedential value or legal significance, or that are ministerial in nature, or any final order which does not specifically qualify for indexing as specified in Rule 1S-6.004, Florida Administrative Code.~~

Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)3., (s) FS. History--New 1-26-93, Repealed.

55-6.005 Listing of Final Orders.

~~The agency maintains a list of stipulations, agreed settlements, consent agreements and final orders that do not qualify for indexing as specified in Rule 1S-6.004, Florida Administrative Code, and which the agency has therefore excluded from indexing. The list contains the names of the parties to the proceeding and the number assigned to the final order.~~

Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)4. FS. History--New 1-26-93, Repealed.

55-6.006 Numbering of Final Orders.

~~All final orders which are indexed or listed shall be sequentially numbered as rendered using a two-part number separated by a dash with the first part before the dash indicating the year and the second part indicating the numerical sequence of the order issued for that year beginning with number 1 each new calendar year. The following assigned agency designation prefixes shall precede the two-part number, as applicable: DVA for the Department of Veterans' Affairs; DVAB for the Division of Veterans' Benefits and Assistance; and DVAA for the Division of Administration and Public Information.~~

Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History--New 1-26-93, Repealed.

55-6.007 System for Indexing Final Orders.

(1) The index shall be alphabetically arranged by main subject headings taken from the Florida Statutes index, when applicable. The applicable titles of citations of the Florida Statutes construed within the final order may determine the main subject headings and subheadings in the index. Main subject headings shall be all capital letters and shall be flush left on the page followed by relevant subheadings which shall be initial caps and lower case letters indented. Subheadings and sub-subheadings may be taken from the text of the Florida Statutes being construed. Subheadings and sub-subheadings at equal indentations shall be alphabetized. The numbers of the final orders shall be listed sequentially in an indentation immediately below the applicable subheading. Cross references shall be used to direct the user to subject headings which contain the relevant information. Related key words (specific words, terms, and phrases) and common and colloquial words shall be listed and cross referenced to the appropriate main subject headings.

(2) The main subject headings shall be consulted by the agency's indexer and subsequent similar entries shall be indexed under the existing appropriate heading. The index shall be cumulative and shall be updated and made accessible to the public at least every 120 days. New main subject headings will be added when necessary. The index shall be cumulative for each calendar year.

(3) The agency indexing clerk shall index final orders in addition to carrying out responsibilities relating to numbering and listing as set forth in this rule chapter.

Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History--New 1-26-93, Repealed \_\_\_\_\_.

55-6.008 Maintenance of Records.

Final orders that comprise final agency action and that must be indexed or listed pursuant to this chapter shall be permanently maintained by the agency pursuant to the retention schedule approved by the Department of State, Division of Library and Information Services.

Specific Authority 120.533(1)(j) FS. Law Implemented 119.041(2) FS. History--New 1-26-93, Repealed \_\_\_\_\_.

55-6.009 Plan.

(1) The agency shall make final orders accessible and available to the public by sequentially numbering and indexing final orders that are required to be indexed and listing those final orders that are required to be listed and are not indexed. The agency shall make the final orders, subject matter index, and the list available to the public.

(2) The agency indexing clerk shall assist the public in obtaining information pertaining to final orders.

(3) The system or process used by the agency to search and locate final orders required to be indexed and listed is as follows: the designated agency clerk will receive all requests

for copies of final orders, will search the appropriate index or list for the location of requested final orders, and will retrieve and copy such final orders in accordance with the provisions of this Chapter 55-6, Florida Administrative Code.

(4) The agency maintains and stores such final orders, index, and list in the offices of the agency at 144 First Avenue South, Room 418, St. Petersburg, Florida. The office is open to the public between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays and weekends.

Specific Authority 120.533(1)(j) FS. Law Implemented Chapter 91-30, Section 10, Laws of Florida. History--New 1-26-93, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF VETERANS' AFFAIRS

RULE NOS.:	RULE TITLES:
55-11.002	Policies
55-11.003	Definitions
55-11.005	Admission Eligibility
55-11.008	Residents' Contribution to Support
55-11.010	Residents' Deposits of Money
55-11.011	Residents' Deposits of Personal Property
55-11.012	Vocational Rehabilitation and Work Incentive Programs

PURPOSE AND EFFECT: To conform rules to current Florida Statutes.

SUMMARY: Veterans' Domiciliary Home of Florida.

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: 296.04(2) FS.

LAW IMPLEMENTED: 296.02, (2), 296.04(1), (2), (6), 296.06, (1), (2), 296.07, 296.08, 296.10(1), 296.11(3), 296.12, 296.13, 296.14, 296.17, 400.402 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: Ron Lynn, (850)487-1533

## THE FULL TEXT OF THE PROPOSED RULES IS:

## 55-11.002 Policies.

(1) The Veterans' Domiciliary Home of Florida shall be maintained to provide domiciliary care, i.e., shelter, sustenance and incidental medical care on an ambulatory self or temporarily assisted care basis for eligible veterans who are suffering from a disability, disease or defect that incapacitates the resident from earning a living, but who are not in need of hospitalization or nursing care services, to attain physical, mental and social well-being through special rehabilitative programs to restore residents to their highest level of functioning. The Domiciliary Home is also licensed to provide extended congregate care for eligible veterans.

(2) Resident's shall be admitted into the home without regard to race, age, ~~gender, sex,~~ creed, religion, national origin, or any other reason that would thereby create a practice of discrimination. However, an applicant's veteran status shall not constitute discrimination.

(3) The Department will operate the homes in compliance with the standards prescribed by the VA; and with all applicable provisions of Part I, Chapter 429, Florida Statutes, and the state regulatory standards to the extent that such provisions are not contravened by a provision of Part I, Chapter 296, Florida Statutes. Where the standards of the state are more restrictive than the standards of the VA, the standards of the state shall apply.

Specific Authority 296.04(2) FS. Law Implemented 296.02(2), 296.06(1) FS. History--New 5-29-90, Amended 11-19-92, 10-27-94, 12-27-98, \_\_\_\_\_.

## 55-11.003 Definitions.

(1) "Administrator" means the person appointed to serve as the chief executive of the home.

(2) "Applicant" means a veteran with peacetime or wartime service as defined in subsections (12) and ~~(18)~~ (17) herein, who is not in need of hospitalization or nursing home care.

(3) Assisted Living Facility has the meaning given to that term under Sections 429.01 ~~400.401~~ and 429.02(6) ~~400.402~~, F.S.

(4) "Department" means the Florida Department of Veterans' Affairs.

(5) "Director" means the executive director of the Florida Department of Veterans' Affairs.

(6) "Domiciliary care" means shelter, sustenance, and incidental medical care provided on an ambulatory self or temporarily assisted care basis for eligible veterans who are disabled by age or disease, but who are not in need of hospitalization or nursing home care services, and includes extended congregate care.

(7) "Extended Congregate Care" means the definitions given in Section 429.02(12), ~~400.402~~, Florida Statutes.

(8) "Incidental medical care" means medical care provided by the Domiciliary Home that meets the minimum standards required by the United States Department of Veterans' Affairs, Veterans Health Services and Research Administration Manual M-5, Part VIII, Chapter 2, dated November 4, 1992, incorporated by reference in this rule.

(9) Interdisciplinary Team – A group of professionals consisting of a Director of Nursing, senior registered nurse supervisor, social worker, physician, rehabilitation therapist and dietician who develop a service plan for each resident, and make recommendations to the Administrator for implementing the service plan.

(10) "Interdisciplinary written treatment plan" means the written plan which sets forth each resident's emotional, behavioral, rehabilitation and physical goals as established by staff disciplines representing medical, nursing, dietetics, social service and rehabilitation.

(11) Mentally ill means impairment of the emotional process of the ability to exercise conscious control of one's actions, or of the ability to perceive reality, or to understand, which impairment substantially interferes with a person's ability to meet the ordinary demands of living and which impairment cannot be controlled by medication.

(12) "Peacetime service" means service in the active military, naval, or air service by any person who was discharged or released therefrom under honorable conditions and said service was not during a wartime era as defined in subsection ~~(18)~~(17) herein.

(13) "Personal Needs Allowance" means money belonging to the resident for personal needs, and is received monthly. Rate is calculated on an annual basis by the Administrator in accordance with Section 296.10(1)(b), F.S. and in accordance with Title II of the Social Security Act, 42 U.S.C. ss. 401 et seq. (Base rate of \$100 plus annual cost-of-living adjustments from January 1, 2004 to present).

~~(14)~~(13) "Property" means equipment, fixtures and other tangible personal property of a nonconsumable and nonexpendable nature the value or cost of which is ~~\$1000~~ \$500 or more and the normal expected life of which is one year or more, and hardback-covered bound books the value or cost of which is ~~\$250~~ \$100 or more, owned by the state.

~~(15)~~(14) "Resident" means any eligible veteran admitted to live in the Veterans' Domiciliary Home of Florida.

~~(16)~~(15) "VA" means the United States Department of Veterans' Affairs.

~~(17)~~(16) "Veterans' Domiciliary Home of Florida," hereinafter referred to as the "home" means a home established by the state for peacetime and wartime veterans, as defined in subsections (12) and ~~(18)~~(17) herein, and maintained for the use of those veterans not in need of hospitalization or nursing home care, are in need of assisted living care, and who are

ambulatory, can substantially attend to their personal needs, dress themselves, and attend a general dining facility, or who are in need of extended congregate care.

~~(18)(17) "Wartime service" has the meaning given to that term under Section 1.01(14), F.S. means service in the active military, naval, or air service by any person who was discharged or released therefrom under honorable conditions only, or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the VA on individuals discharged or released with other than honorable discharges, provided that such veterans served during one of the following periods of wartime service:~~

~~(a) Spanish-American War: April 21, 1898, to July 4, 1902, and including the Philippine Insurrection and the Boxer Rebellion.~~

~~(b) Mexican Border Period: May 9, 1916, to April 5, 1917, in the case of a veteran who during such period served in Mexico, on the borders thereof, or in the waters adjacent thereto.~~

~~(c) World War I: April 6, 1917, to November 11, 1918; extended to April 1, 1920, for those veterans who served in Russia; also extended through July 1, 1921, for those veterans who served after November 11, 1918, and before July 2, 1921, provided such veterans had at least 1 day of service between April 5, 1917, and November 12, 1918.~~

~~(d) World War II: December 7, 1941, to December 31, 1946.~~

~~(e) Korean Conflict: June 27, 1950, to January 31, 1955.~~

~~(f) Vietnam Era: February 28, 1961, to May 7, 1975.~~

~~(g) Persian Gulf War: August 2, 1990, and ending on the date thereafter prescribed by presidential proclamation or by law.~~

Specific Authority 296.04(2) FS. Law Implemented 296.02, 296.04(1), 296.06, 296.17 FS. History--New 5-29-90, Amended 11-19-92, 3-31-94, 10-27-94, 12-27-98, \_\_\_\_\_.

55-11.005 Admission Eligibility.

(1) To be eligible for residence, a veteran must:

(a) Have wartime or peacetime service as defined in subsection 55-11.003(18)(17) or (12), F.A.C., of this chapter of the rules;

(b) Have been discharged or released from such service under honorable conditions or later received an upgraded discharge under honorable conditions;

(c) Be a resident of the state at time of application, and for the 1 year immediately preceding application; and

(d) Not owe money to the Department for services rendered during any previous stay at a Department facility.

(2) The veteran applicant must not be mentally ill, habitually inebriated or addicted to the use of a controlled substance. A resident of the home who is discharged or voluntarily leaves the home because of mental illness,

inebriation or addiction shall be referred by the home to the appropriate federal, state or county agency available for the treatment of such condition.

(3) The veteran applicant must not be in need of hospitalization or nursing home care and must need assisted living care and be ambulatory, substantially able to attend to personal needs, dress, groom, and attend a general dining facility or be in need of extended congregate care.

(4) Criteria for admission to the domiciliary home must be consistent with the admission requirements for assisted living facilities set forth in Rule 58A-5.0181, F.A.C., said criteria are incorporated by reference in this rule section.

(5) Before admission each applicant must apply for a certificate of eligibility. To secure a certificate of eligibility the applicant must complete the Application for Certificate of Eligibility along with all required supporting documentation. The application forms can be obtained from any of the following:

(a) Robert H. Jenkins, Jr. Veterans' Domiciliary Home of Florida, 751 S. E. Sycamore Terrace, 4300 Sycamore Lane, Lake City, Florida 32025 32055.

(b) Florida Department of Veterans' Affairs, 9500 Bay Pines Blvd., Room 214, St. Petersburg, FL 33708 Bay Pines, FL 33504.

(c) Florida Department of Veterans' Affairs Field Services Offices in VA Medical Centers or Outpatient clinics located at Bay Pines, Gainesville, Lake City, Miami, Tampa, Daytona Beach, Orlando, Jacksonville, Viera, West Palm Beach, Tallahassee, Fort Myers, Port Richey, Riviera Beach, Pensacola and Oakland Park or the Veterans' Nursing Homes of Florida in Daytona Beach, Land O'Lakes, Springfield, Port Charlotte and Pembroke Pines. Consult the local telephone directory for the address of the nearest office.

(d) County or City Veteran Service offices located in counties throughout Florida. Consult the local telephone directory for the address of the nearest office.

(6) The Application for Certificate of Eligibility consists of the following forms which are hereby incorporated by reference.

(a) Veterans' Domiciliary Home of Florida Application for Certificate of Eligibility (~~FDVA Form 10~~), ~~dated June 1997.~~

(b) Department of Veterans' Affairs State Home Program Application for Veterans Care Medical Certification (VA Form 10-10SH), dated July 1998 or current version. Medical Certificate (VA Form 10-10m), dated March 1992.

(c) Department of Veterans' Affairs Authorization to Release of Medical Records or Health Information (VA Form 10-5345), dated March 2003 or current version. Request for and Consent to Release of Information from Claimant's Records (VA Form 70-3288), dated December 1988.

(d) Department of Elder Affairs, DOEA Form 1823, dated January 2006, October 1995, Health Assessment for Assisted Living Facilities.

(e) A legible copy of the applicant's Certificate of Release or Discharge from the U.S. Armed Services or a legible copy of a U.S. Department of Veterans' Affairs Hospital Inquiry Screen must also be included.

(7) The fully completed Application for Certificate of Eligibility along with all required supporting documentation must be forwarded to the home at the address set forth at subparagraph ~~(5)(a)(4)(a)~~ herein. Incomplete applications will receive a denial of the Certificate of Eligibility after thirty days, be returned to the applicant.

(a) The completed application will be reviewed by an Admissions Committee consisting of a representative of Business Services, a representative of Health Services and a representative of Social Services. The Business Services representative will be the Business Manager or designee; the Health Services representative will be the Physician and Director of Nursing or Nurse Specialist or designee and the Social Services Representative will be the Social Human Services Worker Counselor Supervisor or designee.

(b) The Admissions Committee will review the application and make a recommendation to the Administrator as to the action to be taken.

Specific Authority 296.04(2) FS. Law Implemented ~~1-01(14), 296.02(6)~~, 296.04(2), 296.06(2), 296.07, 296.08 FS. History—New 5-29-90, Amended 3-31-94, 10-27-94, 12-27-98, 12-28-04, \_\_\_\_\_.

#### 55-11.008 Residents' Contribution to Support.

(1) Every resident who receives income from any source, including pension, compensation or gratuity from the United States government of more than the current personal needs allowance, \$100 per month, shall contribute to his or her maintenance and support while a resident of the home to the fullest extent possible.

(a) Income from any source is income over which the veteran has control and can exercise discretion.

(b) Pension, compensation or gratuity from the United States Government is the amount paid to the veteran as a single person. Additional amounts paid for a spouse or other dependents are not considered.

(c) A resident's income shall include all income from any source, plus any pension, compensation or gratuity from the United States Government, minus the current personal needs allowance \$100. Upon the recommendation of the Administrator, and with the approval of the Director, a resident may be allowed to retain some additional amount on a temporary basis, when necessary due to exceptional or unusual personal health needs of the resident.

(d) As a condition for acceptance to residency in the home, and at the time of admission to the home, a resident will be required to authorize the Administrator to verify the resident's income.

(2) The Administrator shall determine the amount of the required contribution of each resident of the home based on the daily cost of care in the home.

(a) The daily cost of care is calculated by dividing the total expenditures of the home for the period for which the calculation is being made by the estimated total number of days in the period that residents will occupy beds in the home (average daily census).

(b) The daily cost of care will be calculated annually based on the calendar year (January 1 through December 31), except that if the average daily census changes by 10%, up or down, for the immediately preceding 3 calendar month period, the Administrator may shall recalculate the daily cost of care based on the revised average daily census figure.

(c) The resident's required contribution may shall be adjusted, up or down, on the first day of the month following the month in which the recalculation of the daily cost of care occurs has occurred.

(3) The VA contribution is the amount of VA per diem payment to the home for those residents determined by the VA to be eligible to receive such assistance.

(4)(a) The required contribution for a resident who is eligible for the VA contribution is the daily cost of care as calculated under paragraph (2)(a) herein, not to exceed the amount of the resident's income as calculated under paragraph (1)(c) herein.

(b) The required contribution for a resident who is not eligible for the VA contribution is the daily cost of care as calculated under paragraph (2)(a) herein.

(5) Upon admission, the resident shall pay in full, in advance, the pro-rata share of the resident's contribution for the remainder of the calendar month during which the resident is admitted.

(6) Each resident shall pay the full amount of the resident's contribution for each calendar month, in advance, by the fifth business day of the month. A resident who does not have income eligible for co-payment and is physically able to work will be required to participate in the Work Incentive Therapy Program. In the event the resident is discharged for any reason before the end of the month, a pro-rata portion of the resident's contribution for the month shall be refunded to the resident.

(7) Failure to pay the required contribution will be cause for the Administrator, subject to the approval of the Director, to dismiss the resident from the home.

Specific Authority 296.04(2) FS. Law Implemented 296.04(6), 296.10(1) FS. History—New 5-29-90, Amended 3-31-94, 1-25-96, 12-27-98, 7-26-00, \_\_\_\_\_.

#### 55-11.010 Residents' Deposits of Money.

(1) The Veterans' Domiciliary Home of Florida Residents' Deposit Trust Fund is established at Lake City, Florida, in a financial institution that is insured by the Federal Deposit



Insurance Corporation (FDIC) or the National Credit Union Association (NCUA). The Residents' Deposit Trust Fund is a local fund which is not part of the State Treasury.

(2) A resident may voluntarily deposit moneys with the home at no charge to be made of the resident by the home.

~~(a) If any interest is earned on the residents' deposits, the interest shall be deposited to the Residents' Deposit Trust Fund. Money deposited and any interest earned may be withdrawn, in whole or in part, at the will of the resident. Upon the resident's death, money deposited and any interest earned will be distributed in accordance with Chapter 296.12(2), F.S. All interest earned on the residents' deposits shall be deposited to the Grants and Donations Trust Fund to be expended for the common benefit of the residents of the home, such as improved facilities, recreational equipment and recreational supplies subject to the requirements of Chapter 216, F.S.~~

(b) Each resident desiring to make a deposit of funds to the Residents' Deposit Trust Fund shall be informed of the above provision.

(3) Such moneys as a resident may have on deposit with the Residents' Deposit Trust Fund may be withdrawn, in whole or in part, at the request of the resident. A resident who requests a withdrawal between 9:00 a.m. and 3:00 p.m. on any weekday, excluding holidays observed by state employees, will be allowed to withdraw in cash a sum of money up to \$150.00. A resident who requests a withdrawal of more than \$150.00, 11:00 a.m. on any weekday, excluding holidays observed by state employees, will, by 2:00 p.m. of the day of the request is made, receive a check payable to the resident drawn on the Trust Fund. Except in an emergency, requests made after 11:00 a.m. will be ~~processed~~ handled on the next regular workday ~~weekday~~.

(4) Upon a resident leaving the home, if such moneys are not withdrawn by the resident at the time of departure, they shall be held in the Trust Fund for a period of 3 years, unless withdrawn by the resident or demanded by a legal representative or heir of the resident in the event of the death of the resident.

(a) Upon the death of a resident who died intestate, the Administrator is empowered to:

1. Disburse funds of the deceased resident for payment of the resident's funeral expenses.

2. Upon proof determined by the Administrator to be proper to adequately identify the heirs of the deceased resident without probate proceedings, the Administrator shall pay to the heirs any balance of moneys held by the home.

(5) If after 3 years the resident does not demand the funds that were not withdrawn at the time of departure, or, if after the death of a resident or former resident who still has funds on deposit, no heirs who are entitled to the whole of such funds are discovered within 1 year after the death of the resident, then such remaining funds shall be deposited ~~paid~~ to the state as provided in Chapter 717, F.S.

Specific Authority 296.04(2) FS. Law Implemented 296.11(3), 296.12, 296.13 FS., as amended by Chapter 92-80, Laws of Florida. History—New 5-29-90, Amended 11-19-92, 12-27-98, \_\_\_\_\_.

55-11.011 Residents' Deposits of Personal Property.

(1) Any resident of the home may deposit articles of personal property, other than money, with the Administrator for safekeeping by the home.

(a) An itemized record of the deposit of such articles of personal property shall be maintained by Business Services. This record shall contain:

1. The full name of the resident depositing the property.

2. The date of deposit of the property.

3. A description of each article of property with sufficient detail so as to make possible the identification of the article or articles deposited.

4. A statement of the resident as to the estimated value of each article deposited. If the resident assigns a value of \$500 or more to an article to be deposited with the home, an independent appraisal by a qualified appraiser must be furnished by the resident substantiating the value of the article.

5. The disposition made of the property and the date such disposition was made.

(2) Property deposited with the home shall be returned on demand, upon the resident executing a written acceptance, acknowledging the return of such property.

(3) If such property is not claimed by the resident at the time of leaving the home, or if the resident is deceased, it will be held for safekeeping as unclaimed personal property for up to one year from the date of the resident's demise or departure from the home. The Administrator ~~may~~ will make a reasonable monthly storage charge for the safekeeping of such unclaimed property which shall become a lien upon the property if not paid.

(4) Upon proof of identity, the Administrator shall release the property to the resident's heirs, devisees or legatees.

(5) When the value of such articles of unclaimed property exceeds the probable cost of a public sale, the Administrator shall cause a public sale to be held to dispose of the unclaimed articles. All storage charges and costs of sale shall be reimbursed to the Operations and Maintenance Trust Fund of the home, and any remaining unclaimed funds shall be disposed of as provided in Chapter 717, F.S.

Specific Authority 296.04(2) FS. Law Implemented 296.14 FS. History—New 5-29-90, Amended 3-31-94, 12-27-98, 7-26-00, \_\_\_\_\_.

55-11.012 Vocational Rehabilitation and Work Incentive Programs.

(1)(a) It is the purpose of the vocational rehabilitation program, ~~as set forth in 38 C.F.R. 17.217(j), dated July 1, 1997,~~ to afford the resident an opportunity to gain employment outside the home as a part of the therapeutic rehabilitation of

the resident; to assist the resident to become a self-sufficient and productive member of society, able to live in a noninstitutional setting.

(b) The work incentive program will afford the resident the opportunity to work at the home and be compensated for rendering assistance in the care of the home and grounds.

(2) A resident must have his or her participation in these programs approved as a part of the resident's written interdisciplinary treatment plan.

(3)(a) After the approval of the resident's participation in the vocational rehabilitation program has been entered into the resident's interdisciplinary treatment plan, and if the resident does not have a job, he/she ~~may shall~~ be referred to the area Agency for Workforce Innovation Florida Department of Labor and Employment Security Job Service for an assessment of the resident's skills and abilities.

(b) The resident ~~may shall~~ be assisted in securing employment appropriate to the resident's skills, abilities and physical condition by the U.S. DVA Rehabilitation Programs Disabled Veteran Outreach Program (DVOP) or Local Veterans Employment Representative (LVER) personnel.

(4)(a) After the approval of the resident's participation in the work incentive program ~~is has been~~ entered into the resident's interdisciplinary treatment plan, the interdisciplinary team shall determine the type of work the resident may be qualified and capable of performing and refer the resident to the home personnel office for processing. Work incentive positions will be filled based on recommendations from the interdisciplinary team and available work incentive position vacancies.

(b) The personnel office will process the employment package based on the interdisciplinary team's recommendation of shall assess the resident's skills and abilities and determine the appropriate kind of work to which the resident can be assigned. The employment package will be processed in accordance with the personnel policies of the Florida Department of Veterans' Affairs.

(c) The resident ~~may shall~~ be assigned to work that renders assistance in the care of the home and grounds that is consistent with the resident's skills, abilities and physical condition.

(5) The resident's continued participation in these programs shall be contingent on the employment being compatible with the resident's interdisciplinary treatment plan and the resident's continued observance of all the rules governing the preservation of order and discipline in the home as set forth at Rule 55-11.009, F.A.C., herein.

~~(6) When available, transportation to and from employment in the local community will be provided by the home for the first thirty (30) days of employment. Thereafter, the resident will be responsible for arranging his own transportation.~~

~~(6)(7)~~ The resident's contribution to his or her support while employed under either program, shall be in accordance with the schedule of payment determined by the Administrator and approved by the Director, to be computed at fifty percent (50%) of the resident's net earnings after taxes and after the set aside of the personal needs allowance, first \$100 per month, not to exceed the resident's required contribution based on the daily cost of care as calculated in subsection 55-11.008(2), F.A.C., herein. Payments toward a resident's contribution for support will be due within five (5) business days after each pay period. The resident is required to authorize the Administrator of the home to secure from the employer sufficient information to verify the resident's earnings under the program.

~~(7)(8)~~ The Inter-Disciplinary Team must approve a resident's Vocational Rehabilitation Program which shall be for a maximum period of three (3) months prior to a discharge to independent living.

Specific Authority 296.04(2) FS. Law Implemented 296.04(6), 296.10(1), 296.17, 400.402 FS. History--New 6-25-91, Amended 3-31-94, 12-27-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Herman  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**DEPARTMENT OF VETERANS' AFFAIRS**

RULE NOS.:	RULE TITLES:
55-12.002	Policies
55-12.003	Definitions
55-12.004	Admission Eligibility
55-12.006	Residents' Contribution to Cost of Care
55-12.007	Order and Discipline in the Home
55-12.008	Residents' Deposit of Money or Personal Property

PURPOSE AND EFFECT: To conform rules to current Florida Statutes.

SUMMARY: Veterans' Nursing Home of Florida.

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: 296.34(3) FS.

LAW IMPLEMENTED: 296.33, (6), 296.34-.38, 296.41 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55-12.002 Policies.

(1) The Veterans' Nursing Homes of Florida shall be maintained to provide nursing home care to eligible veterans in need of such services by providing each resident the opportunity to achieve and maintain their optimal functional level for as long as possible.

(2) Applicants shall be admitted into the home without regard to race, age, ~~gender, sex~~, creed, religion, national origin, or any other reason that would thereby create a practice of discrimination. However, consideration of an applicant's veteran status shall not constitute discrimination.

(3) The Department will operate the homes in compliance with the standards prescribed by the VA; and with all applicable provisions of Part II, Chapter 400, Florida Statutes, and the regulatory standards set forth at Chapter 59A-4, F.A.C., to the extent that such provisions are not contravened by a provision of Part II, Chapter 296, Florida Statutes. Where the standards of the state are more restrictive than the standards of the VA, the standards of the state shall apply.

Specific Authority 296.34(3) FS. Law Implemented 296.33(6), 296.35, 296.41 FS. History--New 5-23-93, Amended 12-27-98,\_\_\_\_\_.

55-12.003 Definitions.

(1) The terms used in this Chapter have the meaning set forth at Section 296.33, Florida Statutes.

(2) "Applicant" means a veteran as defined in subsection 1.01(14), Florida Statutes, who is in need of nursing home care.

(3) "Interdisciplinary Care Plan" means the resident care plan developed, implemented and maintained for each resident in accordance with Rule 59A-4.109, F.A.C.

(4) "Property" means equipment, fixtures and other tangible personal property of a nonconsumable and nonexpendable nature the value or cost of which is \$1,000 ~~\$500~~ or more and the normal expected life of which is one year or more, and hardback-covered bound books the value of which is \$250 ~~\$100~~ or more, owned by the state.

(5) "VA" means the United States Department of Veterans Affairs.

Specific Authority 296.34(3) FS. Law Implemented 296.33, 296.38, 296.41 FS. History--New 5-23-93, Amended 12-27-98,\_\_\_\_\_.

55-12.004 Admission Eligibility.

(1) To be eligible for admission an applicant must:

(a) Be an eligible veteran as defined in subsection 55-12.003(2), F.A.C., of this Chapter of these rules.

(b) Be a resident of the state at the time of application and for 1 year immediately preceding application.

(c) Be in need of nursing home care for a condition which requires services that fall within the level of care which the home has the resources and functional ability to provide.

(2) Each applicant must be referred to the home by a VA Medical Center. Except for an applicant who is able to pay the full cost of care, prior to admission, each applicant must have been approved by the VA as being eligible for federal aid ~~pursuant to Section 17.195 of Title 38, Code of Federal Regulations, incorporated by reference in this rule.~~

Specific Authority 296.34(3) FS. Law Implemented 296.36 FS. History--New 5-23-93, Amended 12-27-98, 7-26-00,\_\_\_\_\_.

55-12.006 Residents' Contribution to Cost of Care.

(1) Every resident who receives income from any source, including pension, compensation or gratuity from the United States government of more than \$35.00 per month, shall contribute to his or her cost of care while a resident of the home to the fullest extent possible.

(a) Income from any source is income over which the resident has control and can exercise discretion. It does not include taxes or other expenses necessary for the production of the income.

(b) Pension, compensation or gratuity from the United States Government is the amount paid to the resident as a single person. Additional amounts paid for the support of a spouse or other dependents are not considered.

(c) A resident's income shall include all income from any source, plus any pension, compensation or gratuity from the United States Government, minus \$35.00. Upon the recommendation of the Administrator, and with the approval of the Director, a resident will be allowed to retain some additional amount on a temporary basis, when necessary due to exceptional or unusual personal health needs of the resident.

(2) The Administrator shall determine the amount of the required contribution of each resident of the home based on the daily cost of care in the home.

(a) The daily cost of care is calculated by dividing the total operating budget of the home for the period for which the calculation is being made by the estimated total number of days in the period that residents will occupy beds in the home (average daily census).

(b) The daily cost of care will be calculated annually based on the 12 month state fiscal year (July 1 through June 30), except that if the average daily census changes by 10%, up or down, for the immediately preceding 3 calendar month period, the Administrator ~~may shall~~ recalculate the daily cost of care based on the revised daily census figure.

(c) The residents required contribution shall be adjusted, up or down, on the first day of the month following the month in which the recalculation of the daily cost of care ~~occurs~~ ~~has occurred~~.

(3) The VA contribution is the amount of VA per diem payment to the home for those residents determined by the VA to be eligible to receive such assistance.

(4)(a) The required contribution for a resident who is eligible for the VA contribution is the daily cost of care as calculated under paragraph (2)(a) herein, not to exceed the amount of the resident's income as calculated under paragraph (1)(c) herein.

(b) The required contribution for a resident who is not eligible for the VA contribution is the daily cost of care as calculated under paragraph (2)(a) herein.

(5) Upon admission the resident shall pay in full, in advance, the pro-rata share of the resident's contribution for the remainder of the calendar month during which the resident is admitted.

(6) Each resident shall pay the full amount of the resident's contribution for each calendar month, in advance, by the fifth business day of the month. In the event the resident is discharged for any reason before the end of the month, a pro-rata portion of the resident's contribution for the month shall be refunded to the resident.

(7) Failure to pay the required contribution will be cause for the Administrator, subject to the approval of the Director, to dismiss the resident from the home.

Specific Authority 296.34(3) FS. Law Implemented 296.37 FS. History—New 5-23-93, Amended 12-27-98, 7-26-00,\_\_\_\_\_.

#### 55-12.007 Order and Discipline in the Home.

(1) Resident of the home shall cooperate fully in the preservation of order and discipline in the home.

(a) Residents shall observe good health habits and personal hygiene.

1. Smoking inside the home is prohibited. Areas ~~may~~ ~~shall~~ be designated outside the home for such use.

2. The use of drugs or any controlled substance in the home is prohibited except as provided in subparagraph 3. herein. Alcohol may be consumed by a resident as ordered by the resident's physician.

3. Prescription drugs will be controlled by the home, to be administered as ordered by the resident's physician. Residents may self-administer prescription or over the counter drugs as ordered by the resident's physician where the Interdisciplinary Care Plan of the resident indicates this practice to be safe.

4. Resident's shall submit to such physical or mental examinations and shall cooperate in such health or rehabilitative programs as may be ordered by the resident's physician or the Medical Director.

(b) Residents shall conduct themselves in a way that does not endanger the safety or comfort of other residents of the home.

1. Residents shall not bring anything into the home that endangers the safety or comfort of other residents.

2. Residents shall not have personal items in their possession that would constitute a fire or safety hazard.

3. Residents shall maintain a courteous relationship toward other residents and staff of the home. Abusive, profane or obscene language shall not be used.

4. Residents shall dress appropriately for the particular activity that they may be engaged in from time to time.

5. Residents shall respect the property of other persons and the facilities of the home.

6. Illegal gambling shall not be permitted in the home.

(c) Visiting hours, area of visitation, and conduct of residents and visitors during visits shall not interfere with the comfort and well-being of other residents.

(d)1. A resident may leave the home for up to 96 hours where such absence is approved in the resident's Interdisciplinary Care Plan. The resident is required to make the full contribution to the cost of care while absent.

2. A resident who leaves against medical advice shall not be eligible to return unless approved by the resident's physician and the Administrator.

(e) No resident shall engage in illegal conduct.

(2) The Administrator, subject to the approval of the Director, is empowered by subsection 296.34(5), Florida Statutes, to dismiss a resident of the home for any infraction of these rules.

(3) Where the Administrator determines that a resident has caused physical damage to the home, or its furnishings and equipment, either negligently or intentionally, the Administrator shall determine the cost of repairs or replacement, and take action to recover such costs. The Administrator shall recover such repair or replacement cost by:

(a) Increasing the resident's co-payment.

(b) Using funds of the resident that are on deposit in the Resident's Deposit Trust Fund.

(c) Holding personal property or funds of the resident being held by the home for safekeeping as security for the cost of repairs or replacement.

Specific Authority 296.34(3) FS. Law Implemented 296.34 FS. History—New 5-23-93, Amended 12-27-98,\_\_\_\_\_.

#### 55-12.008 Residents' Deposit of Money or Personal Property.

(1) The Veterans' Nursing Home of Florida Residents' Deposit Trust Fund is established in a local financial institution that is insured by the Federal Deposit Insurance Corporation

(FDIC) or the National Credit Union Association (NCUA). The Residents' Deposit Trust Fund is a local fund which is not part of the State Treasury.

(2) Any resident of the home may voluntarily deposit moneys with the home at no charge to be made of the resident by the home.

(a) ~~All interest earned on the residents' deposits shall be deposited in the Resident's Deposit Trust Money deposited and any interest earned may be withdrawn, in whole or in part, at the will of the resident. Upon the resident's death, money deposited and any interest earned will be distributed in accordance with Section 296.12(2), F.S. Grants and Donations Trust Fund to be expended for the common benefit of the residents of the home, such as improved facilities, recreational equipment and recreational supplies subject to the requirements of Chapter 216, Florida Statutes.~~

(b) Each resident desiring to make a deposit of funds to the Resident's Deposit Trust Fund shall be informed of the above provision.

(3) Such moneys as a resident may have on deposit with the Residents' Deposit Trust Fund may be withdrawn, in whole or in part, at the request of the resident. A resident who requests a withdrawal between 9:00 a.m. and 11:00 a.m. on any weekday, excluding holidays observed by state employees, will, by 2:00 p.m. of the day the request is made, receive cash up to \$150. A resident who requests a withdrawal of more than \$150 will receive a check payable to the resident drawn on the Resident's Trust Fund ~~a check payable to the resident drawn on the Trust Fund~~. Except in an emergency, requests made after 11:00 a.m. will be processed ~~handled~~ on the next regular business day ~~weekday~~.

(4) Upon a resident leaving the home, if such moneys are not withdrawn by the resident at the time of departure, they shall be held in the Trust fund for a period of 3 years, unless withdrawn by the resident or demanded by a legal representative or heir of the resident in the event the resident is deceased.

(a) Upon the death of a resident who died intestate, the Administrator is empowered to:

1. Disburse funds of the deceased resident for payment of the resident's funeral expenses.

2. Upon proof determined by the Administrator to be proper to adequately identify the heirs of the deceased resident without probate proceedings, the Administrator shall pay to the heirs any balance of moneys held by the home.

(5) If after 3 years the resident does not demand the funds that were not withdrawn at the time of departure, or, if after the death of a resident or former resident who still has funds on deposit no heirs who are entitled to the whole of such funds are discovered within 1 year after the death of the resident, then such remaining funds shall be paid to the state as provided in Chapter 717, Florida Statutes.

(6) The Administrator shall provide for the safekeeping of the personal property of any resident as well as the funds of any resident ~~not~~ deposited in the Resident's Deposit Trust Fund. ~~All such property or funds shall be handled in accordance with subsection 59A-4.104(5), F.A.C.~~

Specific Authority 296.34(3) FS. Law Implemented 296.38 FS. History--New 5-23-93, Amended 12-27-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**DEPARTMENT OF VETERANS' AFFAIRS**

**Division of Veterans' Benefits and Assistance**

RULE NOS.: RULE TITLES:

55A-1.003 Procedure

55A-1.004 Unlawful Display or Use

PURPOSE AND EFFECT: To remove rules that are redundant of statute and to update contact information.

SUMMARY: Identification Cards.

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: 295.17(1)(b) FS.

LAW IMPLEMENTED: 295.17(2), (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 RULES IS: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55A-1.003 Procedure.

(1) A veteran who wishes to request an identification card must complete an Application For Florida Disabled Veteran's Identification Card, FDVA Form 14, ~~April 1990~~, which form is hereby incorporated by reference. The application form can be obtained from any of the following:

(a) Florida Department of Veterans' Affairs, P. O. Box 31003, St. Petersburg, Florida 33731, or 9500 Bay Pines Blvd., St. Petersburg, Florida 33708. 144 1st Avenue South, Room 418, St. Petersburg, Florida 33701.

(b) Florida Department of Veterans' Affairs Field Services offices in VA Medical Centers located at Bay Pines, Gainesville, Lake City, Miami, ~~and Tampa,~~ and West Palm Beach, as well as VA Out Patient Clinics in Daytona Beach, Ft. Myers, Jacksonville, Oakland Park, Orlando, Pensacola, Pt. Richey and Viera. Consult the local telephone directory for the address of the nearest office.

(c) County or City Veteran Service Offices located in counties throughout Florida. Consult the local telephone directory for the address of the nearest office.

(2) The Department shall require the veteran to submit proof that the veteran is a permanent resident of Florida at the time of application.

(3) A veteran claiming eligibility for an identification card pursuant to paragraph (1)(a) of this chapter shall, if available, submit a copy of the award letter from the VA showing that the veteran is 100%, service-connected, permanently and totally disabled.

(4) A veteran claiming eligibility for an identification card pursuant to paragraph (1)(b) of this chapter shall submit a statement from the branch of service concerned attesting to the veteran's current disability rating and retirement pay status. Such statement must be dated no more than 180 days prior to the date the application is received by the Department.

(5) The Department will review the veteran's completed application to determine eligibility to receive the identification card.

(a) If the veteran is found to be eligible, the Department will proceed to issue the card.

(b) If the veteran is found to be ineligible, the Department will notify the veteran by letter as to the reason for the Department's finding.

(6) When a veteran has been found to be eligible to have an identification card issued, the Department shall send the card to the veteran with instructions as to the following action required of the veteran to complete the issuance of the card.

(a) The veteran must sign the identification card on the signature line indicated.

(b) The veteran must secure a 1 1/4 inch by 1 1/4 inch current photograph of the veteran applying for the card.

(c) The veteran must return the signed card, and the photograph to the Department at the address set forth at paragraph (1)(a) herein. The Department will then complete and authenticate the card and return it to the veteran.

(7) Each card issued shall be serially numbered and shall prominently display the statement that use of the card by any person other than the veteran to whom the card is issued is unlawful.

(8) If, due to a change in circumstances, it becomes necessary to issue a replacement card, the veteran shall return the card to the Department with an explanation of the changed information. The Department will issue a corrected card.

(9) Should the card be lost or destroyed, the veteran may apply for a replacement card by following the application procedure set forth herein.

Specific Authority 295.17(1)(b) FS. Law Implemented 295.17 FS. History--New 7-2-90, Amended 12-24-97,\_\_\_\_\_.

55A-1.004 Unlawful Display or Use.

~~(1) Pursuant to subsection 295.17(2), Florida Statutes, it is unlawful for any person to display or use any fictitious, fraudulent or expired identification card.~~

~~(2) Pursuant to subsection 295.17(2), Florida Statutes, it is unlawful for any person to copy or reproduce, or have in his or her possession any copy or reproduction of an identification card or a facsimile thereof that could be mistaken for a valid card.~~

~~(3) Pursuant to subsection 295.17(3), Florida Statutes, any person who violates any of the provisions of subsection 295.17(2), Florida Statutes, is guilty of a noncriminal violation punishable by a fine of \$200.~~

Specific Authority 295.17(1)(b) FS. Law Implemented 295.17(2), (3) FS. History--New 7-2-90, Amended 12-24-97,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**DEPARTMENT OF VETERANS' AFFAIRS**

**Division of Veterans' Benefits and Assistance**

RULE NO.: 55A-3.005  
RULE TITLE: County and City Veteran Service Officer Training Courses

PURPOSE AND EFFECT: To update contact information.

SUMMARY: County and City Veteran Service Officers.

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: 292.05(3) FS.

LAW IMPLEMENTED: 292.11(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULE IS:

55A-3.005 County and City Veteran Service Officer Training Courses.

(1) In order to be certified by the Department, an applicant for the position of either a county or city Veteran Service Officer must successfully complete the Department's Training Course.

(2) The Department shall hold at least one such Training Course each calendar quarter unless there are no applicants. The Department may hold more than one Training Course in any quarter when there is sufficient demand.

(3) The Training Course will be held at the Department offices at 9500 Bay Pines Blvd., St. Petersburg, Florida 33708 as indicated in ~~Rule 55-1.021, Florida Administrative Code.~~ Applicants will be notified in advance as to the schedule for the course.

(4) The course shall be designed to acquaint the applicant with the various benefits and compensation available to eligible veterans and dependents; the eligibility standards; and the procedures to be followed in assisting veterans or dependents in applying for and receiving such benefits and compensation.

(5) Each applicant will be required to demonstrate mastery of the subjects covered in the Training Course by passing a written test administered by the Department. Any applicant who fails to pass the test shall not be certified by the Department.

Specific Authority 292.05(3) FS. Law Implemented 292.11(4) FS. History--New 8-14-79, Formerly 9H-3.05, 22S-3.05, 22S-3.005, Amended 10-4-89,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Herman  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 04, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**DEPARTMENT OF VETERANS' AFFAIRS**

**Division of Veterans' Benefits and Assistance**

RULE NO.: 55A-5.004  
RULE TITLE: State Approval of Educational Courses

PURPOSE AND EFFECT: To update contact information.

SUMMARY: Standards for State Approval

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: 292.05(3) FS.

LAW IMPLEMENTED: 295.124 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULE IS:

55A-5.004 State Approval of Educational Courses.

(1) Under the provisions of Section 3672, Chapter 36 of Title 38, United States Code, and the contract entered into between the Bureau and the United States Department of Veterans' Affairs (U.S.D.V.A.), the Bureau of State Approving for Veterans' Training is charged with the responsibility of reviewing and approving courses offered by certain accredited and nonaccredited institutions of higher learning and accredited and nonaccredited noncollege degree institutions and courses, specifying courses which it has approved to the Secretary of Veterans' Affairs so that eligible veterans or other eligible persons enrolled in such courses may receive veterans' benefits for their attendance.

(2) In order that an educational institution may have its courses reviewed and approved by the Bureau, it shall submit to the Bureau two copies of an application for approval and two copies of its catalog or bulletin certified as true and correct in content and policy by an authorized representative of the school. Copies of the application form and attachments may be obtained from the Bureau's address at: 9500 Bay Pines Blvd., St. Petersburg, Florida 33708. Application shall be made by completing the application form and attachments, Forms FDVA-BSA-96 (09/90), Personal Data for School Personnel, and FDVA-BSA-113 (01-95), Resident School Application for Approval to Offer Training, hereby incorporated by reference, and submitting them to the Bureau together with the required copies of its catalog or bulletin. ~~Copies of the forms may be obtained from the Bureau's address at: 1353 East Lafayette, Suite C, Tallahassee, FL 32301-4746.~~

(3) Upon receipt of a properly completed application and two certified copies of the catalog or bulletin, the Bureau shall review the catalog or bulletin to determine whether the courses offered by the educational institution meet the requirements contained in Section 3675 or 3676 of Chapter 36, Title 38, United States Code, or any applicable federal regulations.

(4) The Bureau shall also send a representative to the site of the educational institution to make an on-site inspection of the institution's facilities and records in order to ensure their compliance with federal and state law.

(5) Once a determination has been made by the Bureau, it shall notify the educational institution which has made application of its decision in writing. When the decision is to approve courses, the letter shall indicate the courses which have been approved, and an official copy of the letter shall be furnished to the Secretary of Veterans' Affairs. The letter to the Secretary shall be accompanied by a copy of the catalog or bulletin of the institution as approved by the Bureau and any other information required by Section 3678 of Title 38, United States Code. An educational institution which has its courses or any of them disapproved by the Bureau shall be notified of such disapproval by a certified or registered letter of notification and a return receipt secured. A copy of the letter of disapproval shall likewise be furnished to the Secretary of Veterans' Affairs.

(6) The educational institution is required to keep the Bureau informed of: any changes in a program or curriculum, change in a school calendar, institution of a new degree program, issuance of a new school catalog, change of ownership or management, a move, or other changes in its operations relating to approved programs. The educational institution shall submit to the Bureau the information concerning the change. The Bureau will review the changes, make an on-site inspection visit if necessary, and request any additional material needed. The Bureau will then issue an approval or denial letter to the educational institution concerning the changes with an official copy of the letter furnished to the Secretary of Veterans' Affairs.

Specific Authority 292.05(3) FS. Law Implemented 295.124 FS. History--New 9-2-79, Amended 5-27-80, Formerly 9H-5.04, 22S-5.04, 22S-5.004, Amended 10-30-89, 12-5-95,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Herman  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**DEPARTMENT OF VETERANS' AFFAIRS**  
**Division of Veterans' Benefits and Assistance**

RULE NOS.:	RULE TITLES:
55A-7.002	Statement of Legislative Intent
55A-7.003	Definitions
55A-7.004	Covered Employers
55A-7.005	Covered Positions
55A-7.008	Persons Eligible for Appointment and Retention Preference
55A-7.009	Announcements, Applications, and Due Process

55A-7.010	Employment Preference When Using a Numerically Based Selection Process
55A-7.011	Employment Preference When Numerically Based Selection Process is Not Used
55A-7.0111	Reinstatement or Reemployment; Promotion Preference
55A-7.012	Procedures for Commencement and Expiration of Preference
55A-7.013	Documentation of Preference Claim
55A-7.014	Notice and Documentation by Employer
55A-7.015	Preference in Retention
55A-7.016	Enforcement of Preference

PURPOSE AND EFFECT: To remove rules that are redundant of statute. To update contact information. To conform rules to current Florida Statutes. To amend rules concerning Announcements, Applications, Due Process and Documentation of Preference Claim.

SUMMARY: Veterans' Preference in Appointment and Retention in Employment.

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: 295.07(2), 295.085(2) FS.

LAW IMPLEMENTED: 1.01(14), 295.065, 295.07(1), (2)(c), (4), 295.08, 295.09, 295.101, 295.11 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55A-7.002 Statement of Legislative Intent ~~Policy~~.

It is the intent of the Legislature to provide preference and priority for veterans in the hiring practices of the state and its political subdivisions. This includes preference and priority in appointment, retention, reinstatement, reemployment and promotion. It is the policy of the State of Florida to give preference to eligible veterans and spouses of veterans in appointment and retention in positions of public employment.

Specific Authority 295.07(2) ~~295.085(2)~~ FS. Law Implemented 295.065 ~~295.085(2)~~ FS. History--New 3-30-88, Formerly 22VP-1.002, Amended \_\_\_\_\_.



55A-7.003 Definitions.

As used in this chapter:

(1) "Appointment" means employment of a preference-eligible applicant into a vacant position with the state or political subdivisions of the state after the effective date of these rules.

(2) "Armed Forces" or "armed services" means the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States.

(3) "Augmented Rating" means the final numerical score received by a preference-eligible applicant after it is increased by veterans' preference points in accordance with Rule 55A-7.010, F.A.C., of this chapter.

(4) "Complaint Lacking Merit" means a complaint lacking a basis in law and/or fact, and which is so insufficient in that there is little if any prospect that it can be successfully resolved in favor of the veteran.

(5) "Department" means the Florida Department of Veterans' Affairs.

(6) "Department of Defense" means the United States Department of Defense.

(7) "Examination" means any selection device which results in a numerical score and by which applicants are determined eligible for consideration for a specific position. These devices will include the following:

(a) A written or proficiency assessment of an applicant's knowledge, skills, and abilities,

(b) An assessment of the essential knowledge, skills, abilities, and other job-related requirements possessed by an applicant, or

(c) An evaluation of the applicant's training and experience.

(8) "Minimum Qualifications" means a specification of the kinds of experience, training, education, and licensure or certification (if applicable) that provides appropriate job-related evidence that an applicant possesses the minimum required knowledge, skills, and abilities necessary to the discharge of the duties involved.

(9) "Numerically Based Selection Process" means an examination resulting in a numerical score which is the sole criterion for making an employment selection decision from a pool of candidates who meet minimum qualifications.

(10) "Vacant Position" means a position which the covered employer has announced as being open for recruitment and available to all applicants. A position that is announced as being open to current employees only, to be filled by the reassignment, promotion or demotion of an employee is not a vacant position for the purpose of this chapter.

(11) "DVA" means the United States Department of Veterans' Affairs.

(12) "Veteran" or "wartime veteran" is as defined in Section 1.01(14), F.S. ~~To be eligible for veterans' preference as a wartime veteran, an applicant must have served at least one day during a wartime period as delineated in Section 1.01(14), F.S.~~

(a) The veteran must have served at least 1 day during a wartime period to be eligible for veterans' preference. Active duty for training shall not be allowed for eligibility.

(b) A veteran who has served in a campaign or expedition for which a qualifying campaign badge or expeditionary medal has been authorized, (including any armed forces expeditionary medal or the global war on terrorism medal) is eligible for preference pursuant to Section 295.07, F.S.

Specific Authority 295.07(2) FS. Law Implemented 1.01(14), 295.07(1), ~~295.07(2)(c)~~ FS. History--New 3-30-88, Formerly 22VP-1.003, Amended 2-12-90, 6-21-92, 7-12-93, 12-27-98, 7-26-00, \_\_\_\_\_.

55A-7.004 Covered Employers.

This chapter applies to employment by the state, including the State University System, the State Community College System, the Florida School for the Deaf and Blind, and the state's political subdivisions as defined in Section 1.01(8), F.S., including ~~The term "political subdivisions" means~~ counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in the state.

Specific Authority ~~295.07(2)~~ ~~295.085(2)~~ FS. Law Implemented ~~295.07(1), 295.07(4)~~ ~~295.07(2)~~ FS. History--New 3-30-88, Formerly 22VP-1.004, Amended 2-12-90, \_\_\_\_\_.

55A-7.005 Covered Positions.

(1) Positions of employment offered by the State as designated in Rule 55A-7.004, F.A.C., and listed below are covered by the provisions of this Chapter.

(a) All positions under the state Career Service System.

(b) All positions under the State University System's University Support Personnel System.

(c) All Career Service System positions under the State Community College System. ~~that are identified as Teaching Assistant/Associate, Specialist/Support staff, Clerical/Secretarial, Technical/Paraprofessional, Skilled Crafts or Service/Maintenance.~~

(d) All Career Service System positions under the Florida School for the Deaf and Blind ~~that are under the Career Service System.~~

(2) Positions of employment offered by a political subdivision of the state are covered by the provisions of this Chapter except those that are filled by officers elected by popular vote or persons appointed to fill vacancies in such offices and the personal secretary of each such officer, members of boards and commissions, persons employed on a temporary basis without benefits, ~~city managers and county~~

~~managers, heads of departments, management positions, policymaking positions as determined by each political subdivision subject to review by the Public Employees Relations Commission, positions which require licensure as a physician, licensure as an osteopathic physician, licensure as a chiropractic physician, and positions which require that the employee be a member of The Florida Bar which are exempt.~~

Specific Authority ~~295.07(2)~~ 295.085(2) FS. Law Implemented ~~295.07(1), 295.07(4)~~ 295.07(2), 295.11(4) FS. History—New 3-30-88, Formerly 22VP-1.005, Amended 2-12-90, \_\_\_\_\_.

55A-7.008 Persons Eligible for Appointment and Retention Preference.

The following persons shall be eligible to receive preference in appointment and retention in employment:

(1) Disabled veterans who have served on active duty in any branch of the Armed Forces and who:

(a) Have a presently existing service-connected disability which is compensable under public laws administered by the DVA; or

(b) Are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the DVA and the Department of Defense.

(2) The spouse of any person:

(a) Who has a total and permanent service-connected disability and who, because of this disability, cannot qualify for employment; or

(b) Who is missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

(3) A wartime veteran as defined in subsection 55A-7.003(12)(H), F.A.C., of this chapter.

(4) The unmarried widow or widower of a veteran who died of a service-connected disability

(5) A veteran who has served in a campaign or expedition for which a qualifying campaign badge or expeditionary medal has been authorized (including any armed forces expeditionary medal or the global war on terrorism medal).

Specific Authority 295.085(2) FS. Law Implemented 295.07(1) FS. History—New 3-30-88, Formerly 22VP-1.008, Amended 2-12-90, 6-21-92, \_\_\_\_\_.

55A-7.009 ~~Announcements, and Applications, and Due Process.~~

(1) The employer shall give notice in all announcements and advertisements of vacancies in covered positions that preference in ~~initial~~ appointment will be given to eligible veterans and spouses of veterans.

(2) The covered employer shall inform preference-eligible applicants at the time of application of the right to an investigation by the Department if a non-preference eligible applicant is appointed to a position, the time limits for requesting such investigation, and the address to which the

request for an investigation should be sent. Veterans' preference applies only for the preferred applicant's initial employment by a covered employer. Veterans' preference is not given for an employee seeking promotion except as provided at Rule 55A-7.0111, F.A.C., below.

~~(3) Forms provided for application for covered employment shall ask whether the applicant is claiming veterans' preference, and whether the applicant entered into covered employment by a covered employer before or after the present application.~~

(4) Each covered employer shall ensure that records are maintained which document the manner of the selection and the propriety of the selection process and decision in accordance with federal and state laws.

Specific Authority 295.07(2) ~~295.085(2)~~ FS. Law Implemented 295.065, 295.11 ~~295.101, 295.15~~ FS. History—New 3-30-88, Formerly 22VP-1.009, Amended 2-12-90, 7-12-93, \_\_\_\_\_.

55A-7.010 Employment Preference When Using a Numerically Based Selection Process.

(1) In all covered positions for which an examination, as defined in subsection 55A-7.003(7), F.A.C., of this chapter, is used to determine the qualifications for entrance into employment with a covered employer, the score of a preference-eligible applicant who obtains a qualifying score on the examination shall be augmented as follows:

(a) Where the highest possible examination score is 100, ten points shall be added to the scores of applicants eligible under subsections 55A-7.008(1) and (2), F.A.C.;

~~(b)~~ Five points shall be added to the scores of applicants eligible under subsections 55A-7.008(3), ~~and (4)~~ and (5), F.A.C.;

~~(b)(c)~~ Where the highest possible examination score is other than 100, then 10 percent or 5 percent shall be added to the applicant's score under paragraph (a) or (b) above, as appropriate to give the preference-eligible applicant the equivalent of 10 points or 5 points on a scale of 100.

(2) The names of persons eligible to receive a 10-point preference whose service-connected disabilities have been rated by the DVA or the Department of Defense to be 30 percent or more shall be placed at the top of the appropriate register or employment list in the order of their augmented ratings. This subsection shall not apply to classes of positions with Federal Government designations in the U. S. Department of Labor, Employment and Training Administration's Dictionary of Occupational Titles of professional or technician.

(3) The names of all other preference-eligible applicants shall be placed on the appropriate register or employment list in the order of their augmented ratings.

(4) Appointments to positions are required by the local merit system rules to be made from the appropriate register or employment list in the rank order of their augmented ratings.

Specific Authority 295.07(2) FS. Law Implemented 295.08 FS. History–New 3-30-88, Formerly 22VP-1.010, Amended 2-12-90, 7-12-93, 12-27-98, \_\_\_\_\_.

55A-7.011 Employment Preference When Numerically Based Selection Process is Not Used.

(1) In all covered positions for which an examination, as defined in subsection 55A-7.003(7), F.A.C., is not used to determine the qualifications for employment, preference in appointment, employment and retention shall be given first to those persons included under subsections 55A-7.008(1) and (2), F.A.C., and second to those persons included under subsections 55A-7.008(3), ~~and (4) and (5)~~, F.A.C., provided such persons possess the minimum qualifications necessary to the discharge of the duties involved.

(2) Preference in appointment and employment requires that a preferred applicant be given special consideration at each step of the employment selection process but does not require the employment of a preferred applicant over a nonpreferred applicant who is the most qualified applicant for the position. Granting of an interview is one example of the type of special consideration which may be given to a preferred applicant. If, at any stage of the hiring process, a preference-eligible veteran meets minimum qualifications for an open position, then he or she will advance to the next step in the public employer’s selection process. If, at any step in the selection process, a determination is made that the veteran is not qualified to advance to a subsequent step in the selection process, such determination will receive a review at a higher level of management having authority to overturn the initial determination, to ensure whether the determination was correct. In the event of any investigation conducted pursuant to Section 295.11, F.S., the Department of Veterans’ Affairs shall require that the agency or political subdivision which is party to such investigation demonstrate how its policies were effectuated at each step of the employment selection process, including why an interview was not provided, in regard to the individual preference-eligible applicant or employee who requested the investigation.

(3) The employer is required to document and justify the decision to hire a nonpreferred applicant over the preferred applicant, subject to the review of that decision by the Department of Veterans’ Affairs as provided by ~~at~~ Rule 55A-7.016, F.A.C., of this Chapter, and ultimately by the Public Employees Relations Commission.

Specific Authority 295.07(2) FS. Law Implemented 295.085, 295.11(4) FS. History–New 3-30-88, Formerly 22VP-1.011, Amended 2-12-90, 7-12-93, 12-27-98, 12-28-04, \_\_\_\_\_.

55A-7.0111 Reinstatement or Reemployment; Promotion Preference.

(1) When an employee in a covered position leaves employment of the state or its political subdivisions for the purpose of serving in the Armed Forces of the United States

and is separated therefrom with an honorable discharge, the state or its political subdivision shall reinstate or reemploy such person under the following conditions:

(a) Reinstatement or reemployment is made to the same or to an equivalent position.

(b) Reinstatement or reemployment is made within one year of the date of separation from the military service, or, in the case of extended active duty, within one year of the date of discharge or separation subsequent to the extension.

(2) Persons reinstated or reemployed under this section shall be awarded preference in promotion, and shall be promoted ahead of all other employees who are as well or less qualified for the position. When an examination, as defined in Rule 55A-7.003, F.A.C., is utilized, such persons shall be eligible for preference points and ranking on the register as provided by Rule 55A-7.010, F.A.C., of this chapter. Eligibility for preference in promotion shall apply only to a veteran’s first promotion after reinstatement or reemployment, without exception.

(3) If the reinstated or reemployed person is not promoted, the person retains promotion preference eligibility until the first promotion following reemployment is satisfied.

(4) Where the reinstated or reemployed person is not promoted and the register is vacated to establish a new register for the next promotion, such person shall retain eligibility for preference points and ranking on the new register as provided by Rule 55A-7.010, F.A.C.

Specific Authority 295.07(2) ~~295.085(2)~~ FS. Law Implemented 295.08, 295.09 FS. History–New 3-30-88, Formerly 22VP-1.011, Amended \_\_\_\_\_.

55A-7.012 Procedures for Commencement and Expiration of Preference.

~~(1) A veterans’ preference claim shall be indicated by the applicant on the employment application form which shall be placed into the employee’s personnel file upon appointment to a position to document utilization of veterans’ preference.~~

~~(2) The procedures for granting veterans’ preference pursuant to this chapter shall commence on the date the rule becomes effective.~~

~~(3) A veteran’s employment preference shall be deemed to have expired after an eligible person pursuant to Rule 55A-7.008, F.A.C., of this chapter has applied and been employed by the state or any agency of a political subdivision of the state.~~

Specific Authority 295.07(2) FS. Law Implemented 295.101 FS. History–New 3-30-88, Formerly 22VP-1.012, Amended 12-27-98, Repealed \_\_\_\_\_.

55A-7.013 Documentation of Preference Claim.

(1) An applicant for a covered position who believes he or she is entitled to veterans’ preference in employment shall indicate such preference on the application form.

(2) The applicant claiming preference is responsible for providing required documentation at the time of making an application for a vacant position, or prior to the closing date of the vacancy announcement.

(3) The covered employer shall inform applicants of requirements for documentation of eligibility for preference.

(4) The covered employer shall determine whether an applicant is eligible for employee has utilized his or her veterans' preference.

(5) The covered employer shall document the employee's election of veterans' preference.

~~(6)(5)~~ Intentional misrepresentation of the claim for preference shall disqualify the applicant from claiming veterans' preference, and if employed, shall be subject to disciplinary action by the covered employer.

~~(7)(6)~~ Documentation shall include the following:

(a) Veterans, disabled veterans, and spouses of disabled veterans shall furnish a Department of Defense document, commonly known as form DD-214 or military discharge papers, or equivalent certification from the DVA, listing military status, dates of service and discharge type.

(b) Disabled veterans shall also furnish a document from the Department of Defense, the DVA, or the Department certifying that the veteran has a service-connected disability.

(c) Spouses of disabled veterans shall also furnish either a certification from the Department of Defense, or the DVA that the veteran is totally and permanently disabled or an identification card issued by the Department; spouses shall also furnish evidence of marriage to the veteran and a statement that the spouse is still married to the veteran at the time of the application for employment; the spouse shall also submit proof that the disabled veteran cannot qualify for employment because of the service-connected disability.

(d) Spouses of persons on active duty shall furnish a document from the Department of Defense or the DVA certifying that the person on active duty is listed as missing in action, captured in line of duty, or forcibly detained or interned in line of duty by a foreign government or power; such spouses shall also furnish evidence of marriage and a statement that the spouse is married to the person on active duty at the time of that application for employment.

(e) The unremarried widow or widower of a deceased veteran shall furnish a document from the Department of Defense or the DVA certifying the service-connected death of the veteran, and shall further furnish evidence of marriage and a statement that the spouse is not remarried.

~~(f) Spouses of persons eligible to claim preference under subsection 55A-7.008(2), F.A.C., shall furnish certification from the VA that the veteran has a total and permanent service-connected disability.~~

~~(g) All documents specified in this section must clearly indicate that they are copies of originals.~~

Specific Authority 295.07(2) FS. Law Implemented 295.07 FS. History—New 3-30-88, Formerly 22VP-1.013, Amended 2-12-90, 7-12-93, 12-27-98, \_\_\_\_\_.

55A-7.014 Notice and Documentation by Employer.

~~(1) The covered employer shall inform preference-eligible applicants at the time of application of the right to an investigation by the Department if a non-preference eligible applicant is appointed to a position, the time limits for requesting such investigation, and the address to which the request for an investigation should be sent.~~

~~(2) Each covered employer shall ensure that records are maintained which document the manner of the selection and the propriety of the selection process and decision in accordance with federal and state laws.~~

Specific Authority 295.07(2) FS. Law Implemented 295.11 FS. History—New 3-30-88, Formerly 22VP-1.014, Amended 12-27-98, Repealed \_\_\_\_\_.

55A-7.015 Preference in Retention.

(1) In all covered positions where layoffs are necessitated, special consideration in the retention of employees shall be given first to those persons included under subsections 55A-7.008(1) and (2), F.A.C., and second to those persons included under subsections 55A-7.008(3), ~~and (4), and (5),~~ F.A.C., of this chapter. The point system procedures described in Rule 55A-7.010, F.A.C., may also be utilized by covered employers. In the event that a point system is not utilized by the covered employer, the employer must demonstrate how special consideration was afforded at each step in the retention process.

(2) Each covered employer shall ensure that records are maintained which document the manner of the retention and the propriety of the retention process and decision in accordance with federal and state laws.

Specific Authority 295.07(2) 295.085(2) FS. Law Implemented 295.07, 295.08, 295.085 ~~295.085(2)~~ FS. History—New 3-30-88, Formerly 22VP-1.015, Amended 7-12-93, \_\_\_\_\_.

55A-7.016 Enforcement of Preference.

(1) An applicant eligible for veterans' preference who believes he or she was not afforded employment preference in accordance with this chapter may file a complaint with the Department at 11351 Ulmerton Road, Room 311-K, Largo, Florida 33778, Post Office Box 31003, St. Petersburg, Florida 33731, requesting an investigation. When the applicant has received notice of a hiring decision from a covered employer, the complaint shall be filed within 21 calendar days from the date that the notice is received by the applicant. The day of receipt by the applicant of the hiring decision will be presumed to be the date on the employer's letter plus 5 calendar days for mail unless there is definitive proof that the applicant received the notice earlier. When the applicant has not received notice of a hiring decision within two calendar months of the receipt

of the application by the employer, the applicant shall contact the employer to determine if the position has been filled by a nonpreferred applicant. After having determined from information supplied by the employer that the position has been filled by the appointment of a nonpreferred applicant, the preferred applicant may file a complaint within three calendar months of the date the application was received by the employer. Receipt by the employer will be presumed to be the date stamp utilized by the employer to document mail receipt on the date shown on the application, if no other proof of receipt is available. If the position has not been filled, the time period for filing a complaint is extended to provide the preferred applicant one calendar month after having determined that the position has been filled. It is the responsibility of the preferred applicant to maintain contact with the employer to determine if the position has been filled.

(2) Within 10 calendar days of receipt of the complaint, the Department shall send a written acknowledgment of receipt to the complainant, advising that the complaint will be acted upon in accordance with Chapter 55A-7, F.A.C., a copy of which shall be furnished to the complainant.

(3) Within 10 calendar days of receipt of the complaint, the Department shall designate a Department representative who will be responsible for conducting the investigation and requesting information from the employer.

(4) Within 30 calendar days of a request by the Department, the employer or hiring authority shall furnish the following information:

(a) The documentation required by subsection 55A-7.014(2) or 55A-7.015(2), F.A.C., whichever applies.

(b) A statement justifying the hiring decision.

(c) If applicable, a statement as to whether the essential job functions can or cannot be performed by the applicant. If a statement is provided advising the essential job functions cannot be performed by the applicant, then the hiring entity must also provide information as to the type of employment accommodation which was considered and/or discussed with the applicant.

(5) Within 30 calendar days of receipt of the information from the covered employer, the Department shall issue its investigative findings, by certified mail, return receipt requested, and shall provide copies to the complainant and the employer. The report shall include the following:

(a) The name of the individual supplying the information from the employer.

(b) The nature of the information supplied.

(c) The rationale the agency used for not selecting the veteran.

(d) Whether the position was subject to employment preference under Rule 55A-7.010 or 55A-7.011, F.A.C., of this chapter.

(e) The nature of the preference which the applicant is claiming.

(f) A statement as to whether preference was afforded to the applicant.

(g) A factual finding, based on information considered, as to whether the veteran's complaint is valid, invalid, and whether it lacks merit.

(6) If the complaint is found to be invalid, the Department shall also notify the complainant, that the complainant may petition the Public Employees Relations Commission for a hearing, within 20 calendar days from the date of receipt of the findings, and the address to which the petition should be sent.

(7) If the complaint is found to be valid, at the time of issuing its findings to the complainant and employer, the Department shall solicit from the employer a statement as to the action the employer proposes to take to resolve the complaint. The employer shall send a written statement of the proposed action to the complainant by certified mail, return receipt requested, within 20 calendar days of the date the Department's findings are issued, and the employer shall furnish a copy to the Department. The complainant, if not satisfied with the proposed action, shall notify the Department in writing within 10 calendar days. The Department shall notify the complainant within 10 calendar days of receipt of the complainant's notice, by letter sent certified mail, return receipt requested, of the right to petition the Public Employees Relations Commission for a hearing within 20 calendar days from the receipt of such letter, and the address to which the petition shall be sent.

(8) If the complaint is found to be valid and the employer fails to send a written statement of the proposed action to the complainant within 20 calendar days of the date the Department's findings are issued to the complainant and employer, the complainant shall, within 10 calendar days, advise the Department of the employer's failure to effect a resolution satisfactory to the complainant. The Department shall notify the complainant within 10 calendar days of receipt of the complainant's notice, by letter, sent certified mail, return receipt requested, of the right to petition the Public Employees Relations Commission for a hearing within 20 calendar days from receipt of such letter, and the address to which the petition should be sent.

Specific Authority 295.07(2) FS. Law Implemented 295.11 FS. History—New 3-30-88, Formerly 22VP-1.016, Amended 2-12-90, 7-12-93, 12-27-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.010  
 RULE TITLE: Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: To incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan) payment methodology, effective January 1, 2008.

1. Effective January 1, 2008, an additional Medicaid Trend Adjustment shall be applied to achieve a recurring annual reduction of \$75,182,326.
2. All language regarding the use of a low occupancy adjustment is being removed.
3. In Section I.B. and V.B 16, a clarification has been made to add the term “indirect” to patient care and remove the term “direct care.”
4. Grammatical corrections throughout the Title XIX Long-Term Care Reimbursement Plan.

SUMMARY: The proposed changes to Rule 59G-6.010, F.A.C., incorporate revisions to the Florida Title XIX Long-Term Care Reimbursement Plan. The rule modifies January 1, 2008 nursing home rates, removes language describing the low occupancy adjustment, and includes grammatical corrections through out the nursing home reimbursement plan.

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 FS.

LAW IMPLEMENTED: 409.908 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 9, 2008, 2:00 p.m. – 3:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756 or by e-mail at stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXXXH~~ XXXIII Effective Date January 1, 2008 ~~July 1, 2007~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The Plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-08-03, 6-11-03, 12-3-03, 2-16-04, 7-21-04, 10-12-04, 4-19-06, 8-26-07, 2-12-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Carlton D. Snipes

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.:	RULE TITLES:
61D-11.001	Definitions
61D-11.002	Cardroom Games
61D-11.0025	Notification in Writing
61D-11.003	Card-Play Hands
61D-11.004	Dealer Responsibilities
61D-11.005	Prohibitions
61D-11.006	Inspection of Premises, Records
61D-11.007	Cardroom Operator License
61D-11.008	Cardroom Business Occupational License
61D-11.009	Cardroom Employee Occupational License and Pari-Mutuel/Cardroom Combination License
61D-11.011	Notification of Criminal Conviction or Charge
61D-11.012	Duties of Cardroom Operators
61D-11.013	Display of Identification and Possession of Occupational Licenses
61D-11.014	Cards
61D-11.0145	Dominoes

61D-11.0149	Dominoes Supervisors
61D-11.015	Chips and Tokens
61D-11.016	Card and Domino Tables
61D-11.0175	Count Rooms and Count Procedures
61D-11.018	Reporting Requirements to Determine Net Proceeds or Gross Revenues
61D-11.019	Internal Control System
61D-11.020	Drop Box and Key Control Procedures
61D-11.021	Tip Box Procedures
61D-11.022	Cardroom Imprest Bank and Card Table Imprest Tray
61D-11.024	Rake Procedures
61D-11.025	Cardroom Electronic Surveillance
61D-11.0251	Security Plans
61D-11.0275	Tournaments
61D-11.0279	Jackpots, Prizes, and Giveaways

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement changes in accordance with Senate Bills 134 and 752, effective July 1, 2007.

SUMMARY: The subject areas to be addressed in these proposed rules are: the play of dominoes; applications for a cardroom license; giveaways, jackpots, and prizes for players with specific combinations of cards; increase in wagering amounts; implementation of play of Texas Hold'em with a buy-in of no more than \$100; implementation of tournament play; increased surveillance security; and internal control standards.

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: 550.0251(12), 849.086(4), (5), (6), (11) FS.

LAW IMPLEMENTED: 849.086 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 18, 2008, 9:00 a.m. – 1:00 p.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe 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 5 days before the workshop/meeting by contacting: Mary Polombo at (850)413-0750. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-11.001 Definitions.

(1) “All-in” means when a player commits all of his or her chips or tokens into a pot.

(2) “Ante” means a predetermined wager that each player is required to make in some poker games prior to any cards being dealt in order to participate in the round of play.

(3) “Bet” means to wager an amount signified by the number of chips or tokens contributed to a pot on any betting round.

(4) “Betting round” means a complete wagering cycle in a hand of poker after all players have called, folded, checked, or gone all-in.

(5) “Blind” means a predetermined bet a player or players must place on the table before the cards are dealt.

(6) “Business Entity” means a sole proprietorship, general or limited partnership, corporation, business trust, joint venture, or unincorporated association.

(7)(1) “Button” means a circular object moved clockwise around a poker table to denote the assigned an imaginary dealer for each hand.

(8) “Buy-in” means the amount of money required by the cardroom operator to enter and participate in a game.

(9) “Cardroom surveillance” means the capability to observe and electronically record activities being conducted in a cardroom facility.

(10)(2) “Chips or tokens” means a money substitute, redeemable for cash, issued and sold by a cardroom operator for use in cardroom games.

(11) “Day” means the 24-hour period that commences on the current calendar day at 6:00 a.m. and terminates at 5:59.59 a.m. the following calendar day.

(12) “Dedicated camera” means a color video camera that continuously records a specific activity.

(13)(3) “Drop” means the total amount of money, chips, and tokens removed from the drop box.

(14)(4) “Drop Box” means a locked container permanently marked with the number corresponding to a permanent number on the card or domino table.

(15)(5) “Facility” means the cardroom, any storage area for card or domino tables, cards, chips, tokens, dominoes, drop boxes, tip boxes, records relating to cardroom activity, and other cardroom supplies, the count room, and imprest bank.

(16) "Game" means the completion of all betting rounds and final determination of a winner based upon the comparison of all cards dealt and held by players at the end of all betting.

(17) "Hand" means the group of cards dealt to a player in a game.

(18)(6) "Imprest bank" means the total amount of chips, tokens, and U.S. currency segregated for cardroom operation.

(19)(7) "Imprest tray" means an area on a card table in which a predetermined dollar amount of chips, tokens, or U.S. currency is kept by the dealer.

(20) "Jackpot" means a cumulative pool of money collected from card games that is awarded to a player who holds a certain combination of cards specified by a cardroom operator.

~~(8) "Jackpot" — A jackpot occurs when the cardroom operator or the cardroom management company deducts from each hand, round, or game played a certain amount or charges a certain amount which is accumulated and placed in a separate fund from the pot and paid out when a desired result is achieved by a player or players. The term "jackpot" does not include any game authorized under Section 849.086, F.S.~~

(21)(9) "Licensee" means a person holding any license issued by the division for purposes of cardroom operations.

(22) "Operate" means to conduct authorized games pursuant to Section 849.086, F.S., within a licensed cardroom facility. The term does not include the activities authorized in paragraph 61D-11.012(5)(c), F.A.C.

(23) "Playing light" means drawing chips or tokens from the pot to show how much a player owes when the player is out of chips or tokens in an effort to allow a player to continue without chips or tokens, until more chips or tokens are earned.

~~(24)(10) "Pot" means the total amount wagered in a game or series of games of poker or dominoes. Wagering into the pot shall be conducted as provided by Section 849.086(8), F.S.~~

(25)(11) "Proposition player" means a player who is employed by a cardroom licensee, but who uses his own money to initiate or play in card games.

(26) "PTZ Camera" means a light-sensitive video camera that possesses, at a minimum, pan, tilt, and zoom capabilities or features comparable thereto.

(27) "Raise" means to increase the size of the preceding bet.

(28) "Re-buy" means the additional tournament chips or tokens purchased by players according to the schedule of re-buys prominently displayed in the cardroom during tournament play.

(29) "Replenishment of chips or tokens" means in games of Texas Hold'em without a betting limit, when a player purchases additional chips or tokens above the minimum required and no more than the maximum allowed in the poker game being played.

(30) "Round of play" means, for any game of poker, the process by which cards are dealt, bets are placed and the winner is determined and paid in accordance with the rules of Chapter 61D-11, F.A.C.

(31) "Seeding the jackpot fund" means the cardroom operator contributes the initial value to start the jackpot fund. The amount of the cardroom operator's contribution shall not be deducted from the jackpot fund prior to the award of the jackpot.

(32) "Shift" means a period of time designated by the employer during which an employee works when a licensed cardroom is open to conduct business pursuant to Rule 61D-11.012, F.A.C.

~~(33)(12) "Shill" means a player in a game provided by or employed by a cardroom operator licensee who only bets with money provided by the cardroom operator.~~

(34) "Showdown" means the point in a poker game in which all hands are fully revealed to all other players and the hand with the best combination becomes the winner.

(35) "Shuffle" means the process of mixing or rearranging a deck of cards to remove the probability that a predetermined series of cards may be drawn from the deck after it is mixed or rearranged.

(36) "Side bets" means additional wagers made between two or more persons on the outcome or any portion of an authorized game other than wagers authorized pursuant to Chapter 849, F.S.

(37) "Surveillance room" means a secure location in a pari-mutuel facility used for cardroom surveillance.

(38) "Surveillance system" means a system of video cameras, monitors, recorders, and other ancillary equipment used for cardroom surveillance.

(39) "Tip box" means a locked container into which all dealer tips must be inserted.

~~(40) "Tournament" means any competition involving a series of games of poker, consisting of more than one betting round involving more than one table, where the winner of the competition and runners-up may receive a prize or cash award.~~

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04,

#### 61D-11.002 Cardroom Games.

~~(1) Only those Those games listed in authorized by Section 849.086(2)(a), F.S., are the only games authorized for play at licensed cardroom facilities at pari-mutuel facilities licensed to conduct cardroom operations.~~

(2) The cardroom operator or management company shall furnish all cards, dominoes, chips and tokens. ~~Failure by a cardroom operator or cardroom management company to redeem chips or tokens for their cash value shall be a violation of these rules.~~



(a) ~~The deck(s) being used at a given table where any game is being played shall be provided by the licensee. The design on the backs of the cards in the deck must be identical, and no card may contain any marking, symbol, or design that enables a player to know the identity of any element printed on the face of the card. The backs of the cards may contain a logo. The backs of the cards in the deck must be designed to eliminate the ability of any person to place concealed markings on them. No cardroom operator may use cards that are taped, cut, shaved, marked, defaced, bent, crimped, or deformed.~~

(b) ~~The cardroom operator shall provide a dealer for each table at the licensed cardroom operator's facility. The dealer may not make a bet or otherwise wager on any game at the licensed cardroom facility where that dealer is employed.~~

(3) The cardroom operator shall prominently display a list of all games available for play in the cardroom that are authorized pursuant to Chapter 849, F.S.

(4) The cardroom operator shall maintain a copy of the rules of play including wagering requirements. The rules of play shall be made available to the division or to players upon request.

(5) Each player in an authorized game shall play the game solely to improve his or her chance of winning and shall take no action to improve another player's chance of winning.

(6) A player may not communicate any information to another player which could assist the other player in any manner respecting the outcome of a game.

(7) A cardroom operator who has reasonable cause to believe that a player has acted or is acting in violation of subsection (5) or (6) above may require the player to leave the game or facility. The cardroom operator shall notify the division of the details surrounding the identified player or player's violation in writing on the next business day.

Specific Authority 550.0251(12), 849.086(4), ~~(11)~~ FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, 4-12-06, \_\_\_\_\_.

61D-11.0025 Notification in Writing.

(1) Any written notice to the division required pursuant to Chapter 61D-11, F.A.C., shall be provided to the Office of Auditing, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399, by the most expeditious means available which shall include but not be limited to an email address provided by the division, facsimile to (850)488-0550, mail or hand delivery, unless otherwise specified.

(2) Any written notice from the division required pursuant to Chapter 61D-11, F.A.C., shall be provided by the most expeditious means available which shall include but not be limited to email, facsimile, mail or hand delivery, unless otherwise specified.

Specific Authority 849.086(4) FS. Law Implemented 849.086 FS. History—New \_\_\_\_\_.

61D-11.003 Card-Play Hands.

(1) ~~The ranking of cards in a poker hand shall be consistent with the rules of Hoyle's Modern Encyclopedia of Card Games, 1974 Edition, adopted and incorporated herein by reference or the modified rules of the game as submitted to the division by the cardroom operator and approved by the division.~~

(2) ~~At the discretion of the house, the joker may be used in poker as an ace, as any other card not already in the player's hand to complete a straight flush, a flush, or a straight, or as the lowest card not already in the player's hand. If the use of the joker card is to be used in certain games, the house must prominently display within the cardroom area post in which games the joker card it will be used utilized, and how the joker card it will be ranked in a showdown.~~

(3) ~~If the house elects to utilize a set fee as a rake for the purpose of payment for a player to participate in a game, it shall be collected as the ante for each hand, by placing chips or tokens equaling the ante in front of the player on the table before the first card of the game is dealt. The dealer must sweep the ante and place it in a designated rake circle or drop slide until a winner is declared, and then dropped into the drop box. The amount of the ante shall be established by the house, and be conspicuously posted for the players to see.~~

(3)(4) ~~Before a card game may be played the play, the dealer must, in front of the players, manually or by use of a mechanical card shuffler shuffle the cards so that they are randomly intermixed.~~

(4)(5) ~~Cards, once completely shuffled, must be dealt out of the hand of the dealer.~~

(5) ~~The "A" button may be utilized, and moved around the card table in a clockwise fashion player to player, so that the player who has the button receives the advantage of playing and betting last.~~

Specific Authority 550.0251(12), 849.086(4), ~~(8), (10)~~ FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended \_\_\_\_\_.

61D-11.004 Dealer Responsibilities.

(1) A dealer shall not allow a bet or raise amount, or the number of raises in a round of betting, to exceed the limits imposed by Section 849.086(8)(b), F.S. The House provided dealer shall be responsible to ensure that each bet or raise does not exceed \$2 in value. In addition, the dealer shall also be responsible for ensuring that no more than three raises are made in any round of betting. A dealer failing to comply with control of bet value and number of raises is subject to the following penalties:

(a) ~~First offense—\$50.00 and/or 1-day suspension.~~

(b) ~~Second offense—\$250.00 and/or 5-day suspension.~~

(c) ~~Third offense—\$500.00 and/or suspension, not to exceed 10 days.~~

(d) ~~Fourth offense—Will result in a 1-year suspension of the cardroom employee's occupational license.~~

~~(e) Any dealer who does not have a violation within 2 years from his/her most recent violation will revert to a "first offense" penalty for his/her next violation of this provision.~~

~~(2) In games of Texas Hold-em without a betting limit played pursuant to Section 849.086(8)(b), F.S., a dealer shall not allow a player to:~~

~~(a) Enter a card game, having come from another game table with more chips or tokens than the limit of \$100;~~

~~(b) Replenish his or her chips or tokens in an amount that would allow the player's aggregate chips or tokens to exceed \$100;~~

~~(c) Replenish his or her chips or tokens in amounts other than multiples of \$10; or~~

~~(d) Replenish his or her chips or tokens until the player's aggregate chip or token amount has been reduced below \$100.~~

~~(3)(2) Dealers shall not be allowed to regularly deal at the same table, and will be rotated shifted to a different table at least every three hours.~~

~~(3) When a new dealer comes on duty at a card table, the new dealer must count all of the cash and chips or tokens in the imprest tray before accepting responsibility for it, or the new dealer must supply his or her own imprest tray.~~

~~(4) No change.~~

~~(a) Spread the currency. The currency must be spread on the top of the card table by the dealer;~~

~~(b) State the amount of currency received must be stated by the dealer accepting it;~~

~~(c) Provide Immediately after an equivalent dollar amount of chips or tokens has been given to the player; and, the cash shall be placed in the table's imprest tray.~~

~~(d) Place all the currency in the imprest tray.~~

~~(5) Dealers shall take breaks only in areas the cardroom operator has designated in the cardroom internal controls. The dealer may not make a bet or otherwise wager on any game at the licensed cardroom facility where that dealer is employed.~~

~~(6) Dealers shall accept tips only while dealing at an assigned table. Tips shall be accepted by collecting them in the tip box.~~

~~(7) A dealer shall not accept a tip at any time he or she is not seated at the table, unless:~~

~~(a) The dealer's cardroom supervisor is notified;~~

~~(b) The tip is collected in the tip box; and~~

~~(c) The tip is then counted with all other earned tips for the card dealer's assigned shift.~~

~~(8) Dealers shall not allow cash or other personal items that may inhibit play to be placed on a table during the play of any hand.~~

~~(9) Dealers shall display the front and back of their hands, with fingers spread over the table in sufficient distance from all other players and objects for surveillance recording, after every transaction when cash, chips or tokens are exchanged with or provided to a player.~~

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, \_\_\_\_\_.

61D-11.005 Prohibitions.

~~(1) No person shall introduce into the game any cards, chips, or tokens, or dominoes, other than those from the cardroom operator's facility into any authorized game.~~

~~(2) No cardroom operator or licensee shall extend credit, make a loan, or grant a gift to any person that which would enable that person to play in an authorized card game. The consideration required to participate in any card game shall be collected in full, by cash or check, in exchange for chips or tokens prior to participation in any game offered at the cardroom facility at a licensed facility.~~

~~(a) Only cash shall be used to purchase chips or tokens at card and domino tables. However, regular play chips may be converted to tournament chips.~~

~~(b) The practice of playing "light", or drawing chips or tokens from the pot to show how much a player owes when out of chips or tokens, is prohibited. The player shall be required to purchase additional chips or tokens in order to proceed playing.~~

~~(3) No device, apparatus, mechanism or thing which may give a participant in a card game an advantage over any other participant in that game may be used by any person.~~

~~(3)(4) Side bets on the outcome of games are prohibited.~~

~~(a) Only persons actually playing in the card game may wager upon the outcome of the game.~~

~~(b) Wagers by persons other than those playing, which in any way involves the outcome of the game, or any aspect of the game, are prohibited.~~

~~(4)(5) No person shall, either directly or indirectly:~~

~~(a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a card game; or the cardroom operator.~~

~~(b) Engage in any act, practice, or course of operation that would constitute as would operate as a fraud or deceit upon any participant in a game; or the any cardroom operator.~~

~~(c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator to gain an advantage in the game over a participant(s) or cardroom operator.~~

~~(5)(6) Cardroom occupational licensees are prohibited from participating in authorized cardroom card games; at the licensed cardroom facility where they are employed.~~

~~(6) No player shall be allowed to exceed the limits on replenishment of chips or tokens established by subsection 61D-11.004(2), F.A.C.~~

~~(7) through (8) No change.~~

~~(9) Jackpots are prohibited.~~

~~(9)(10) Shills and proposition players are prohibited.~~

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, \_\_\_\_\_.

61D-11.006 Inspection of Premises, Records.

(1) The cardroom operator shall contact the division for an inspection for compliance with the provisions of Section 849.086, F.S., and Chapter 61D-11, F.A.C., no less than ten days prior to opening a new cardroom or amending an existing cardroom area. Amending an existing cardroom area includes changing the number of tables, surveillance system, internal controls, or floor plan.

(a) A cardroom operator shall not open a new facility or the affected portion of an existing cardroom for which the operator has made notice of any proposed changes until the division provides written authorization to proceed.

(b) If after inspection of the facility, the division determines that the cardroom operator is not in compliance with Section 849.086, F.S., or Chapter 61D-11, F.A.C., the division shall provide the cardroom operator with a written list of deficiencies by the most expeditious means available to include delivery via email, mail, facsimile, or in person.

1. The cardroom operator shall advise the division in writing pursuant to Rule 61D-11.0025, F.A.C., when the deficiencies have been corrected;

2. The division shall conduct a follow-up inspection no earlier than five days from the date of the inspection during which the deficiencies were determined and no later than five days from the date of the cardroom operator written notification of correction provided in writing pursuant to Rule 61D-11.0025, F.A.C.;

3. Upon completion of its inspection for corrective action, the division shall provide the results of its inspection in writing pursuant to Rule 61D-11.0025, F.A.C.;

4. Subsequent inspections shall be performed according to this rule until the deficiencies noted are corrected; and

5. Upon satisfactory completion of corrective action, the division shall acknowledge in writing that all deficiencies are resolved and that the cardroom operator may proceed with using the designated facility space. The division shall deliver its written acknowledgement and authorization to proceed in writing pursuant to Rule 61D-11.0025, F.A.C.

(2) At any time during a cardroom operator's regular business hours, ~~division~~ any Division of Pari-Mutuel Wagering personnel shall be allowed to enter into the cardroom and any cardroom related areas to: used in conjunction therewith, and:

(a)(1) Observe any a count of all monies received during the operation of the cardroom, a count of all chips or tokens, currency, and a count of drop boxes, for the purpose of reconciliation, and inspect any all receipts, reports, or and records used in conjunction with the operation of the said cardroom; activity.

(b)(2) Inspect any records of the cardroom operator or licensees that relate in any way to the operation of a cardroom; or any employee of the licensee that relate in any way to the operation of a cardroom.

(c) Review any records maintained by an employee of the cardroom operator that relates to the operation of a cardroom;

(d)(3) Check that licenses are prominently displayed; and that the cardroom is being operated in compliance with Section 849.086, F.S., and the rules promulgated thereunder;

(e)(4) Inspect cardroom devices and recording equipment, including the devices and equipment used for security and surveillance as required by Rule 61D-11.025, F.A.C., to ensure compliance with Section 849.086, F.S., and the rules promulgated thereunder; and-

(f) Ensure the surveillance cameras and equipment are configured so that the division has the ability to direct the surveillance of particular activities or persons.

(5) Inspect the cardroom facility for violations of Section 849.086, F.S., and the rules promulgated thereunder.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended 5-9-04,\_\_\_\_\_.

61D-11.007 Cardroom Operator License.

(1) Each cardroom gaming licensee desiring to move their cardroom license, so as to change the location of the cardroom, shall first transfer in accordance with Chapter 550, F.S., the corresponding pari-mutuel wagering permit that entitles the permitholder to operate a cardroom.

(a) Upon approval of the transfer of the pari-mutuel permit, the pari-mutuel permitholder shall submit proof that a referendum was held in the county where the cardroom is to be operated and show that the majority of the electors voting on the referendum have approved the transfer to the new location.

(b) The proof of a majority vote of the electors shall consist of The Board of County Commissioners certifying the election results and making them known to the division in writing.

(c) The division shall transfer, without requirement of a referendum election, the cardroom license of any permitholder that relocated its permit pursuant to Section 550.0555, F.S.

(2) No cardroom may be operated at a licensed pari-mutuel facility unless a valid cardroom license has been issued by the division to a licensed pari-mutuel permitholder. Cardroom activities shall only be conducted at the same facility where pari-mutuel wagering is authorized under the pari-mutuel wagering license.

(3) Cardroom licenses shall be renewed annually in conjunction with annual applications for pari-mutuel licenses, provided the applicant requests, as part of the pari-mutuel annual license application, to conduct at least 90 percent of the total number of live performances conducted by such permitholder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto.

(1)(4) If a pari-mutuel permitholder amends its annual operating dates pari-mutuel license and such amended license does not satisfy the renewal application requirements of

~~required by this rule and Section 849.086(5)(b), F.S., the cardroom license will become void upon the issuance of the amended annual operating dates pari-mutuel license.~~

~~(2)(5) An applicant for an annual cardroom license shall complete Form DBPR PMW-3160, Permitholder Application for Annual License to Operate a Cardroom, adopted and incorporated by Rule 61D-12.001, F.A.C., Florida Administrative Code, and submit a fee of \$1,000.00 for the first card table and \$500.00 for each additional card table to be operated during the license period. For cardroom facilities at which more than one pari-mutuel permit is operated during a year, table fees for the facility may be paid by one or all of the permitholders. License fees are non-refundable. For the initial cardroom license application, in addition to the application and fees submitted, the applicant shall submit its written internal control system, required by Rule 61D-11.019, F.A.C., for approval by the division, and proof of authorization by a local government pursuant to Section 849.086(16), F.S. No cardroom application shall be acted upon until the cardroom applicant's system of internal control has been approved by the division. Any If the cardroom operator electing elects to offer a new an authorized game that it did not include in its license application, it shall inform the patrons on the list of authorized games offered by the operator, as required by Section 849.086(7)(e), F.S. Such list must be conspicuously displayed and a description of all card or domino games must be available for patron review. All games offered must comply with Section 849.086, F.S., and Chapter 61D-11, F.A.C., at all times. division of the authorized game it will offer that was not included in its license application by filing Form DBPR PMW 3150, Notification of a Card Game, adopted and incorporated by Rule 61D 12.001, Florida Administrative Code.~~

~~(3)(6) No license application, amendment to an application, or amendment to request additional cardroom tables shall be effective until the division has received payment of cardroom table fees, applicable license fees have been received by the division and the division has issued a license or amended license to operate a cardroom.~~

~~(4) Cardroom operations shall not begin under a cardroom license until the cardroom has been inspected and approved under Rule 61D-11.006, F.A.C., and:~~

~~(a) Live racing is being or has been conducted at the cardroom operator's pari-mutuel wagering facility under a license issued pursuant to Section 550.01215, F.S., or Section 550.5251, F.S.; or~~

~~(b) Intertrack pari-mutuel wagering activities are authorized to be conducted at the cardroom operator's pari-mutuel wagering facility pursuant to Section 550.615, F.S.~~

Specific Authority 550.0251(12), 849.086(4), (5), ~~(11)(6)~~ FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended 5-9-04, 4-12-06,\_\_\_\_\_.

61D-11.008 Cardroom Business Occupational License.

~~(1) As part of the initial application or renewal for a cardroom business occupational license provided in Section 849.086, F.S., an applicant shall submit the following:~~

~~(a) A complete Form DBPR PMW-3130, Business Occupational License Application, for an initial cardroom business license, adopted and incorporated by Rule 61D-12.001, F.A.C.;~~

~~(b) The \$250.00 cardroom business occupational license fee;~~

~~(c) A complete set of fingerprints for each person listed in paragraph (3)(a) on a pari-mutuel wagering applicant fingerprint card, and fingerprint processing fees as established by the Florida Department of Law Enforcement and the Federal Bureau of Investigation, upon initial application, and every five years thereafter;~~

~~(d) A copy of all records of administrative, civil, or criminal proceedings that have been initiated by any governmental agency or any other state or federal agency that would affect the license status of the applicant or any affiliate of the applicant pursuant to Sections 550.054 and 550.1815, F.S., and a copy of each complaint or other pleading and a copy of any final order, judgment, or other final judicial disposition for each administrative, civil, or criminal proceeding disclosed; and~~

~~(e) A list of all business entities that will be providing products or services to the cardroom.~~

~~(2)(1) A No cardroom operator may not do business with any cardroom management company or cardroom or domino distributor that does not possess hold a current valid cardroom business occupational license.~~

~~(3)(2) A corporation, general or limited partnership, sole proprietorship, business trust, joint venture, or unincorporated association, or other business entity may not be issued or possess hold a cardroom business occupational license in this state if any person or entity one of the persons or entities specified in paragraph (a) of this subsection has been determined by the division not to be not of good moral character, to have filed a false report to any government agency or; pari-mutuel wagering or gaming commission or authority, or has been convicted of any offense specified in paragraph (b) of this subsection.~~

~~(a)1. through 10. No change.~~

~~(b)1- A felony or misdemeanor involving forgery, larceny, extortion, or conspiracy to defraud, in this state or any other state or under the laws of the United States; or a felony or misdemeanor set forth in Section 550.105, F.S.~~

~~2. A felony or misdemeanor set forth in Section 550.105, F.S.~~

~~(4)(3) A If the applicant for a cardroom business occupational license has received a full pardon or a restoration of civil rights in accordance with Florida law and pursuant to Section 944.292, F.S., with respect to the conviction specified~~

in paragraph (3)(b) of this rule ~~(2)(b)~~, the conviction does not constitute an absolute bar to the issuance or renewal of a license or grounds for the revocation or suspension of a license if the applicant has received a full pardon or a restoration of civil rights in accordance with Florida law and pursuant to Section 944.292, F.S.

~~(5)(4)~~ After notice, the division may ~~shall~~ refuse to issue or renew, or may ~~shall~~ suspend or revoke the license of, as appropriate, any licensee or applicant found in violation of paragraph (3)(b) of this rule ~~(2)(b)~~.

~~(5)~~ All applicants for a cardroom business occupational license or renewal thereof shall be required to pay a Florida Department of Law Enforcement fingerprint processing and criminal record check fee for each person or entity as specified in paragraph (2)(a) as follows:

~~(a)~~ All applicants, upon initial application, shall pay for a Florida Department of Law Enforcement fingerprint and criminal record check fee.

~~(b)~~ Every five years after the initial license application, the applicant for a renewal license shall be subject to and pay for a Florida Department of Law Enforcement fingerprint and criminal record check fee.

~~(6)~~ All applicants for a new cardroom business occupational license are required to submit a set of fingerprints to be taken by house security, or by a law enforcement agency, and processed through the Florida Department of Law Enforcement, and the Federal Bureau of Investigation and every 5 years thereafter. Certified Florida Law Enforcement officers are exempt from the fingerprint requirement.

~~(7)~~ An applicant for an annual cardroom business occupational license shall complete Form DBPR PMW-3130, Business Occupational License Application, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code, and submit the \$250.00 fee for an annual cardroom business occupational license.

~~(7)(8)~~ Cardroom business occupational licenses shall expire on June 30th of every year.

Specific Authority 550.0251(12), 849.086(4), ~~(5)~~; (6), (11) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended 5-9-04, 4-12-06, \_\_\_\_\_.

61D-11.009 Cardroom Employee Occupational License and Pari-Mutuel/Cardroom Combination License.

(1) As part of the initial application or renewal for a cardroom employee occupational license provided in Section 849.086, F.S., an applicant shall submit the following:

(a) A complete Form DBPR PMW-3120, Individual Occupational License Application, adopted and incorporated by Rule 61D-12.001, F.A.C., for an initial cardroom employee license;

(b) A complete set of fingerprints on a pari-mutuel wagering applicant fingerprint card and fingerprint processing fee as established by the Florida Department of Law Enforcement and the Federal Bureau of Investigation, upon initial application and every five years thereafter;

(c) The \$50.00 cardroom employee occupational license fee; and

(d) A copy of all records of administrative, civil, or criminal proceedings that have been initiated by any governmental agency or any other state or federal agency that would affect the license status of the applicant or any affiliate of the applicant pursuant to Sections 550.054 and 550.1815, F.S., and a copy of each complaint or other pleading and a copy of any final order, judgment, or other final judicial disposition for each administrative, civil, or criminal proceeding disclosed.

~~(2)(1)(a)~~ Applicants who intend to work in a position for cardroom licensing for positions providing food service, maintenance, and security, or as a mutuels teller, or in permitholder management, who do not hold a current pari-mutuel wagering occupational license, shall be required to submit Form DBPR PMW-3120, Individual Occupational License Application, adopted and incorporated by Rule 61D-12.001, F.A.C., and apply for a pari-mutuel/cardroom combination wagering occupational license by submitting items (1)(a) through (d) listed above.

~~(b)~~ All applicants in paragraph (1)(a), upon initial application, and every five licensing years shall pay for a Florida Department of Law Enforcement fingerprint and criminal record check fee.

~~(2)~~ All applicants for a new or renewal of a cardroom employee occupational license, shall complete Form DBPR PMW-3120, Individual Occupational License Application, adopted and incorporated by Rule 61D-12.001, F.A.C., and submit \$50.00 for the cardroom employee occupational license. In addition to the annual license fee, each applicant shall pay a Florida Department of Law Enforcement fingerprint processing and criminal record check fee as follows:

~~(a)~~ All applicants, upon initial application, shall pay for a Florida Department of Law Enforcement fingerprint and criminal record check fee.

~~(b)~~ Every five years after the initial license application, the applicant for a renewal license shall be subject to and pay for a Florida Department of Law Enforcement fingerprint and criminal record check fee.

~~(3)~~ All applicants for a new cardroom employee occupational license are required to submit a set of fingerprints to be taken by house security, or by a law enforcement agency, and processed through the Florida Department of Law Enforcement, and the Federal Bureau of Investigation and every 5 years thereafter. Certified Florida Law Enforcement officers are exempt from the fingerprint requirement.

(4) All occupational and fingerprint fees are nonrefundable, except in situations where the applicant was charged in error or ~~or~~. The division will return the licensing fee if the applicant withdraws the application before processing begins.

(5) Request for Waiver of any disqualifying factors in an application that would otherwise be grounds for disapproving the application shall be made on Form DBPR PMW-3180, Request for Waiver, adopted and incorporated by Rule 61D-12.001, F.A.C.

(6) Prior to transferring, a current pari-mutuel wagering occupational licensee, who intends to work in a position will be performing food service, maintenance, security, mutuels teller, and/or permitholder management duties in the cardroom shall make application for and obtain an ~~mutuel teller or pari-mutuel management~~, the cardroom operator must notify the division Chief Inspector, and upgrade for his or her current pari-mutuel license to a pari-mutuel/cardroom combination license on Form DBPR PMW-3170, License Upgrade Application, adopted and incorporated by Rule 61D-12.001, F.A.C.

(7) Cardroom employee occupational licenses and pari-mutuel/cardroom combination licenses shall expire on June 30th of every year.

(8) ~~Cardroom employees shall have their pari-mutuel wagering or cardroom employee occupational license in their possession at all times while on duty in the cardroom.~~

Specific Authority 550.0251(12), 849.086(4), ~~(5)~~, (6) FS. Law Implemented 849.086(6) FS. History—New 1-7-97, Amended 5-9-04, 3-4-07, \_\_\_\_\_.

#### 61D-11.011 Notification of Criminal Conviction or Charge.

Any cardroom ~~business~~ occupational licensee shall provide or cardroom employee occupational licensee must make written notification to the division when the licensee has been arrested, indicted, or charged in any other way with a criminal offense criminally convicted, found guilty of, or pled no contest to a felony or misdemeanor as set forth in paragraph 61D-11.008(2)(b), F.A.C., within five three days of the arrest, or if not arrested, within five days of the receipt of a charging document finding. Licensees are not required to report non-criminal traffic offenses.

Specific Authority 550.0251(12), 849.086(4), ~~(6)~~(44) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended \_\_\_\_\_.

#### 61D-11.012 Duties of Cardroom Operators.

(1) All ~~licensed~~ cardroom operators must conspicuously display a notice of the rake amounts, time limitations, or other rake procedures, and the minimum and maximum bet limits at each card and domino table establish and maintain written internal controls to comply with Section 849.086, F.S., and the rules promulgated thereunder. The written internal control

~~system must be submitted as part of the initial license application, and approved or disapproved with comments by the division within 30 days of receipt of the written internal controls.~~

(2) Cardroom operators shall maintain, prior to the initial opening of business, provide the division with a roster written list of all persons a cardroom operator employs, including birth dates and social security numbers, employed by the cardroom operator. A cardroom operator shall also maintain a weekly listing of all cardroom employees who worked during each week. The list of persons shall include for each employee: The cardroom operator shall furnish a job title of its employees, and provide a weekly payroll listing of all cardroom employees that worked during that payroll period, including their full name and social security number, but may exclude compensation.

(a) The job title;

(b) Full name; and

(c) Occupational license number.

(3) Cardroom operators shall maintain a current log provide a weekly list of persons whose employment with the cardroom operator has been terminated, or the employee resigned, or abandoned his or her position, that includes:-

(a) Full name;

(b) Occupational license number; and

(c) A description of the reason for the employee's separation.

(4) ~~As part of the initial license application, the cardroom operator shall provide a listing of all distributors and cardroom management companies that are providing products or services to the cardroom. The cardroom operator division shall notify the division be notified in writing on Form DBPR PMW-3220, List Notice of Change of Cardroom Business Occupational Licensees Providing Products and Services to a Cardroom, adopted and incorporated by Rule 61D-12.001, F.A.C. Florida Administrative Code, of any change in companies providing said services within 10 days of such change.~~

(5) Cardroom operators shall install electronic surveillance equipment to record all activity in the cardroom bank and cage and count area. Surveillance cameras and monitors shall be able to record and observe in color or black and white.

(a) Tapes and other electronic media storage shall be labeled in chronological order by date and time.

(b) Tapes and other electronic media storage of surveillance records shall be maintained for a period of no less than 14 days and shall be kept for a longer period of time if requested by the division or any law enforcement agency.

~~(5)(6)(a)~~ The cardroom operator must display the hours of operation in a conspicuous location in the hours of operation of the cardroom subject to the following terms and conditions:-

(a) Days and hours of cardroom operation shall be those set forth in the application or renewal of the cardroom operator. Changes to days and hours of cardroom operation shall be submitted to the division at least seven days prior to proposed implementation;

(b) Pursuant to Section 849.086(7)(b), F.S., a cardroom operator may operate a licensed facility any cumulative 12-hour period within the day;

(c) Activities such as the buying or cashing out of chips or tokens, seating customers, or completing tournament buy-ins or cash-outs may be done one hour prior to or one hour after the cumulative 12-hour designated hours of operation; and

(d) The playing of authorized games shall not occur for more than 12 hours within a day, regardless of the number of pari-mutuel permitholders operating at a pari-mutuel facility.

(6)(b) A cardroom operator licensee must display the following restrictions in a conspicuous location the following restrictions for players:

- (a)1- A player must be at least 18 years of age;
- (b)2- No side bets are permitted; and
- (c)3- No credit is extended by the house.

(7) Cardroom operators are required to issue a photo identification I.D. to all cardroom employees. The photo identification which shall include, but not be limited to the name of the cardroom facility, cardroom employee occupational license number, and expiration date of the license.

(8) The If a management company is managing cardroom operations, the cardroom operator must provide the division written notice to the division within 20 days of a any change in any the management company contract.

(9) Cardroom operators shall establish a system for using imprest banks and trays an imprest banking system for cardroom operations.

(10) At the close of each shift, the chips, tokens, and currency eurrency, chips and tokens in the imprest tray at each eard table shall be reconciled to the their predetermined beginning balances pursuant to the approved cardroom internal controls.

(a) The last dealer shall be responsible for the currency, chip and token balance in his/her tray.

(b) The cardroom operator will document any discrepancies in the reconciliation of the imprest trays or bank on Form DBPR PMW 3650, Cardroom Daily Control Sheet, adopted and incorporated by Rule 61D 12.001, Florida Administrative Code.

(11) The At the end of each shift, or the close of a table, the drop box must be locked away in a secure location until the count takes place.

(12) The cardroom operator shall designate and assign a licensed cardroom employee as a dealer for each card table that is being used for play. The assigned dealer shall be present at his/her assigned table during all gaming activity. No gaming

may be conducted at a card table during the absence of the designated dealer. The count of card table revenue must be performed in compliance with the requirements set forth in the "Minimum Internal Control Standards." Each drop box must be accounted for individually in a secure designated area. Two or more persons must verify the contents of the drop box when emptied.

(13) The cardroom operator shall designate and assign a licensed cardroom employee as a cardroom manager or supervisor during the operation of the cardroom. The assigned manager or supervisor shall be present within the licensed cardroom facility at all times during gaming activity. No gaming may be conducted within the licensed cardroom facility during the absence of the designated manager or supervisor. Card tables will be restricted to area(s) specified on the cardroom licensee application.

(14) When a cardroom operator is offering games of dominoes, the cardroom operator shall designate and assign at least one licensed cardroom employee as the supervisor of games of dominoes. A dominoes supervisor may not supervise more than eight dominoes tables.

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended 5-9-04, 4-12-06, \_\_\_\_\_.

61D-11.013 Display of Identification and Possession of Duties of Cardroom Employee Occupational Licenses Licensees.

(1) All cardroom employee occupational licensees shall wear their photo identification issued pursuant to Rule 61D-11.012(7), F.A.C., I.D.'s while on duty. A cardroom employee shall not attempt to hide his or her photo identification from any patron or from surveillance cameras. The I.D. shall be visible to players at all times.

(2) Cardroom employees shall have their occupational license in their possession and wear it at all times while on duty.

Specific Authority 550.0251(12), 849.086(4), (6)(5) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended \_\_\_\_\_.

61D-11.014 Cards.

(1) The cardroom operator shall only use cards designed to eliminate the ability of any person to place concealed markings on the back of all cards in a deck.

(2) Cards that are taped, cut, shaved, marked, defaced, bent, crimped, or deformed shall not be used.

(3) All cards shall be plastic.

(4)(+) Decks of playing cards intended for use in a cardroom licensed facility shall be When decks of cards are received for use in a cardroom, they must be stored in a locked cabinet, located in a secure location when not in use.

(2) Before the beginning of gaming during a shift or day, and as necessary during the hours of operation, the cardroom operator must open the cabinet and remove the appropriate number of decks of cards for that shift or day, distribute the decks to the dealer at each table, and place the extra decks in a locked card reserve.

(5)(3) Each dealer assigned to a card table shall inspect each deck of playing cards intended for use at that table immediately prior to the start of the first round of play. The assigned dealer must ensure that cards are not taped, cut, shaved, marked, defaced, bent, crimped, or deformed in any fashion that may permit covert identification of the card by players. Prior to their use, each deck must be inspected by the dealer. The dealer must check the back of each card to ensure that it is not flawed, scratched, or marked in any way.

(a) Any card that is taped, cut, shaved, marked with any description, defaced, bent, crimped or deformed in any fashion that may permit covert identification of the card by players during the course of play must be withdrawn from play and marked as a complete deck of 52 cards or 54 cards when the joker cards are included, and identified as damaged cards. Each time a card is determined to be damaged, the entire deck shall be withdrawn from play and replaced with a new deck after that new deck is thoroughly inspected under the requirements of this rule. Cards damaged during the course of play must be replaced with a new deck.

(b) Any deck of cards in which it is determined damaged cards exist shall be withdrawn from play immediately upon identification of the damage as follows: Cards found to be damaged when inspected, or that are damaged during play, must be placed in a sealed envelope or container, identified by table number, date, and time, and must be signed or initialed by the dealer. Damaged cards shall be retained by the cardroom operator for 30 days.

1. The entire deck of cards containing the damaged card or cards shall be removed from play before card play may resume at the card table and the damaged card deck shall be placed in a sealed envelope or container;

2. The sealed envelope shall be marked with the table number, the date, and time the deck was withdrawn from play;

3. The cardroom supervisor shall sign his/her name across the seal of the envelope indicating the supervisor has sealed and inspected the seal prior to storage of the damaged cards; and

4. All damaged cards shall be retained for at least 30 days from the date of withdrawal from play.

(c) Cards which have been removed from play shall be permanently altered so that the cards can not be put back into play.

(d) Dealers shall:

1. Inspect and count all cards in the deck of cards provided for play at his/her card table before each game of cards begins;

2. Exchange or rotate the deck of cards with another approved deck of cards at least every six hours; and

3. Inspect and count all cards in the deck provided for exchange or rotation before employing that deck in the next game of cards.

(e) If an automated card shuffling device is being used, a cardroom operator shall use two decks of cards; and

1. The backs of the cards in the two decks shall be of different colors;

2. One deck shall be shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game; and

3. Both decks shall be continuously alternated in and out of play, with each deck being used for every other game.

(6) Internal controls shall be established for the issuance of all cards to the shift supervisor and the floor supervisors.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended \_\_\_\_\_.

#### 61D-11.0145 Dominoes.

(1) The backs of dominoes shall have a design that does not allow a player the ability to place concealed markings on the dominoes or to know the identity of any markings of the dots on either half of the face of the domino.

(2) Dominoes that are marked, defaced, chipped, substituted from another set, or deformed shall not be used.

(3) Dominoes shall have a symbol or marking that identifies the domino to the specific facility where it is used for play.

(4) Sets of dominoes must be locked in a secure location when not in use.

(5) Prior to use, each domino must be inspected by the dominoes supervisor to ensure that no domino is marked, defaced, chipped, substituted from another set, or deformed.

(a) Dominoes damaged during the course of play must be replaced.

(b) Sets of dominoes that are marked, defaced, chipped, substituted from another set, or deformed shall be replaced and handled in the same manner as damaged cards under paragraph 61D-11.014(5)(b), F.A.C.

(c) Sets of dominoes that have been removed from play shall be handled in the same manner as damaged cards under paragraph 61D-11.014(5)(c), F.A.C.

(d) Only one set of dominoes at a time shall be maintained at a table. Each set of dominoes shall be rotated in and out of play at least every six hours.

(6) Internal controls shall be established for the issuance of all dominoes to the shift supervisor and the dominoes supervisors.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New \_\_\_\_\_.



61D-11.0149 Dominoes Supervisors.

(1) The dominoes supervisor shall be responsible for oversight of the play of dominoes for the tables which includes:

(a) Collection of any fee for participation;

(b) Exchanging of cash for chips or tokens. Each cardroom operator providing dominoes for play shall provide internal controls for the interaction between the imprest bank and the dominoes supervisor;

(c) Inspection of the dominoes for compliance with Rule 61D-11.0145, F.A.C., before the set is made available for play; and

(d) Reporting of any side betting to management pursuant to internal controls.

(2) A dominoes supervisor shall not allow a bet or raise amount, or the number of raises in a round of betting, to exceed the limits imposed by Section 849.086(8)(b), F.S.

(3) Dominoes supervisors shall only take breaks in areas designated by the cardroom operator in their internal controls.

(4) Dominoes supervisors shall not allow cash or any other personal items to be placed on a table during the play of any game of dominoes.

(5) Dominoes supervisors shall manage the retirement of all dominoes, chips, or tokens, as stated in the internal controls.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History–New \_\_\_\_\_.

61D-11.015 Chips and Tokens.

(1) All It shall be the responsibility of the cardroom operator to keep all chips and tokens not in play or which are not available for play or use that day shall be, stored in a locked cabinet, located in a secure secured location.

(2) Internal controls shall be established for the issuance of all chips/tokens or cards to the shift supervisor (pit boss), and the floor supervisors.

(2)(3) Daily records must be kept for all All chips and tokens issued including from storage shall be maintained with a record of the date, time, table to which they were issued, the denomination(s), and total value on Form DBPR PMW 3650, Cardroom Daily Control Sheet, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code.

(3)(4) The face of each chip or token Chips and tokens must include:

(a) The name of the facility that issued issuing cardroom, on each side of the chip or token. Names of other facilities shall not be displayed on a chip or token; and

(b) The value of the chip or token, must be inscribed on each side of the chip or token;

(4)(e) The A chip must be designed so that when stacked with chips and tokens of other denominations and viewed, the denomination of the chips or tokens must be distinguishable from that of the other chips or tokens when stacked in the stack.

(5) Chips or tokens purchased at a cardroom facility shall be redeemed by the cardroom operator for the appropriate cash value.

(6) Tournament chips shall:

(a) Be distinguishable from all other chips used at the cardroom facility;

(b) Not be redeemable for anything of value;

(c) Be only purchased at a buy-in or registration; and

(d) Be used to compute the total points accumulated and the winner or winners of a tournament.

(7) Cardroom operators shall maintain records documenting the daily ending inventory of tokens and chips pursuant to Section 849.086(11)(a), F.S.

Specific Authority 550.0251(12), 849.086(4), (8) FS. Law Implemented 849.086 FS. History–New 1-7-97, Amended 4-12-06, \_\_\_\_\_.

61D-11.016 Card and Domino Tables.

(1) Card Cardroom operators shall utilize card tables shall have, with a clearly designated rake circles, an imprest trays, tip boxes, and drop box slots. In lieu of a rake circle on a card table, a drop box slide may be used utilized.

(2) Domino tables shall be square with clearly designated areas located at each of the four corners of the table for the placement of wagers and the payment of participation fees. The surface of the dominoes table shall be one solid color that will not interfere with the ability of the surveillance system to clearly identify each domino played or the value of chips or tokens in the wagering area. There shall be no imprest tray on a domino table.

(3) Card games shall only be played on card tables.

(4) Dominoes shall only be played on domino tables.

(5)(2) Each card table shall be clearly designated with the number of the table, which shall be visible to the surveillance system.

(6) At no time may a cardroom contain more tables than that for which the cardroom operator has been licensed. Unused and unlicensed tables must not be stored inside the cardroom, but may be stored in designated non-public areas for the purpose of dealer training or other storage areas with no potential for official play.

Specific Authority 550.0251(12), 849.086(4), (8), (10) FS. Law Implemented 849.086 FS. History–New 1-7-97, Amended \_\_\_\_\_.

61D-11.0175 Count Rooms and Count Procedures.

(1) At the close of each shift, but not less than once daily, the cardroom operator shall:

(a) Count and record the amount of chips or tokens and currency for each table;

(b) Make a fill or credit to bring the imprest tray back to its beginning balance;

(c) Document beginning and ending inventories in the fill or credit report reflecting the value of chips or tokens and currency whether final fills are or are not made;

(d) Confirm that the supervisor has verified beginning and ending inventories of chips or tokens and currency; and

(e) Ensure that drop boxes are removed from tables immediately and transported to the count room or other secure area by two employees. At least one of the transporting employees shall not be under the immediate supervision of the shift supervisor or manager.

(2) The cardroom operator shall have a count room within its facility used for counting of funds. Cardroom operations counts shall be performed at separate times and independent of pari-mutuel or slot operations counts.

(3) The count room shall include:

(a) Reinforced doors equipped with locks and a device that signals the surveillance monitoring room and the security department whenever a door is opened;

(b) Tables for counting chips, tokens, or currency;

(c) Surveillance equipment as referenced in paragraph 61D-11.025(5)(c), F.A.C.; and

(d) A fixed door type or hand-held metal detector to inspect all persons exiting the count room. In lieu of the use of metal detectors, a cardroom operator may choose to complete a key inventory at the exit door of the count room that shall be described in the internal controls.

(4) The internal controls shall include the following procedures to be followed before any count process:

(a) A procedure for securing chips, tokens, or currency from any previous count;

(b) Procedures providing for a count team including a supervisor and at least two team members, with one team member being the count recorder. Count team members shall be rotated as specified in the internal controls. The rotation shall be such that the team is not the same three individuals more than any three days per week;

(c) A procedure ensuring that all persons present in the count room during the counting process wear outer garments that must be a full-length, one-piece, pocket-less garment with openings for the arms, feet, and neck only;

(d) A procedure ensuring that no person carry any personal items into the count room; and

(e) A procedure ensuring that the count room supervisor record, in writing, the name and license number of each member of the count team, and record the same information on any personnel entering or exiting the count room during the count process.

(5) The internal controls shall include the following procedures for the count process:

(a) A procedure for dual count and reconciliation of all chips, tokens, or currency. Dual count and reconciliation shall be a procedure to ensure presentation of all chips, tokens, or currency in the count room to an employee who verifies the chips, tokens, or currency;

(b) A procedure to segregate chips, tokens, or currency including a procedure for resolving any discrepancies;

(c) A procedure for handling torn or mutilated chips, tokens, or currency;

(d) A procedure for the proper use of any counting machine that may be used;

(e) A procedure for emptying the contents of each drop box on the count table;

(f) A procedure requiring that each drop box be counted separately;

(g) A procedure to ensure that the drop box and the inside of the drop box be held up to the full view of a surveillance camera;

(h) A procedure to ensure that after each drop box has been viewed and counted, the drop box shall be locked and placed in a storage area exclusively for drop boxes;

(i) A procedure for a count team member to record the following information on a count report:

1. The table number to which each drop box contents corresponds;

2. The value of each denomination of chips, tokens, or currency counted;

3. The total value of all denominations of chips, tokens, or currency counted; and

4. The gaming date of the count and the total number of all drop boxes opened and counted.

(j) A procedure to reconcile the daily count records to the totals on the Monthly Remittance Reports required in subsection 61D-11.018(2), F.A.C.;

(k) A procedure to ensure that the doors to the count room remain locked except to allow authorized entrance to individuals as stated in the internal controls;

(l) A procedure to ensure that:

1. All count team members secure all of the chips, tokens, or currency in the count room if a count team member leaves the count room;

2. All count team members are screened before leaving the count room;

3. No count team member shall be in the count room alone; and

4. The count team members do not re-enter the count room until all count team members are present;

(m) A procedure ensuring that each count report is signed by the count team members and the count room supervisor; and

(n) A procedure ensuring reconciliation of copies of fill or credit reports to the count sheets.

(6) The internal controls shall include the following procedures to be followed after any count process:

(a) A procedure requiring the supervisor to inspect the entire room and all counting equipment to verify that no chips, tokens, or currency remain in the room;

(b) A procedure to make correction to information originally recorded by the count team or to any count documentation by crossing out the error, entering the correct figure, and entering the initials of at least two count team members who verified the change;

(c) A procedure to reconcile the fill or credit report for each imprest tray to the count documentation;

(d) A procedure for the delivery of the verified and signed count documents to the accounting department. The delivery shall occur immediately after all count procedures are completed; and

(e) A procedure requiring that the accounting department calculate and record the total drop for that gaming day based upon the verified and signed count documents.

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New \_\_\_\_\_.

61D-11.018 Reporting Requirements to Determine Net Proceeds or Gross Revenues.

(1) Each Every licensed pari-mutuel facility operating a cardroom operator shall maintain a hard-copy of permanent monthly records of all financial transactions directly or indirectly related to the cardroom activities. All transaction data must be maintained on the premises of the cardroom operator. The cardroom operator must maintain documentation supporting all amounts reported in the records. Each record shall include, but not necessarily be limited to all details of the following:

(a) For greyhound and jai alai permitholders, each record shall clearly show totals of gross revenues.

(b) For harness or thoroughbred permitholders, each record shall clearly show totals of operating revenues, expenses, and net proceeds.

(2) Each thoroughbred and harness horse racing permitholder who is licensed to engage in cardroom activity shall keep records that clearly show a statement of assets, liabilities, operating revenues and expenses and net proceeds to determine distributions to purses and breeders' awards, as required by Section 849.086(13), F.S.

(2)(3) Cardroom Every licensed cardroom operators shall file Form DBPR PMW-3640, Cardroom Monthly Remittance Report, and Form DBPR PMW-3650, Cardroom Daily Control Sheet, both adopted and incorporated by Rule 61D-12.001, F.A.C. Florida Administrative Code, with the division by the fifth day of each calendar month for the preceding calendar month's cardroom activity.

Specific Authority 550.0251(12), 849.086(4), (11), ~~(13)~~ FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 4-12-06, \_\_\_\_\_.

61D-11.019 Internal Control System.

(1) Initial applications for a cardroom shall include a Each applicant for a license to operate a cardroom shall submit with their initial application their written internal control system established in compliance with Section 849.086, F.S., and the rules promulgated thereunder to the division for approval. Subsequent changes to the internal controls of a cardroom operator must be submitted noticed to the division for approval and must be approved by the division prior to implementation of such changes. The division will have 30 days from receipt of the internal control changes to approve or disapprove the changes to the internal controls.

(2) Failure of any cardroom operator to follow the internal controls once approved by the division shall be a violation of these rules. A cardroom operator is responsible for compliance with its internal control system.

(3) through (3)(h) No change.

(i) Competency of staff and ability to comply with established policies and procedures is promoted through training; and

(j) Efficiency of operations is enhanced.

(4) The cardroom manager or general manager shall sign and submit the internal control procedures to the division. The internal control procedures shall at a minimum contain the following: The division will use standards set forth in the "Minimum Internal Control Standards," herein incorporated by reference, to determine whether the requirements of Section 849.086, F.S., and the rules promulgated there under are complied with in the submitted internal control system. If the submitted system is disapproved, the division shall provide a written report detailing the deficiencies and will make suggestions in the report on how the deficiencies can be corrected.

(a) A requirement that a supervisor or the transporter verify all transfers between imprest trays and the cardroom bank with their signature on the transfer document;

(b) The designation of a cardroom bank holding all cardroom funds;

(c) The designation of an imprest bank holding all imprest trays;

(d) The designation of a cashier cage methodology for the control and accounting of funds that are part of the cardroom bank as an alternative to an imprest bank if designated in the internal controls;

(e) A requirement that all transactions flowing through the cardroom bank be summarized daily as specified in the internal controls as follows:

1. Increases and decreases to the cardroom bank inventory shall be summarized and supported by documentation;

2. A record shall reflect that the cardroom bank inventories are counted by at least two persons and recorded at the end of each day on inventory documentation;

3. Information shall be summarized and recorded in the cardroom operator's accounting records on the business day following each day of operation; and

4. A statement of whether an imprest bank or cashier cage methodology is used shall be indicated by the cardroom operator.

(f) When a cashier cage methodology is used, the facility shall include in the facility internal control procedures security controls that limit access into the cashier cage. The internal controls shall also require a list of employees who are granted access to the cashier cage and their individual license numbers;

(g) A requirement that the cardroom operator perform internal audits every six months of operation. Internal audit documentation must:

1. Include documentation of material exceptions to internal controls; and

2. Be provided to the division within 30 days of the date of the internal audit.

(h) A description of the cardroom's patron dispute resolution process;

(i) A list of all authorized games offered for play and a description of the rules of play and wagering requirements for each game;

(j) A requirement for the complete replacement of all card decks that have been in play for three months and domino sets that have been in play for six months;

(k) The methodology for administration of jackpot payouts:

1. Payouts for jackpots may be made in chips, tokens, or currency if the amount of the distribution is equal to or less than \$4,999.99; and

2. A combination of check, chips, tokens, or currency shall be used for all jackpot payments greater than \$4,999.99.

(l) An identification of where dealers may take their break, and provide at a minimum, that such breaks be arranged so there is limited opportunity for dealer and player personal interaction;

(m) The methodology for administration of rakes to include:

1. A flat fee rake or a rake on a time limit shall be designated for each cardroom or cardroom game. The method of rake may be different for different cardroom games within one cardroom;

2. When the cardroom elects to use a flat fee rake, the amount of the rake the cardroom operator designates shall be stated in the cardroom internal controls; and

3. When the cardroom operator elects to employ a rake on a time limit basis, the amount of the rake for each time period shall be stated in the cardroom internal controls;

(n) A floor plan of the cardroom that shall be maintained in the surveillance room. The floor plan shall:

1. Be based on a readable scale and show the placement or location of the following:

a. Each cardroom table and its corresponding table number;

b. Security cameras and other surveillance equipment;

c. Count rooms and cashier cage;

d. The location of the cardroom operator's designated cardroom gaming area. Designated cardroom gaming areas shall be separated by a check-in area where the cardroom operator shall check identifications of players prior to being seated for play or shall have controlled entry and exit points where the cardroom operator shall check identifications to ensure no persons under 18 years of age are allowed access to the designated cardroom gaming area; and

e. The security surveillance system monitoring room.

2. Provide for clear lines of sight for the security surveillance system. There shall be no area where cards or dominoes are played or where money is collected, distributed, or counted which the security surveillance system is unable to monitor with clarity.

(o) The methodology for key access controls for drop boxes;

(p) The methodology for retirement of cards, chips, dominoes, or tokens. The methodology shall:

1. Designate the individual position responsible for the retirement procedure;

2. Require the cardroom operator to notify the division in writing of the retirement action no later than 30 days after retirement of the cards, chips, dominoes, or tokens; and

3. Require all retired cards, chips, dominoes, or tokens be retained in a secure location for 60 days.

(q) The methodology for maintaining a database of persons who have been excluded from its facility by the cardroom operator or the division;

(r) A requirement that all internal control documents include a footnote with the revision date for that version of the internal controls; and

(s) If the facility permits the use of cardroom chips or tokens to purchase pari-mutuel tickets, then the internal controls must provide a procedure to:

1. Identify all cardroom chips or tokens used to purchase pari-mutuel tickets;

2. Convert the cardroom chips or tokens to cash; and

3. Return all cardroom chips or tokens to the cardroom at the end of each shift.

(5) The division shall not approve an internal control submission if:

(a) Any provision of the internal control submission is inconsistent with the requirements of Chapter 61D-11, F.A.C.;

(b) Any game or series of games played is not an authorized game under Section 849.086(2)(a), F.S.; or

(c) Players are allowed to wager in excess of the wagering limitation found in Section 849.086(8)(b), F.S.

Specific Authority 550.0251(12), 849.086(4), (11) (7), (12), (14) FS.  
Law Implemented 849.086 FS. History–New 1-7-97, Amended

61D-11.020 ~~Card Game Drop Box and Key Control~~  
Procedures.

~~Each card table shall have one drop box with a drop slot which when activated will cause the rake or ante to drop directly into the drop box. The card game drop box shall be a locked container marked with a permanent number corresponding to the permanent number on the card table. The locked container shall be locked to the card table and shall be separately keyed from the drop box itself.~~

~~(1) Each table shall have a drop box that is configured to permit the dealer to insert the rake directly into the drop box. The drop box shall be: All card game drop boxes shall be removed from their respective card table no later than at the conclusion of each day’s authorized cardroom activity. Card game drop boxes shall be removed without any interruptions so that the markings on the boxes are clearly visible and will be stored in a secure place or immediately counted and the count documented for accounting transaction purposes.~~

~~(a) Marked with a permanent number corresponding to the table number to which the drop box is assigned;~~

~~(b) Affixed with a lock to the table; and~~

~~(c) Separately keyed from the table release lock.~~

~~(2) Each cardroom operator shall develop and use a lock and key control system that limits or restricts access to secure compartments, drop boxes, and areas as identified in the operator’s internal control procedures. The count of the drop box must be in compliance with the requirements set forth in the cardroom operator’s internal control system.~~

~~(a) The cardroom operator’s security department shall receive the locks and keys; and~~

~~(b) A master locksmith or similarly qualified cardroom operator employee shall install all locks specified in this subsection.~~

~~(3) The cardroom operator’s security department shall maintain all drop box keys as specified in the internal controls.~~

~~(4) Drop boxes shall require dual keys:~~

~~(a) Drop box release keys used to unlock the box from the table and the drop box contents keys shall have separate custodians who shall be authorized by the cardroom operator’s internal controls to:~~

~~1. Have access to the drop box release keys and remove the drop boxes from the tables; and~~

~~2. Have access to the drop box contents keys and open the drop boxes during the count procedures.~~

(5) If access to keys is manually controlled, all access shall be documented in a written log that shall include:

(a) The justification for access to keys;

(b) The identity of the key and key box;

(c) The occupational license number or employee number of the employee removing the key;

(d) The date and time each key is signed out;

(e) The date and time each key is returned; and

(f) The signatures of at least two persons for each key removed.

(6) If an electronic key box is used, the electronic key box system shall provide scheduled and on-demand reports for a complete audit trail of all access including:

(a) The identity of the key and key box;

(b) The occupational license number or employee number of the employee removing the key;

(c) The date and time each key is signed out;

(d) The date and time each key is returned;

(e) A report of unauthorized attempts to access the key box;

(f) All entries, changes, or deletions in the key box system; and

(g) The identity of the employees who made attempts to enter or perform changes, or deletions in the key box system.

(7) All duplicate keys shall be controlled in the same fashion as the original keys.

(8) Cardroom operators shall:

(a) Remove all drop boxes immediately after the end of the final game for each day’s activity. In the event the immediate removal of drop boxes is not possible, a security guard shall be in the room until the drop boxes are removed; and

(b) Remove drop boxes so that the markings are clearly visible to surveillance cameras.

(9) The drop box count shall comply with Rule 61D-11.0175, F.A.C., and the cardroom operator’s internal control system.

Specific Authority 550.0251(12), 849.086(4), (11) (8), (10) FS. Law Implemented 849.086 FS. History–New 1-7-97, Amended

61D-11.021 ~~Card Game Tip Box~~ Procedures.

~~(1) Each table shall have a dealer tip box that is configured to permit the dealer to insert a tip directly into the tip box. Each card table shall have one dealer tip drop box with a drop slot that when activated shall cause the tip to drop directly into the drop box. The dealer tip drop box shall be a locked container marked as a tip drop box.~~

~~(2) All tip boxes shall be marked: All tip box markings shall be clearly visible.~~

~~(a) To make them clearly visible to surveillance cameras;~~

~~(b) To distinguish from all other boxes as a tip box; and~~

~~(c) With a permanently affixed identification number or name.~~

(3) Dealers shall:

(a) Place each tip on the table in front of the tip box so that surveillance can identify the tip; and

(b) Tap the tip on the corner of the imprest tray before inserting the tip into the tip box.

(4) The cardroom operator shall maintain, by date, a log indicating tip box assigned, by number or name, and total tips each dealer collected.

Specific Authority 550.0251(12), 849.086(4), ~~(11)~~ FS. Law Implemented 849.086 FS. History–New 1-7-97, Amended \_\_\_\_\_.

61D-11.022 Cardroom Imprest Bank and Card Table Imprest Tray.

(1) A cardroom operator shall designate a secure area for housing the bank for cardroom operations.

(2) The chips, tokens, and currency ~~currency, chips and tokens~~ for the cardroom operation shall be physically maintained separately from any other currency of the pari-mutuel wagering facility, except that chips may be used to purchase pari-mutuel tickets if the cardroom operator’s internal controls include procedures for converting the designated chips back to cash and returning that cash to the cardroom.

(3) All cardroom operators must employ an imprest bank or cashier cage method.

(4) When a card table imprest tray is replenished from the cardroom imprest bank:

(a) The dealer shall count all chips, tokens, and currency transferred in public view under surveillance on the card table; and

(b) The transporter or a supervisor shall verify the value of the transferred chips, tokens, and currency the dealer has counted.

(5) The cardroom bank or cashier cage must be a secure area where access is limited to those persons authorized in the internal controls.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History–New 1-7-97, Amended \_\_\_\_\_.

61D-11.024 Rake-Off Procedures.

The set fee rake off shall be called at the beginning of each hand. The set fee rake off shall be placed in a designated rake circle or drop box slide and shall remain in the designated circle or slide until a winner is declared and paid. The set fee rake off shall then be dropped into the table drop box. A rake taken as a percentage of the pot shall be collected and placed in a designated rake circle or drop box slide immediately upon the conclusion of the round, hand, or game. The rake taken as a percentage of the pot shall then be dropped into the table drop box prior to the beginning of another round, hand, or game.

(1) The cardroom operator shall:

(a) Designate a flat fee or a timed rate fee as a rake for the cardroom and for each cardroom game; and

(b) Conspicuously display the rake limits and method at each cardroom table for the players to see.

(2) If a flat fee rake is used in a game, it shall:

(a) Be placed in a designated rake circle or on top of a drop box slide;

(b) Remain in the designated circle or on top of the slide until a winner is declared and paid; and

(c) Be dropped into the table drop box immediately after a winner is declared for a round, hand, or game.

(3) If a timed rate fee is used, it shall:

(a) Be collected prior to dealing the first hand for the stated time period by placing chips or tokens in a designated rake circle or drop box slide as identified in the internal controls; and

(b) Be dropped into the table drop box immediately after it is collected.

Specific Authority 550.0251(12), 849.086(4), ~~(8), (10)~~ FS. Law Implemented 849.086 FS. History–New 1-7-97, Amended \_\_\_\_\_.

61D-11.025 Cardroom Electronic Surveillance.

(1) ~~Each~~ For purposes of monitoring the playing area, each cardroom operator licensee shall install in its establishment a room with an electronic surveillance system according to the specifications herein to monitor the activities within the cardroom facility, and shall provide timely access to the system on the licensee’s premises, by the division upon request.

(2) The surveillance system must be capable of:

(a) The covert monitoring of: “Cardroom surveillance” means the capability to observe and electronically record activities being conducted in a licensed cardroom facility.

1. The conduct and operation of card and domino tables;
2. The conduct and operation of the central location where tournament buy-ins and registration occur;
3. The conduct and operation of the cashier’s cage;
4. The collection and count of the gaming revenue drop;
5. The movement of any cardroom imprest tray, chips, tokens, or currency while being transported within the facility to a card or domino table, count room, money room, vault, cardroom bank or cashier cage, or other secure area.

(b) Detection and recording of: “Dedicated camera” means a black & white or color video camera that continuously records a specific activity.

1. Cheating, theft, embezzlement, and any other activity considered illegal under the law or inconsistent with Chapter 61D-11, F.A.C., or Section 849.086, F.S., in the cardroom facility; and
2. The presence in the cardroom facility of any unauthorized or excluded person.

(c) “PTZ Camera” means a light sensitive video camera which possesses, at a minimum, pan, tilt, and zoom capabilities or features comparable thereto.

(d) ~~“Surveillance room” means a secure location in a licensed cardroom facility used primarily for cardroom surveillance.~~

(e) ~~“Surveillance system” means a system of video cameras, monitors, recorders, and other ancillary equipment used for cardroom surveillance.~~

(3) The person holding the position of cardroom manager or supervisor with oversight of cardroom drops and revenue shall not be in a position to conduct surveillance for the count room and drop activities.

(4)(3) The surveillance Surveillance system and equipment shall employ digital electronic technology with the acuity and clarity that is no less than that provided by magnetic tape systems. The digital equipment shall:

(a) Record to a quality of 4 Common Intermediate Format (CIF); At a minimum, each video camera unit must:

1. Include date and time generators which possess the capability to display the date and time of recorded events on videotape so as to enable the operator to identify the point on such tape at which a particular event was recorded;

2. Possess the capability of having its picture displayed on a video monitor and recorded;

3. Be equipped with lenses of sufficient magnification to clearly distinguish the value of the playing cards; and

(b) Be viewable on a monitor; The entrance to the surveillance room must be locked so that it is not readily visible or accessible to the general public.

(c) Include date and time generators; and Access to the surveillance room must be limited to the cardroom manager or other personnel authorized in accordance with the licensee’s policy as set forth in its written surveillance system plan.

(d) Display the date and time of recorded events in the record to enable the operator to identify the point on such record at which a particular event was recorded.

(5) Different capability levels of cameras shall be:

(a) Dedicated cameras that record at a rate of 30 frames per second for viewing all activities on the entire surface of each card and domino table;

(b) Dedicated cameras that record at a rate of 30 frames per second for viewing:

1. The central location for tournament buy-ins and registration;

2. The cashier’s cage, cashier’s drawers, and vault; and

3. The surveillance room pursuant to subsection (16) of this rule.

(c) PTZ cameras that:

1. Are placed behind domes or one-way mirrors;

2. Are concealed from view;

3. Permit unobstructed viewing with sufficient video monitors;

4. Simultaneously cover various vantage points;

5. Operate at a rate of 30 frames per second;

6. Permit identification of any person in the gaming area with sufficient clarity;

7. Monitor and record the movement of chips, tokens, currency, imprest trays, drop boxes, and tip boxes within the cardroom facility;

8. Monitor all areas and activities occurring within the count rooms with audio capability and motion-sensitive performance to record during any occupancy in the count process;

9. Monitor and record all areas where chips and tokens are exchanged for cash or checks with sufficient clarity to permit identification of all physical items involved in the recorded transactions; and

10. Magnify or zoom to clearly distinguish table numbers and the value of playing cards, dominoes, chips, tokens, and currency.

(6) During each count of chips, tokens, and currency in the cardroom facility count room:

(a) The surveillance room must be staffed with the personnel identified in the facility internal controls; and

(b) The count must be recorded with cardroom surveillance equipment.

(7) The surveillance room:

(a) Entrance shall be located so that it is not readily visible or accessible to the general public;

(b) Access must be limited to the cardroom manager or other personnel authorized in the facility’s internal controls; and

(c) The interior shall not be visible or accessible to the public.

(8)(d) Each video camera unit required by this rule must be installed in a manner that will prevent it from being readily obstructed, tampered with, or disabled by patrons or employees.

(9)(e) Employees shall not intentionally obstruct surveillance system equipment.

(10)(f) Adequate lighting shall be present in all areas of the cardroom to enable camera coverage of sufficient quality to produce clear videotape recordings.

(g) Reasonable effort must be made to repair each malfunction of surveillance system equipment required by this rule within seventy-two (72) hours after the malfunction is discovered. Within twenty-four (24) hours of discovery, the licensee shall notify the division via facsimile transmission of the equipment malfunction. If a malfunction is not repaired within seven (7) days after it is discovered, causing the licensee to be in non-compliance with this rule, the licensee must immediately notify the division via facsimile transmission of the failure to repair.

(11) All tapes and other electronic surveillance recordings shall be:

(a) Maintained for at least 14 days;

(b) Labeled in chronological order by date and time of recording; and

(c) Retained for a period of time longer than 14 days if requested by the division or any law enforcement agency.

~~(h) The licensee shall preserve and store any video recording for at least fourteen (14) days. The division shall have unfettered access to all such video recordings.~~

(12)(i) The surveillance system within the cardroom must possess the capability to monitor, identify, and record the activities of the patrons and dealers at each poker table; in a manner that provides 100 percent 100% video camera coverage of the cardroom at all times.

(j) The number and types of video cameras required in each cardroom facility are as follows:

1. PTZ video cameras, or cameras with comparable features are required in each cardroom facility to effectively monitor in detail and from various vantage points at all times; (a) the activities conducted at each table, (b) the movement of cash, gaming chips, and drop slot boxes, (c) all areas of the cardroom including entrances and exits.

2. One fixed dedicated video camera unit per table will be required when cardroom gross receipts, as defined in Section 849.086(2)(h), F.S., equal or exceed \$500,000 in a calendar month.

3. The surveillance standard referenced in 2. above will be effective beginning the fiscal year immediately following the fiscal year in which the \$500,000 threshold is met.

(k) When dedicated cameras are required pursuant to the provisions of paragraph (j) above, each camera must provide coverage of: (1) each table with sufficient clarity to identify patrons and employees, and (2) each table surface, with sufficient clarity to simultaneously view all table activities.

(13)(1) Each operator cardroom licensee shall maintain a surveillance log of all surveillance activities in the surveillance monitor room that shall include: The log shall be maintained by the cardroom manager and shall be stored securely. At a minimum, the following information shall be recorded in a surveillance log:

(a)1. Date and time each surveillance commenced;

(b)2. The name and license number of each person who initiates, performs, or supervises the surveillance;

(c)3. Reason for the surveillance, including the name, if known, and the description of each individual being monitored, and a brief description of the activity in which the monitored person is engaging;

(d)4. The time times at which each videotape recording is was commenced and terminated;

(e)5. The time at which each suspected criminal offense is observed, and a notation of the reading on the meter, counter, or device that identifies the point on the recording that videotape at which such offense was recorded;

(f)6. The time the time at which surveillance is terminated; and

(g)7. The date Date and time of any equipment malfunction and repair.

(14) When surveillance equipment malfunctions and fails to operate as required by this rule:

(a) Play at the table or tables in any area for which there is inadequate monitoring shall be suspended until the quality of the surveillance system is restored to the levels required by this rule;

(b) The cardroom operator shall ensure that any malfunction of surveillance equipment is immediately repaired or replace the malfunctioning equipment or component with a working unit to restore surveillance operation to the levels required by this rule; and

(c) The cardroom operator shall:

1. Maintain a log of all malfunctions of the surveillance and recording equipment;

2. Notify the division by the beginning of the next business day when:

a. Such repair is required; and

b. Upon completion of the repairs.

3. Repair or replace any video or audio recording system that has failed within 24 hours of the failure; and

4. Close the tables for play in that area for which there is inadequate monitoring if after 24 hours surveillance recording has not been restored.

(15) The surveillance system shall provide back-up for video or audio recording during the repair and replacement time.

(16) The activity within the surveillance room shall be continuously recorded.

Specific Authority 550.0251(12), 849.086(4)(a), (11) FS. Law Implemented 849.086(4)(a), (b), (f), (7)(a) FS. History—New 10-21-97, Amended \_\_\_\_\_.

61D-11.0251 Security Plans.

(1) The cardroom operator shall maintain a security plan in its security office that shall include:

(a) A position description for each security officer or employee that includes the position's duties, assignments, and responsibilities;

(b) The minimum number of security officers or employees required for each shift;

(c) Procedures for handling incidents requiring the assignment of a security officer or employee;

(d) Training requirements and procedures for employees and officers; and

(e) A description of each alarm or alert used for incidents of violent crime that shall include, but not be limited to, robbery, armed robbery, or an incident involving a hostage situation.



(2) The security plan shall include procedures for annual testing of all security alarms or alerts required by rules regulating the cardroom facility.

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History--New \_\_\_\_\_.

61D-11.0275 Tournaments.

(1) As part of its internal controls, each cardroom operator, who conducts tournaments shall provide written procedures for the conduct of tournaments that shall:

(a) Require that the entry fee and any rebuys do not exceed the wagering limitations of Section 849.086(8)(b) and (c), F.S.;

(b) Provide a method for charging house and tournament fees for participation in a tournament of poker or dominoes; and

(c) Describe:

1. The point values of chips or tokens;

2. The number of chips or tokens each participant will receive upon buy-in or registration;

3. The appearance of chips or tokens which shall be visually distinct from those used in regular play;

4. The allowance and use of blinds;

5. The allowance and use of re-buys;

6. The distribution of winnings; and

7. The process to ensure that chips or tokens will not be redeemed for cash or any other thing of value.

(2) The written procedures must be available to all interested participants upon request and displayed within the cardroom.

(3) Cash received for entry fees shall be separate from all other cash received by the cardroom operator for regular cardroom gaming until such time as all cash is counted.

(4) The monthly remittance report filed with the division in conjunction with the report required by Section 849.086(13), F.S., shall include an aggregate accounting of:

(a) The amount collected for games played in a tournament per player;

(b) The total amount of participation fees collected;

(c) The total number of participants;

(d) The total amount distributed to winning participants;

(e) The taxable gross receipts amount; and

(f) The calculation of total tax due for the tournament.

(5) The cardroom operator shall:

(a) Maintain a log of all tournaments played with a separate entry for each type of daily tournament containing the information in paragraphs (4)(a) through (4)(f) of this rule; and

(b) Reconcile the log of tournament activity to the information provided in the monthly remittance report in subsection (4).

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History--New \_\_\_\_\_.

61D-11.0279 Jackpots, Prizes, and Giveaways.

(1) The following requirements apply to all cardroom and dominoes tables participating in jackpots:

(a) The cardroom operator shall post the rules of the jackpots offered, including which specific hands constitute a winner, and all details regarding seeding the jackpot fund;

(b) Post the jackpot rake at each table;

(c) Ensure that:

1. An additional drop box is installed on the left hand side of tables for jackpot proceeds;

2. The internal controls require that the dealer drop the jackpot rake into the jackpot drop box;

3. Jackpot drop boxes have a permanently affixed number that corresponds to the table to which the drop box is assigned;

4. Jackpot drop boxes are marked or colored to distinguish them from the regular drop box and tip box;

5. All jackpot drop boxes are dropped and counted daily using drop procedures set forth in Rule 61D-11.0175, F.A.C.;

6. Jackpot revenues are not commingled with other monies;

7. All revenue from the jackpot drop is accumulated separately from other revenue and deposited daily into a separate non-interest bearing bank account;

8. The daily balance for each jackpot is displayed prominently within the cardroom facility;

9. All jackpot accounting records:

a. Include a detailed ledger with all credits, debits, and any jackpot amount carried forward to the jackpot from the prior playing day; and

b. Are maintained to account for each different jackpot offered.

10. All jackpot payouts are made in accordance with the internal controls; and

11. The internal controls will state whether a maximum jackpot threshold limit is established. The internal control shall state if a threshold is selected, when the designated threshold is achieved, the series of cards comprising the hand winning the jackpot shall be changed to a series of cards that has a higher probability of occurring.

(2) Each jackpot amount shall be:

(a) Equal to the ending total balance of that specific jackpot fund at the end of the previous day's count; and

(b) Displayed as required in subparagraph (1)(c)8. of this rule.

(3) The cardroom operator shall:

(a) Maintain a separate Form DBPR PMW-3605, Daily Tracking of Cardroom Jackpot, adopted and incorporated by Rule 61D-12.001, F.A.C., for each day of cardroom activity, and each different jackpot;

(b) Submit each Form DBPR PMW-3605 monthly to the division along with each Form DBPR PMW-3640, Cardroom Monthly Remittance Report, adopted and incorporated by Rule 61D-12.001, F.A.C.; and

(c) Maintain a log of jackpot payouts that shall include:

1. The name, address, and telephone number of each winner;

2. The check number if paid by check;

3. A copy of the winner's identification for winnings which meet the Internal Revenue Service threshold; and

4. A copy of any forms required to be filed by the Internal Revenue Service.

(5) A jackpot, prize, or giveaway shall only be awarded to a player holding a combination of cards specified by the cardroom operator.

(6) The internal controls shall include procedures for reporting winnings that reach the Internal Revenue Service threshold.

(7) The transaction for a giveaway or prize must be a separate transaction from any buy-in or rebuy. Jackpot contributions may be a part of a buy-in or re-buy, but the jackpot portion of the buy-in or re-buy must be fully disclosed and accounted for separately.

(8) A cardroom operator may not withhold a percentage of the jackpot pool for the cost of administering the jackpot. One hundred percent of any jackpot shall be applied to the payment of jackpots.

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Drago, Interim Secretary, Department of Business and Professional Regulation  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.:	RULE TITLES:
61D-11.017	Admissions Requirements
61D-11.023	Accounting for Transactions Between Card Table Imprest Tray and Cardroom Imprest Bank

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal will be to implement changes in accordance with Senate Bills 134 and 752, effective July 1, 2007.

SUMMARY: Elimination of Rules 61D-11.017 and 61D-11.023, F.A.C.

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: 550.0251(12), 849.086(4), (11), (13) FS.

LAW IMPLEMENTED: 849.086 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 18, 2008, 9:00 a.m. – 1:00 p.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe 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 5 days before the workshop/meeting by contacting: Mary Polombo at (850)413-0750. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-11.017 Admissions Requirements.

Specific Authority 550.0251(12), 849.086(4), (11), (13) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended 3-4-07, Repealed\_\_\_\_\_.

61D-11.023 Accounting for Transactions Between Card Table Imprest Tray and Cardroom Imprest Bank.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History--New 1-7-97, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Drago, Interim Secretary, Department of Business and Professional Regulation  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2008

DATE AND TIME: April 18, 2008, 9:00 a.m. – 1:00 p.m.  
 PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-12.001  
 RULE TITLE: Incorporated and Approved Forms  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to amend the various forms related to cardrooms used by the Division of Pari-Mutuel Wagering in accordance with Senate Bills 134 and 752, effective July 1, 2007.

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: Mary Polombo at (850)413-0750. 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).

SUMMARY: This proposed rule amends forms of the Division of Pari-Mutuel Wagering related to cardrooms needed to implement amendments in Section 849.086, F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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.

61D-12.001 Incorporated and Approved Forms.  
 The following is a list of all forms now incorporated which are to be used by the Division in its dealing with the cardroom operators and licensees who conduct cardroom gaming. A copy of these forms may be obtained at [www.myflorida.com/dbpr/pmw](http://www.myflorida.com/dbpr/pmw) or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The effective date of each of these forms is the promulgation date of this rule.

SPECIFIC AUTHORITY: 550.0251(12), 849.086(4), (5), (6), (11) FS.

LAW IMPLEMENTED: 849.086 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):

FORM NUMBER	SUBJECT	EFFECTIVE DATE
(1) DBPR PMW-3120	Individual Occupational License Application	3-4-07
(2) DBPR PMW-3130	Business Occupational License Application	3-4-07
<del>(3) DBPR PMW-3150</del>	<del>Notification of a Card Game</del>	<del>3-4-07</del>
<del>(3)(4) DBPR PMW-3160</del>	<del>Permitholder Application for Annual License to Operate a Cardroom</del>	<del>3-4-07</del>
<del>(4)(5) DBPR PMW-3170</del>	<del>License Upgrade Application</del>	<del>3-4-07</del>
<del>(5)(6) DBPR PMW-3180</del>	<del>Request for Waiver</del>	<del>3-4-07</del>
<del>(6)(7) DBPR PMW-3220</del>	<del>List Notice of Change of Cardroom Business Occupational Licensees Providing Products and Services to a Cardroom</del>	<del>3-4-07</del>
(7) DBPR PMW-3605	Daily Tracking of Cardroom Jackpot	3-4-07
(8) DBPR PMW-3640	Cardroom Monthly Remittance Report	3-4-07
(9) DBPR PMW-3650	Cardroom Daily Control Sheet	3-4-07

Specific Authority 550.0251(12), 849.086(4), (5), (6), (11) FS. Law Implemented 849.086 FS. History–New 1-7-97, Amended 3-4-07.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2007

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Drago, Interim Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NOS.: 61G15-30.001  
 RULE TITLES: Purpose  
 61G15-30.002 Definitions Common to All Engineer’s Responsibility Rules  
 61G15-30.003 Minimum Requirements for Engineering Documents

- 61G15-30.005 Delegation of Engineering Documents: Obligations of the Engineer of Record
- 61G15-30.006 Delegation of Engineering Documents: Obligations of the Delegated Engineer of Record
- 61G15-30.007 Prime Professional's Responsibility
- 61G15-30.009 Retention of Engineering Documents
- 61G15-30.010 Energy Conservation Compliance

PURPOSE AND EFFECT: The purpose and effect for Rule 61G15-30.001, F.A.C., is to clarify and update existing language; for Rule 61G15-30.002, F.A.C., it is to add new categories of engineering definitions; for Rule 61G15-30.003, F.A.C., it is to amend the rule title and to add new requirements for engineering documents; for Rules 61G15-30.005 and 61G15-30.006, F.A.C., it is to amend the rule title; for Rules 61G15-30.007 and 61G15-30.009, F.A.C., it is to clarify existing language; for Rule 61G15-30.010, F.A.C., it is to establish a new rule for setting forth engineer responsibilities in the process of preparing data relative to energy conservation compliance.

SUMMARY: In Rule 61G15-30.001, F.A.C., existing language is clarified and updated; in Rule 61G15-30.002, F.A.C., new categories of engineering definitions are added; in Rule 61G15-30.003, F.A.C., rule title is amended and new requirements for engineering documents are added; in Rules 61G15-30.005 and 61G15-30.006, F.A.C., rule title is amended; in Rules 61G15-30.007 and 61G15-30.009, F.A.C., existing language is clarified; in Rule 61G15-30.010, F.A.C., a new rule for setting forth engineer responsibilities in the process of preparing data relative to energy conservation compliance is established.

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: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.023, 471.025, 471.030, 471.033(1)(g),(j) 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-30.001 Purpose.

The Board has adopted these responsibility rules pursuant to Section 471.033(2), F.S., to safeguard the life, health, property and welfare of the public by promoting proper conduct in the practice of engineering and due care and regard for acceptable engineering principles and standards. The Board considers that professional engineers may avoid disciplinary actions by observing the procedures set forth herein. Failure to comply with these rules may be considered as noncompliance with subsection 61G15-19.001(4), F.A.C., unless the deviation or departure therefrom is justified by the specific circumstances of the project in question and the sound professional judgment of the engineer. Furthermore, these rules are intended to apply as general guidelines where no contractual relationship exists between the parties addressed herein. These rules are not intended to take precedence over contractual relationships developed between the parties addressed herein, so long as those contractual relationships do not violate Chapter 471, F.S., or the stated purpose of these responsibility rules or any other rule promulgated pursuant thereto. These responsibility rules shall apply to every person holding a certificate of registration as a professional engineer, every certified engineer intern, and every holder of a certificate of authorization, as appropriate. A professional engineer's practices, education, training, experience, qualifications, technical competence, conduct, and responsibilities in connection with his authorized engineering practice, services, and creative work are subject to regulation solely by the Board of professional engineers, ~~and~~ the courts, and local jurisdictions.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1) FS. History--New 1-26-93, Formerly 21H-30.001, Amended.

61G15-30.002 Definitions Common to All Engineer's Responsibility Rules.

(1) through (6) No change.

(7) "Engineering Documents Prepared for Public Record" are those documents filed for public record with the Authority Having Jurisdiction (AHJ) to determine compliance with Codes and Standards and to be used for execution of the project. These documents are required to be signed and sealed.

(8) Shop Drawings: Drawings depicting installation means and methods, catalog information on standard products, prepared by a contractor, manufacturers, or professional engineers for incorporation into the project which are prepared based on engineering direction contained in Engineering Documents. Shop drawings do not require the signature, date and seal of a professional engineer.

(9) Record Documents: Documents that are a compiled representation of the constructed project. If the engineer is relying on information provided by others not under the direct supervision and control of the engineer, then the engineer shall

not be required to sign, date and seal these Documents. If relying on information by others, as a minimum, the following shall be included on the Documents:

(a) Statement that the documents are a compiled representation of the constructed project.

(b) Listing of the sources and basis of information used in the preparation of the Documents.

(c) Statement that the Documents are believed to be correct to the best of the engineer's knowledge, and that the accuracy of the information cannot be guaranteed.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1), 471.023, 471.025 FS. History–New 1-26-93, Formerly 21H-30.002, Amended \_\_\_\_\_.

61G15-30.003 Minimum Requirements for Engineering Documents. Engineering Document Classification.

(1) Engineering Documents are prepared in the course of performing engineering services. When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer's Responsibility Rules and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Florida Building Code and relevant laws, ordinances, rules and regulations, as determined by the AHJ. The Documents shall include:

(a) Information that provides material specifications required for the safe operation of the system that is a result of engineering calculations, knowledge and experience.

(b) List Federal, State, Municipal, and County standards, codes, ordinances, laws, and rules, with their effective dates, that the Engineering Documents are intended to conform to.

(c) Information, as determined by the Engineer of Record, needed for the safe and efficient operation of the system.

(d) List engineering design criteria; reference project specific studies, reports, and delegated Engineering Documents.

(e) Identify clearly elements of the design that vary from the governing standards and depict/identify the alternate method used to ensure compliance with the stated purpose of these Responsibility Rules.

(2) Engineers shall legibly indicate their name and business address, on engineering documents. Engineering documents which are issued for preliminary or conceptual use, shall clearly note the intended purpose of such documents.

(3) When elements of the project are shown on an engineering document only for information or clarification and the Engineer does not intend to accept responsibility for the elements, the engineer shall clearly note on the documents the extent of his responsibility.

(4) Engineering drawings shall be legible and conform to good drafting practices. They must also comply with Chapter 61G15-23, F.A.C., Seals.

(5) Engineers shall clearly note on any preliminary engineering documents that such documents are not in final form, but are being transmitted to the public agency to receive agency reviews, comments and interpretations. The documents may subsequently be revised by the engineer to reflect resolution of issues with the public agency prior to final action by the agency. Changes, revisions and modifications to a project may prompt additional document submittal for agency approval action on the same project.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), 471.025(3) FS. History–New 1-26-93, Formerly 21H-30.003, Amended \_\_\_\_\_.

61G15-30.005 Delegation of Engineering Documents: Obligations of the Engineer of Record Request for and Review of Delegated Engineering Documents.

(1) through (2) No change (The existing text on this rule already has the proper subsection numbers)

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-30.005.

61G15-30.006 Delegation of Engineering Documents: Obligations of the Delegated Engineer of Record Delegated Engineer's Responsibility.

(1) through (3) No change.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-30.006.

61G15-30.007 Prime Professional's Responsibility.

It is the responsibility of the prime professional engineer, where one exists, to retain and coordinate the services of such other professionals as needed to complete the services contracted for the project.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-30.007, Amended \_\_\_\_\_.

61G15-30.009 Retention of Engineering Documents.

At least one copy of all documents displaying the licensee's signature, seal, date and all related calculations shall be retained by the licensee or the licensee's employer for a minimum of three years from the date the documents were sealed. These documents shall be maintained in any readily accessible format.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033(1)(g), (j) FS. History–New 5-9-04, Amended \_\_\_\_\_.

61G15-30.010 Energy Conservation Compliance.

The engineer who prepares the compliance calculations, and certifies the accuracy thereof, shall verify that the building construction documents conform to compliance calculations. Data used in calculations shall be under the signature, date and seal of the responsible design professionals. The Engineer of

Record for energy conservation compliance calculations shall retain the signed, dated and sealed data as provided for in Rule 61G15-30.009, F.A.C., Retention of Engineering Documents.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033(1)(g), (j) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NOS.:	RULE TITLES:
61G15-32.001	General Responsibility
61G15-32.002	Definitions
61G15-32.003	Common Requirements to All Fire Protection Engineering Documents
61G15-32.008	Design of Fire Alarms and Detection Systems

PURPOSE AND EFFECT: The purpose and effect for Rule 61G15-32.001, F.A.C., is to clarify existing language and to add tasks for which an Engineer of Record is responsible; for Rule 61G15-32.002, F.A.C., it is to add a new requirement with regard to Fire Protection Delegated Engineering Documents; for Rule 61G15-32.003, F.A.C., it is to add new requirements for Fire Protection Electrical Engineering Documents; for Rule 61G15-32.008, F.A.C., it is to replace old definitions of fire alarms, signaling, and control systems with new definitions and to establish new requirements for such fire alarms, signaling, and control systems.

SUMMARY: In Rule 61G15-32.001, F.A.C., existing language is clarified and tasks for which an Engineer of Record is responsible are added; in Rule 61G15-32.002, F.A.C., a new requirement with regard to Fire Protection Delegated Engineering Documents is added; in Rule 61G15-32.003, F.A.C., new requirements for Fire Protection Electrical Engineering Documents are added; in Rule 61G15-32.008, F.A.C., old definitions of fire alarms, signaling, and control systems are replaced with new definitions and new requirements for such fire alarms, signaling, and control systems are established.

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: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.005(7), 471.033 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-32.001 General Responsibility.

Fire protection engineering documents shall be prepared in accordance with applicable technology and the requirements of the authority having jurisdiction. The documents shall identify the Engineer of Record for the project. Both the Engineer of Record for the fire protection system and the delegated engineer, if utilized, shall comply with the requirements of the general responsibility rules, Chapter 61G15-30, F.A.C., and with the requirements of the more specific rules contained herein. The Engineer of Record for the Fire Protection System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance with his written instructions in accordance with Rule 61G15-30.005, F.A.C. Any Fire Protection Delegated Engineering Documents must be included in the final set of documents filed for permit.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-32.001, Amended \_\_\_\_\_.

61G15-32.002 Definitions.

(1) through (9) No change.

(10) Fire Protection Delegated Engineering Documents. Fire Protection System Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Fire Protection System has delegated responsibility for the design of a fire protection component or system and which are signed sealed and dated by the delegated engineer. These documents shall be included in the final set of documents submitted to the owner to be filed for a building permit and Fire Marshall approval.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.005(7), 471.033(2) FS. History–New 5-19-93, Formerly 21H-32.002, Amended 4-2-00, 6-26-01, \_\_\_\_\_.

61G15-32.003 Common Requirements to All Fire Protection Engineering Documents.

(1) through (8) No change.

(9) Fire Protection Electrical Engineering Documents shall additionally meet the requirements of Rule 61G15-30.003, F.A.C., Engineering Documents.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.005(7), 471.033(2) FS. History--New 5-19-93, Formerly 21H-32.003, Amended 4-2-00, 6-26-01, \_\_\_\_\_.

(Substantial rewording of Rule 61G15-32.008 follows. See Florida Administrative Code for present text)

61G15-32.008 Design of Fire Alarms and Detection Systems. ~~Signaling Systems and Control System.~~

(1) Fire alarms and detection systems include but are not limited to fire protection supervision, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions.

(2) The design specifications shall be based on applicable codes, when applicable, or alternate engineering sources including published underwriter's engineering documents, and sound engineering practices.

(3) For fire alarm plans on small systems below the threshold requirements for mandatory use of professional engineering services, the Engineer of Record shall specify the minimum system requirements.

(4) To ensure minimum design quality of Fire Alarm and Detection Systems Engineering Documents, said documents shall include as a minimum the following information when applicable:

(a) The plans shall be clear, with a symbols legend, system riser diagram showing all initiation and notification components, and cabling requirements. Indicate locations where fire ratings are required as determined by the system's survivability requirements. Identify the general occupancy of the protected property, and for each room and area unless it is clear from features shown.

(b) Locate initiation and notification devices and connections to related systems on the floor plans and sections when needed for clarity. Related systems include, but are not limited to sprinkler systems, elevator controls, smoke control systems, dampers, and doors.

(c) Strobe intensity and speaker output ratings for all notification devices.

(d) Identify the Class and Style of circuits as listed in the NFPA 72.

(e) Identify the functions required by the alarm and control systems including the transmission of emergency signals being monitored or annunciated.

(f) Indicate whether the fire alarm is conventional or addressable, and indicate all zoning.

(g) Locate surge protective devices and required protective features.

(h) Locate system devices that are subject to environmental factors, and indicate requirements for the protection of equipment from temperature, humidity or corrosive atmospheres, including coastal salt air.

(i) The plans shall include a site plan of the immediate area around the protected building, structure or equipment when alarm devices are required outside the structure.

(j) In buildings where smoke detection will be obstructed by walls, beams or ceiling features, the Engineer of Record shall provide applicable design and details to direct the installer to mitigate the obstructions. In buildings with smoke detection under a pitched roof, the plans shall indicate the roof pitch and a building section shall be provided as part of the Engineering Design Documents.

(k) Fire detection systems utilizing smoke detection in situations where smoke stratification is anticipated, the design shall provide the necessary criteria to mitigate the detection problems.

(l) Systems designed using Performance Based criteria shall be identified and referenced to design guides or standards approved by the local authority having jurisdiction consistent with standards adopted by the Florida State Fire Marshal or the Florida Building Code.

(m) The system design must indicate if the system is to provide a general evacuation signal or a zoned evacuation for all high-rise buildings or multi-tenanted properties.

(n) Wiring requirements for underground, wet locations, campus style wiring, protection against damage and burial depth shall be specified or indicated on the engineering design documents.

(o) Requirements for operations and maintenance procedures, manuals, system documentation, and instruction of Owner's operating personnel, as needed to operate the systems as intended over time.

(5) In the event that the Engineer of Record elects to specify specific equipment and to show the required wiring, battery and voltage drop (circuit analysis) calculations shall be completed. The calculations shall be completed using the equipment manufacture's data and applicable NFPA 72 procedures.

(6) System test requirements shall be noted on the Engineering Design Documents.

(7) When the engineer determines that special requirements are required by the owner, insurance underwriter or local fire code amendments these requirements shall be documented or referenced on the Engineering Design Documents.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-32.008, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Professional Engineers  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 20, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: November 21, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Board of Professional Engineers**

RULE NOS.:	RULE TITLES:
61G15-33.001	General Responsibility
61G15-33.002	Definitions
61G15-33.003	Design of Power Systems
61G15-33.004	Design of Lighting Systems
61G15-33.005	Design of Communications Systems
61G15-33.006	Design of Alarm and Signaling Systems
61G15-33.007	Design of Lightning Protection Systems
61G15-33.008	Design of Grounding Systems
61G15-33.010	Certification of Electrical Systems of Public Interest

PURPOSE AND EFFECT: The purpose and effect for Rule 61G15-33.001, F.A.C., is to clarify existing language and to add tasks for which an Engineer of Record is responsible; for Rule 61G15-33.002, F.A.C., it is to clarify and amend existing definitions, add a new definition for Electrical Delegated Engineering Documents and delete unnecessary language; for Rule 61G15-33.003, F.A.C., it is to clarify existing language, delete unnecessary language and add new requirements with respect to power systems; for Rule 61G15-33.004, F.A.C., it is to update existing language and add new requirements with respect to lighting systems; for Rule 61G15-33.005, F.A.C., it is to clarify existing language, delete unnecessary language and add new requirements with respect to electrical engineering documents for communications systems; for Rule 61G15-33.006, F.A.C., it is to amend rule title, to clarify existing language, delete unnecessary language and add new requirements with respect to alarm and signaling systems and electrical engineering documents for alarm and signaling systems construction documents; for Rule 61G15-33.007, F.A.C., it is to clarify and update the existing language and add new requirements with respect to electrical engineering documents for lightning protection systems; for Rule 61G15-33.008, F.A.C., it is to clarify and update the existing language; for Rule 61G15-33.010, F.A.C., it is to establish a new rule that will govern the certification of electrical systems of public interest.

SUMMARY: In Rule 61G15-33.001, F.A.C., existing language is clarified and tasks for which an Engineer of Record is responsible are added; in Rule 61G15-33.002, F.A.C., existing definitions are clarified and amended, a new definition for Electrical Delegated Engineering Documents is added and unnecessary language is deleted; in Rule 61G15-33.003, F.A.C., existing language is clarified, unnecessary language is deleted and new requirements with respect to power systems is added; in Rule 61G15-33.004, F.A.C., existing language is updated and new requirements with respect to lighting systems is added; in Rule 61G15-33.005, F.A.C., existing language is clarified, unnecessary language is deleted and new requirements with respect to electrical engineering documents for communications systems are added; in Rule 61G15-33.006, F.A.C., the rule title is amended, existing language is clarified, unnecessary language is deleted and new requirements with respect to alarm and signaling systems and electrical engineering documents for alarm and signaling systems construction documents are added; in Rule 61G15-33.007, F.A.C., the existing language is clarified and updated and new requirements with respect to electrical engineering documents for lightning protection systems are added; in Rule 61G15-33.008, F.A.C., the existing language is clarified and updated; in Rule 61G15-33.010, F.A.C., a new rule that will govern the certification of electrical systems of public interest is established.

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: 471.008, 471.033(2), 553.73 (13-413.1 FBC) FS.

LAW IMPLEMENTED: 471.033 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-33.001 General Responsibility.  
Electrical Engineering documents shall be prepared in accordance with applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of record for the electrical systems project. Electrical Engineering documents shall ~~demonstrate compliance be prepared in accordance~~ with the requirements of the applicable codes and standards as



defined herein. The Engineer of Record is responsible for determining the applicability of appropriate codes and standards to a given project. In the event the codes and standards fail to cover or address a specific requirement or situation, alternative research, test results, engineering data, and engineering calculations shall be utilized. New technology may be utilized when said technology has been demonstrated to provide equivalent or improved performance. Construction documents shall indicate the nature and character of the electrical work and shall describe, label and define the required electrical systems components, processes, equipment and material and its structural utility support systems. Both the Engineer of Record for the electrical system and the delegated engineer if utilized, shall comply with the requirements of the general responsibility Rules, Chapter 61G15-30, F.A.C., and with the requirements of the more specific rules contained herein. The Engineer of Record for the Electrical System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance to his written instructions in accordance with Rule 61G15-30.005, F.A.C. Any Electrical Delegated Engineering Documents must be included in the final set of documents filed for permit.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 5-19-93, Formerly 21H-33.001, Amended \_\_\_\_\_.

61G15-33.002 Definitions.

(1) Engineer of Record for the Electrical Systems. The Florida ~~Registered~~ Professional Engineer who develops the electrical system design criteria or performs the analysis and is responsible for the preparation of the Electrical documents for the project.

(2) through (4) No change.

(5) Electrical Engineering Documents. ~~All The~~ electrical drawings, specifications, reports, calculations, data and other documents utilized to establish setting forth the overall design and requirements for the construction, alteration, modernization, repair, demolition, arrangement, and/or use of the electrical system, or analysis or recommendations, as prepared by the Engineer of Record for the Electrical System. Electrical Engineering Documents shall additionally meet the requirements of 615-30.003 Engineering Documents.

(6) Electrical Submittals. Submittals, catalog information on standard products, or drawings prepared solely to serve as a guide for fabrication and installation and requiring no engineering input. These submittals do not require the seal of a Florida ~~professional registered~~ engineer.

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in Florida Building Code (including Florida Energy Efficiency Code, Chapter 13) and Florida Fire Code, Part II, Chapter 553,

~~Florida Statutes. Applicable codes and standards also include those published by the National Fire Protection Association (NFPA), the Institute of Electrical and Electronic Engineers (IEEE), the Illuminating Engineering Society of North America (IESNA), as well as those promulgated by the state fire marshal and other state and local authorities having jurisdiction.~~

(8) Electrical Delegated Engineering Documents. Electrical Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Electrical System has delegated responsibility for the design of an electrical component or system and which are signed, sealed and dated by the delegated engineer.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 5-19-93, Formerly 21H-33.002, Amended \_\_\_\_\_.

61G15-33.003 Design of Power Systems.

(1) Power systems convey or distribute electrical energy. Items to be included in the design and analysis of these systems are: steady state and transient loads, short circuit analysis and protection (design and analysis), load flow, voltage drop, harmonics, and protective device coordination.

(2) Electrical Engineering Documents applicable to power systems shall at a minimum indicate the following:

(a) Power Distribution System Riser Diagram with short circuit values.

(b) No change.

(c) Circuit interrupting Protection devices and fault current interrupting capability.

(d) Location and characteristics of surge protective devices.

~~(e)(d)~~ Main and distribution equipment, control devices panelboard locations and sizes.

(f) Voltage drop calculations for the feeders and customer-owned service conductors are required. Additionally, the documents shall state the reasons why the two percent limit for feeders and customer-owned service conductors are not being met, if applicable.

~~(g)(e)~~ Circuitry of all outlets, equipment and devices.

~~(h)(f)~~ Short circuit analysis Load computations.

~~(g)~~ Load computations.

~~(i)(h)~~ Electrical legends.

~~(j)(i)~~ Grounding and bonding.

~~(k)(j)~~ Instrumentation and control where required.

(l) Record documents applicable to power systems shall, at a minimum, contain information as required by Florida Building Code.

(m) Installation and testing requirements of required emergency and standby power systems.

Specific Authority 471.008, 471.033(2), 553.73 (13-413.1 FBC) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.003, Amended \_\_\_\_\_.

#### 61G15-33.004 Design of Lighting Systems.

(1) Lighting systems convert electrical energy into light. Items to be included in the lighting design and analysis are: Average illuminance, Equivalent spherical illuminance, Uniformity ratios, Visual comfort probability, special purpose lighting, impact of light intrusion, trespass and safety and the requirements of the Florida Energy Efficiency Code, part IX, Chapter 553, Florida Statutes.

(2) Electrical Engineering documents for lighting systems shall, at a minimum, indicate the following:

- (a) No change.
- (b) Emergency Lighting, egress and exit lighting.
- (c) Exit Lighting as required.
- (d) Lighting control and circuiting.
- (e) Calculated values to demonstrate compliance with the Florida Energy Code for Building Construction.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.004, Amended \_\_\_\_\_.

#### 61G15-33.005 Design of Communications Systems.

(1) Communications systems are utilized to convey voice and messages or data. Items to be included in the design documents or analysis of these systems are: Human factors engineering, cabling requirements, installation requirements, performance requirements, backup power requirements, the interrelationship of the various systems, and applicable standards and regulatory requirements.

(2) Electrical Engineering documents for communications systems shall, at a minimum, indicate the following:

- (a) System riser diagram for each cabling system.
- (b) No change.
- (c) Cabling Conductor type and performance data of the transmission installation requirements.
- (d) through (e) No change.
- (f) Installation, identification and testing requirements.
- (g) Characteristics and locations of surge protective devices.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.005, Amended \_\_\_\_\_.

(Substantial rewording of Rule 61G15-33.006 follows. See Florida Administrative Code for present text)

#### 61G15-33.006 Design of Alarm and Signaling Systems.

(1) Alarm and signaling systems include but are not limited to: motor control systems, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions (See 61G15-32.008 for Fire Alarm

Systems), surveillance and access control systems, temperature control, and systems related to energy conservation and facility management systems. The design documents shall be based on applicable NFPA standards as modified by applicable codes, or alternate engineering sources including published underwriter's engineering documents and sound engineering practices.

(2) The Electrical Engineering Documents for alarm and signaling systems construction documents shall at a minimum indicate the following:

- (a) Description of the control system functions, or a functional diagram.
- (b) Equipment legend.
- (c) Cabling and conductor types and requirements.
- (d) System riser diagram.
- (e) Installation, identification and testing requirements.
- (f) Back-up power.
- (g) Location and characteristics of surge protective devices.
- (h) Details and requirements indicated by Rule 61G15-32.008, F.A.C.
- (i) Complete requirements for operations and maintenance procedures, manuals, system documentation, and instruction of Owner's operating personnel, as needed to operate the systems as intended over time.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.006, Amended \_\_\_\_\_.

#### 61G15-33.007 Design of Lightning Protection Systems.

(1) Lightning Protection Systems are passive systems used to protect building and structures from damage caused by lightning and static discharges. Items to be considered in the design or analysis of this system include the requirements of NFPA-780.

(2) Electrical Engineering documents for lightning protection systems shall indicate:

- (a) Lightning Risk Assessment.
- (b) ~~(a)~~ Air terminals height and spacing.
- (c) Corrosion protection measures.
- (d) ~~(b)~~ No change.
- (e) ~~(c)~~ No change.
- (f) Conductor type and size.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.007, Amended \_\_\_\_\_.

#### 61G15-33.008 Design of Grounding Systems.

(1) No change.

(2) Electrical Engineering Design Documents for grounding systems shall indicate at a minimum the following:

- (a) Type and location of grounding electrodes.
- (b) Bonding requirements.

(c) Testing requirements.

(d) Conductor material type, size and protection requirements.

(e) Connections of separate grounding systems, ~~properly~~ bonded, ~~per code~~ and use requirements.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.008, Amended \_\_\_\_\_.

61G15-33.010 Certification of Electrical Systems of Public Interest.

(1) The Engineer of Record shall be required, as required by the Authority Having Jurisdiction, to demonstrate compliance.

(2) Verifications from Electrical Engineering Documents warranted by codes and ordinances shall include when applicable:

(a) Energy efficiency and conservation tabulations, statements or calculations.

(b) Lighting levels included in the design that show intrusion, trespass, dark sky, safety or that show/preserve natural habitat tendencies.

(d) Light /noise /product specifications that indicate conformance with a community, county, or state standards, codes or ordinances.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.03 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NOS.:	RULE TITLES:
61G15-34.001	General Responsibility
61G15-34.002	Definitions
61G15-34.003	Design of Heating Ventilation and Air Conditioning Systems
61G15-34.007	Design of Plumbing Systems

PURPOSE AND EFFECT: The purpose and effect for Rule 61G15-34.001, F.A.C., is to clarify existing language and to add tasks for which an Engineer of Record is responsible; for Rule 61G15-34.002, F.A.C., it is to clarify and amend existing definitions and add a new definition for Mechanical Delegated Engineering Documents; for Rule 61G15-34.003, F.A.C., it is

to delete unnecessary language and add new requirements with respect to Mechanical Engineering Documents; for Rule 61G15-34.007, F.A.C., it is to clarify existing language.

SUMMARY: In Rule 61G15-34.001, F.A.C., existing language is clarified and tasks for which an Engineer of Record is responsible are added; in Rule 61G15-34.002, F.A.C., existing definitions are clarified and amended and a new definition is added for Mechanical Delegated Engineering Documents; in Rule 61G15-34.003, F.A.C., unnecessary language is deleted and new requirements with respect to Mechanical Engineering Documents are added; in Rule 61G15-34.007, F.A.C., existing language is clarified.

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: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.033 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-34.001 General Responsibility.

Mechanical Engineering Documents shall be prepared in accordance with the applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of Record for the mechanical systems project. Mechanical Engineering documents shall demonstrate compliance ~~be prepared in accordance~~ with the requirements of the applicable codes and standards as defined herein. The Engineer of Record is responsible for determining the applicability of appropriate codes and standards for a given project. In the event the codes and standards fail to cover or address a specific requirement or situation, alternative research, test results, engineering data, and engineering calculations shall be utilized. New technology may be utilized when said technology has been demonstrated to provide equivalent or improved performance. Construction documents shall indicate the nature and character of mechanical work and shall describe, label and define the required mechanical systems components, processes, equipment and material and its structural utility support systems. Both the Engineer of Record for the Mechanical System and the Delegated Engineer if utilized, shall comply with the requirements of the general responsibility Rules, Rule

61G15-30, F.A.C., and with the requirements of the specific rules contained herein. The Engineer of Record for the Mechanical System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance to his written instructions in accordance with Rule 61G15-30.005, F.A.C. Any Mechanical Delegated Engineering Documents must be included in the final set of documents filed for permit.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 11-16-94, Amended \_\_\_\_\_.

#### 61G15-34.002 Definitions.

(1) Engineer of Record for the Mechanical Systems. The Florida ~~Registered~~ Professional Engineer who is in responsible charge for the preparation, signing, dating, sealing and issuing of any engineering document(s) for ~~develops the~~ mechanical systems design criteria or performs the analysis and is responsible for the preparation of the mechanical documents for the project.

(2) through (4) No change.

(5) Mechanical Engineering Documents. All The mechanical drawings, specifications, reports, calculations, data and other documents utilized to establish setting forth the overall design and requirements for the construction, alteration, modernization, repair, demolition, arrangement, and/or use of the mechanical system(s), or analysis or recommendations, as prepared by the Engineer of Record for the mechanical system. Mechanical Engineering Documents shall additionally meet the requirements of Rule 61G15-30.003, F.A.C., Engineering Documents.

(6) Mechanical Shop Drawings Submittals. Submittals, catalog information on standard products, or drawings prepared solely to serve as a guide for fabrication and installation and requiring no engineering input. These submittals do not require the seal of a Florida ~~Registered~~ Professional ~~Engineer~~.

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in ~~Part II, Chapter 553, Florida Statutes.~~ Florida Building Code (including Florida Energy Efficiency Code, Chapter 13) and Florida Fire Code. ~~Applicable codes and standards are those promulgated by the State Fire Marshal and those required by the state and local authorities having jurisdiction. These codes and standards include those published by the National Fire Protection Association (NFPA), The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), The American Society for Testing Materials (ASTM), American Society for Mechanical Engineers (ASME), National Electrical Manufacturers Association (NEMA), American National Standards Institute (ANSI), Underwriters' Laboratories (UL), American Society of Plumbing Engineers (ASPE), Sheet Metal and Air~~

~~Conditioning Contractor's Association (SMACNA), American Movement and Control Association (AMCA), Air Conditioning and Refrigeration Institute (ARI), SBCCA Mechanical and Plumbing Codes, Florida Energy Code, State Building Codes.~~

(8) Mechanical Delegated Engineering Documents. Mechanical Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Mechanical System has delegated responsibility for the design of a mechanical component or system and which are signed sealed and dated by the delegated engineer.

Specific Authority 471.008, 471.033(2) FS. Law Implemented ~~471.033~~ ~~471.030~~ FS. History—New 11-16-94, Amended 2-5-96, \_\_\_\_\_.

#### 61G15-34.003 Design of Heating Ventilation and Air Conditioning Systems.

(1) Heating, Ventilating, and Air Conditioning (HVAC) Systems include, but are not limited to ~~are~~ those systems that control the temperature ~~and/or~~ humidity, ~~and/or~~ mechanical ventilation of a particular space or building. ~~Items to be considered in the design and analysis of these systems are ambient dry and wet bulb temperatures, inside dry and wet bulb temperatures, inside design humidity, fresh air makeup, internal heat gains from any sources. Ventilation systems shall be designed to remove foul odors from a space or building, or to remove space heat from equipment rooms.~~

(2) All HVAC systems shall be designed in accordance with the ~~ASHRAE Standards and Building Code Florida Codes,~~ and reference standards as adopted by the authority having jurisdiction. ~~The HVAC systems shall be designed and operated such that the entire building is under positive or neutral pressure when all primary HVAC systems are operating. Mechanical Engineering documents applicable to HVAC systems shall, where applicable, include but are not limited to the following:~~

~~(a) Equipment selection schedule for each piece of mechanical equipment. All equipment shall have capacities listed including efficiencies, electrical or fuel requirements, static pressure and fan air quantities as applicable to the system, fluid flow and pressure head quantities as applicable to the system, and heat transfer capacities.~~

~~(b) Floor plans; site plans; and building and mechanical system elevations as appropriate.~~

~~(c) Outside (fresh) air make up conditions.~~

~~(d) Cooling coil requirements based on sensible heat, latent heat and total heat gains.~~

~~(e) Heating equipment requirements.~~

~~(f) Outside and inside design dry and wet bulb conditions.~~

~~(g) Exhaust riser diagrams.~~

~~(h) Outside air riser diagrams.~~

~~(i) Process flow diagrams with pipe sizes and fluid flow quantities.~~

- ~~(j) Condensate discharge piping with pipe sizes.~~
- ~~(k) Instrumentation and Control System diagrams and sequence of operation.~~
- ~~(l) Ductwork layout and sizing; insulation, supply, return, and exhaust inlet and outlet sizes; and outside air intake sizes. Air quantities shall be specified for inlets and outlets.~~
- ~~(m) Florida Energy Code calculations as applicable.~~
- ~~(n) NFPA Standards and all required fire protection devices and systems.~~
- (3) The Engineer of Record shall determine the level of detail shown on plans for a HVAC system for mechanical engineering plans pertaining to HVAC systems exempted by the threshold requirements for mandatory use of professional engineering services. All such plans shall provide a clear understanding of the minimum system requirements expected to be installed by the contractor.
- (4) For Mechanical Engineering Documents pertaining to HVAC systems that exceed the threshold requirements for mandatory use of professional engineering services, the plans shall have the following minimum indicate the following:
  - (a) Demonstrate and provide adequate information for the AHJ to determine compliance with codes and ordinances. These may include test methods and results; data and tabulations for Energy Conservation that are results of the design.
  - (b) Equipment selection schedule for each piece of mechanical equipment. All equipment shall have capacities listed including efficiencies, electrical or fuel requirements, static pressure and fan air quantities as applicable to the system, fluid flow and pressure head quantities as applicable to the system, and heat transfer capacities.
  - (c) Floor plans; site plans; and building and mechanical system elevations as appropriate.
  - (d) Outside (fresh) air make-up conditions.
  - (e) Cooling coil requirements based on sensible heat, latent heat and total heat gains.
  - (f) Heating equipment requirements.
  - (g) Outside and inside design dry and wet bulb conditions.
  - (h) Exhaust riser diagrams on buildings more than three stories when ductwork travels vertically.
  - (i) Outside air riser diagrams on buildings more than three stories when ductwork travels vertically.
  - (j) Process flow diagrams with pipe sizes and fluid flow quantities.
  - (k) Condensate discharge piping layout with pipe sizes.
  - (l) Instrumentation and Control System diagrams and sequence of operation.
  - (m) Ductwork layout and sizing; insulation requirements, supply, return, and exhaust inlet and outlet sizes; and outside air intake sizes. Air quantities shall be specified for inlets and outlets.

(n) All data needed to complete the Florida Energy Code calculations as applicable.

(o) A list of referenced NFPA Standards and layouts of all required fire protection devices and systems.

(p) Building pressurization criteria.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 11-16-94, Amended\_\_\_\_\_.

61G15-34.007 Design of Plumbing Systems.

(1) No change.

(2) Mechanical Engineering Documents applicable to Plumbing Systems shall when applicable, include but are not limited to the following:

(a) through (b) No change.

(c) Potable Water isometric diagrams with pipe sizes and total water fixture units.

(d) through (m) No change.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 11-16-94, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2008

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: RULE TITLE:

61G19-9.001 Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The proposed rule amendment updates and clarifies the composition of the mandated minimum continuing education courses requirements.

SUMMARY: The proposed rule amendment updates and clarifies the composition of the mandated fourteen (14) hours of continuing education course 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: 455.2124, 455.213(6), 468.606, 468.627 FS.

LAW IMPLEMENTED: 455.2124, 455.213(6), 468.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.001 Continuing Education for Biennial Renewal.

(1) Except as noted below, prior to the end of each biennial certification period, all certificate holders shall complete a minimum of fourteen (14) classroom or interactive distance learning hours of continuing education courses, which shall include a minimum of two (2) hours in the area of accessibility, and, ~~effective in the licensure renewal biennium that begins December 1, 2003,~~ a minimum of two (2) classroom or interactive distance learning hours in the area of Florida laws and rules (other than accessibility and ethics) and, effective in the licensure renewal biennium that begins December 1, 2007, one (1) classroom or interactive distance learning hour in the area of ethics as a condition of the biennial renewal of all certifications held by the certificate holder.

(2) through (3) No change.

(4) "Laws and Rules" as used in subsection (1) above means the study and examination of the related subject matter as is exemplified and contained within Chapters ~~112,~~ 320, 468, 553, 471, 481, 489 (as it relates to licensure and scope of practice), and 713 (as it relates to permitting), F.S., and their associated rules in the Florida Administrative Code (F.A.C.) as listed in the Board's Candidate Information Bulletin (CIB) online. "Ethics" as used in subsection (1) above means the study and examination of the subject matter contained within Chapter 112, F.S., and other ethical principles specifically relevany to the role of licensees of this board."

(5) through (8) No change.

Specific Authority 455.2124, 455.213(6), 468.606, 468.627 FS. Law Implemented 455.2124, 455.213(6), 468.627 FS. History--New 5-23-94, Amended 5-21-95, 11-28-95, 6-9-97, 1-4-00, 4-23-01, 3-19-02, 6-10-02, 6-1-03, 1-10-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**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**

**Board of Medicine**

RULE NO.: 64B8-1.007  
RULE TITLE: List of Approved Forms; Incorporation

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised Supervision Data Form into the current forms rule.

SUMMARY: The proposed rule amendment incorporates the revised form into the Board's rule regarding forms.

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: 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 4456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) through (31) No change.

(32) DH-MQA 2004, entitled "~~Physician Assistant~~ Supervision Data Form," (Revised 02/08) (~~Rev. 7/03~~).

Specific Authority 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History—New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, 6-29-06, 12-26-06, 4-2-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Council on Physician Assistants, Board of Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 1, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 15, 2008

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-9.007  
RULE TITLE: Standards of Practice  
PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify the rule with regard to the notes of the procedure.

SUMMARY: The proposed rule amendment specifies that the medical record shall specifically reflect the confirmation of the “pause” procedure.

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: 458.309 FS.

LAW IMPLEMENTED: 458.331(1)(t), (v), (w) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.007 Standards of Practice.

The Board of Medicine interprets the standard of care requirement of Section 458.331(1)(t), F.S., and the delegation of duties restrictions of Section 458.331(1)(w), F.S., with regard to surgery as follows:

(1) No change.

(2) This rule is intended to prevent wrong site, wrong side, wrong patient and wrong surgeries/procedures by requiring the team to pause prior to the initiation of the surgery/procedure to confirm the side, site, patient identity, and surgery/procedure.

(a) No change.

(b) Except in life-threatening emergencies requiring immediate resuscitative measures, once the patient has been prepared for the elective surgery/procedure and the team has been gathered and immediately prior to the initiation of any procedure, the team will pause and the physician(s) performing the procedure will verbally confirm the patient's identification, the intended procedure and the correct surgical/procedure site. The operating physician shall not make any incision or perform any surgery or procedure prior to performing this required confirmation. The medical record notes of the procedure shall specifically reflect when this confirmation procedure was completed and which personnel on the team confirmed each item. This requirement for confirmation applies to physicians performing procedures either in office settings or facilities licensed pursuant to Chapter 395, F.S., and shall be in addition to any other requirements that may be required by the office or facility.

(c) No change.

(3) through (4) No change.

Specific Authority 458.309 FS. Law Implemented 458.331(1)(t), (v), (w) FS. History—New 11-28-91, Formerly 21M-20.015, 21M-27.007, 61F6-27.007, 59R-9.007, Amended 2-18-04, 9-18-05, 4-25-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Surgical Care Committee, Board of Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 1, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 15, 2008

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-13.005  
RULE TITLE: Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The proposed rule amendment is intended to address written concerns of the staff of the Joint Administrative Procedures Committee.

SUMMARY: The proposed rule amendment adds the word “or” in subsection (10) of the rule pursuant to the written comments submitted by staff of the Joint Administrative Procedures Committee.

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(6), (7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-13.005 Continuing Education for Biennial Renewal.  
(1) through (9) No change.

(10) In addition to the continuing medical education credits authorized above, 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 or 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) through (c) No change.

(11) No change.

Specific Authority 456.013(6), (7), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) FS. History—New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03, 5-4-04, 5-20-04, 4-5-05, 4-25-06, 12-26-06, 1-16-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NO.: 64E-2.018  
RULE TITLE: Trauma Registry

PURPOSE AND EFFECT: To notice proposed revisions to the Florida Trauma Registry Manual dated December 2005. This document is incorporated by reference in Rule 64E-2.018, F.A.C., pursuant to Section 395.404(1), Florida Statutes.

SUMMARY: The proposed amendment to Rule 64E-2.018, F.A.C., changes the date of the Trauma Registry Manual from December 2005 to February 2008. A copy of the proposed revisions to the Trauma Registry Manual can be found on the following website: <http://www.doh.state.fl.us/demo/Trauma/notices.htm> under “Notices and Upcoming Events.”

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: 395.401 FS.

LAW IMPLEMENTED: 395.3025(4)(f), 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405, 401.30, 401.35, 395.404 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: Monday, April 7, 2008, 2:00 p.m. – 3:00 p.m. EST

PLACE: Department of Health, Division of Emergency Medical Operations, Office of Trauma, Capital Circle Office Complex, 4025 Esplanade Way, Conference Room 301, Tallahassee, FL 32399-1738; Conference Call Number: (888)808-6959, Conference Code: 2354440.

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: Susan McDevitt, (850)245-4440, ext. 2760. 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: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; Email: [susan\\_mcdevitt@doh.state.fl.us](mailto:susan_mcdevitt@doh.state.fl.us); Fax: (850)488-2512

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-2.018 Trauma Registry.

Instructions for completing and submitting data are defined in the Florida Trauma Registry Manual, February 2008 ~~December 2005~~, which is incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C.



Specific Authority 395.405—~~401.35~~ FS. Law Implemented 395.3025(4)(f), 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405, 401.30, 401.35 FS. History—New 8-3-88, Amended 12-10-92, 11-30-93, Formerly 10D-66.103, Amended 7-14-99, 11-19-01, 6-3-02, 6-9-05, 4-25-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Susan McDevitt, Director, Office of Trauma  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Bencie Fairburn, M.D., M.S.A., Director, Division of Emergency Medical Operations  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2007

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NO.: 67-53.005  
RULE TITLE: Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds

PURPOSE AND EFFECT: The Board proposes to repeal the rule. Compliance monitoring requirements in this rule will be included into the Chapter 67-37, Florida Administrative Code.

SUMMARY: The rule will be repealed.

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: 420.9072(9) FS.

LAW IMPLEMENTED: 420.907, 420.9075(3)(e) FS.

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

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: Darlene Raker (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 IS: Robert Dearduff, SHIP Administrator, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULE IS:

67-53.005 Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds.

Specific Authority 420.9072(9) FS. Law Implemented 420.907, 420.9075(3)(e) FS. History—New 2-9-94, Amended 12-28-94, 1-6-98, Formerly 9I-37.015, Amended 12-26-99, 9-22-03, Formerly 67-37.015, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Darlene Raker, SHIP Program Manager  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Dearduff, SHIP Program Administrator  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2007

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

**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**

**Southwest Florida Water Management District**

RULE NO.: 40D-1.659  
RULE TITLE: Forms and Instructions  
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. The proposed rule amendment adopts by reference a revised Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.007.01 (\_\_\_). An informational sentence to guide applicants completing the form is being added to the form to clarify the answer choices for a question on the form.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-4.091  
RULE TITLE: Publications and Agreements Incorporated by Reference  
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 following information was inadvertently omitted from the Notice of Proposed Rulemaking as published in the above cited issue on pages 1146-1148:

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen E. West, Deputy General Counsel, Office of Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2008

**LAND AND WATER ADJUDICATORY COMMISSION**

**Poinciana Community Development District**

RULE NO.: RULE TITLE:  
 42AA-1.002 Boundary

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 49, December 7, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**LAND AND WATER ADJUDICATORY COMMISSION**

**Southeastern Community Development District**

RULE NO.: RULE TITLE:  
 42III-1.003 Supervisors

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. 9, February 29, 2008 issue of the Florida Administrative Weekly.

42III-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: ~~Clay Smallwood~~ Matthew Fitzpatrick, ~~Chris Gent~~ Corbett Drew, ~~Shaw Flippen~~ Mike Joiner, Sean Fennelly, and ~~Pat Groeniger~~ Mike Brandon.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: RULE TITLE:  
 61C-1.002 Licensing and Inspection Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 43, October 26, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: RULE TITLE:  
 61C-1.008 License Fees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 45, November 9, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**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**

**Board of Clinical Laboratory Personnel**

RULE NO.: RULE TITLE:  
 64B3-13.001 Responsibilities of Directors

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. 3, January 18, 2008 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

(1) Subsection (3) shall now read as follows: A director not certified by the American Board of Pathology in clinical pathology or by the American Board of Oral Pathology, the American Board of Pathology, or the American Osteopathic Board of Pathology, who is directing a clinical laboratory performing highly complex testing, shall ensure a co-director certified by the American Board of Pathology in clinical pathology or by the American Board of Oral Pathology, the American Board of Pathology, or the American Osteopathic Board of Pathology is available to provide clinical consultation and technical supervision consistent with the scope and volume of highly complex testing being performed as defined in 42 C.F.R. 493.5 as published on October 1, 2007 and 42 C.F.R. 493.17 as published on October 1, 2007 which are incorporated by reference. Directors certified by the American Board of Oral Pathology, the American Board of Pathology, or the American Osteopathic Board of Pathology shall provide clinical consultation only in the specialty area(s) for which they are board certified or have 4 years of pertinent clinical laboratory experience.

(2) 483.825, F.S. will be removed from Law Implemented

THE PERSON TO BE CONTACTED REGARDING THE CHANGES IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.450
RULE TITLE: Centralized Prescription Filling
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. 51, December 21, 2007 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

- 1. Subsection (3)(c) shall now read as follows: (c) Rule 64B16-28.1081, F.A.C., Regulation of Daily Operating Hours.
2. Subsection (6)(a)2. shall now read as follows: Ensure all the information required to be on a prescription pursuant to subsections 456.0392 and 893.04, F.S., is transmitted to the central fill pharmacy either on the face of the prescription or in the electronic transmission of information;
3. 465.003 shall be removed from the Specific Authority.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: 65G-7.001
RULE TITLE: Definitions

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 following correction has been made to Rule 65G-7.001, F.A.C., wherein the Notice of Change published February 15, 2008 inadvertently contained a definition for the term "Advanced Registered Nurse Practitioner" at subsection 65G-7.001(3), F.A.C., without the appropriate strike-through formatting to indicate its deletion. As noted in the initial Notice of Change, published February 1, 2008, this definition is not contained in the final version of the rule.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: 69A-46.010, 69A-46.0165, 69A-46.017, 69A-46.041
RULE TITLES: Submission of the Application, Submission of the Application for a Water-Based Fire Protection Permit, Required Continuing Education, Inspection, Testing and Maintenance Requirements for Fire Protection Systems

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. 47, November 21, 2007 issue of the Florida Administrative Weekly.

69A-46.010 Submission of the Application.

(3)(a)1. . . . For purposes of this rule chapter, four (4) years proven experience as a certified plumbing contractor, plumber licensed pursuant to the provisions of Section Chapter 489.115, Florida Statutes, may be offered toward the experience requirements for a Contractor I or II and shall be considered equivalent to two (2) years proven experience in the employment of a contractor. . . . The applicant's experience must be verified by the contractor employing the applicant, utilizing Form DFS-K3-1795 (Effective: \_\_\_\_\_) Employment Verification Form, incorporated herein by reference, or the . . . A copy of Form DFS-73-1795 (Effective: \_\_\_\_\_) can be obtained from the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303. . . .

(3)(c)2. . . . Four years experience in the employment of an individual licensed as a certified underground utility contractor or plumbing contractor pursuant to the provisions of Section Chapter 489.115, Florida Statutes, . . .

69A-46.0165 Submission of the Application for a Water-Based Fire Protection Permit.

Specific Authority 633.01, 633.517(1), 633.524(1) 633.521(4) FS.

69A-46.017 Required Continuing Education.

Specific Authority 633.01, 633.517(1) FS. Law Implemented 633.521(10), 633.537(4) FS. History--New 10-2-96, Amended 6-18-97, 6-8-98, 11-21-01, Formerly 4A-46.017, Amended \_\_\_\_\_.

69A-46.041 Inspection Requirements for Fire Protection Systems.

(3)(b) Inspection tags must be a minimum maximum dimension of 133 mm (5 1/4 inches) in height and 89 mm (3 1/2 inches) in width, and a maximum dimension of 178 mm (7th inches) in height and 102 mm (4 inches) in width.

(4)(a) If a fire protection system is found to be in compliance with the applicable NFPA standards, a GREEN Compliance Tag shall be attached to either the main riser or the main control valve in such a manner as to be plainly visible and not more than 60 inches above the finished floor of the system. The balance of the rule reads as previously published.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.:                    RULE TITLE:  
69A-58.0081                Means of Egress

**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., Florida Statutes, published in Vol. 34, No. 4, January 25, 2008 edition of the Florida Administrative Weekly.

69A-58.004 No change.

69A-58.0081 Means of Egress.

(1) through (16) No change.

(17) Boiler Rooms.

(a) No change.

(b) ~~Each boiler room door shall: All Boiler rooms housing equipment with an input capacity of 60,000 BTUs per hour or more and that is intended to supply hot water or steam shall be equipped with heat detectors connected to any required fire alarm system.~~

1. ~~Open~~ Each boiler room door shall open directly to the outside and, if opening toward a building or path of egress, shall have opening protection in accordance with section 8.3.4 of NFPA 101, or.

2. ~~When a door~~ ~~If an additional door serving a boiler room~~ opens into the interior of the building, the door shall swing into the boiler room and have opening protection in accordance with section 8.3.4 of NFPA 101.

(c) All rooms housing a fuel-fired heat producing appliance that does not meet the minimum thresholds of Chapter 69A-51, F.A.C., and with an input capacity of 60,000 BTUs per hour or more and that is intended to supply hot water or steam shall be equipped with heat detectors connected to any required fire alarm system. Access room doors shall have opening protection in accordance with section 8.3.4 of NFPA 101. Each boiler room door shall:

1. ~~Each boiler room door shall open directly to the outside and, if opening toward a building or path of egress, shall have opening protection in accordance with section 8.3.4 of NFPA 101 or~~

2. ~~When a door~~ ~~If an additional door serving a boiler room~~ opens into the interior of the building, the door shall swing into the boiler room and have opening protection in accordance with section 8.3.4 of NFPA 101.

(18) through (20) No change.

69A-58.0082 No change.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NOS.:                    RULE TITLES:  
69O-143.041                    Definitions  
69O-143.042                    Custody Agreement; Requirements

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 41, October 12, 2007 Florida Administrative Weekly has been continued from March 11, 2008 to March 25, 2008.

**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 THE LOTTERY**

RULE NO.:                    RULE TITLE:  
53ER08-12                    FLORIDA LOTTO™

SUMMARY: This emergency rule sets forth the provisions for the conduct of FLORIDA LOTTO™ and replaces Emergency Rule 53ER08-1, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-12 FLORIDA LOTTO™.

(1) How to Play FLORIDA LOTTO™.

(a) FLORIDA LOTTO is a lottery on-line game in which players select six (6) numbers from a field of one (1) to fifty-three (53).

(b) Players may make their FLORIDA LOTTO ticket selections by marking a play slip or by telling the retailer their desired selections. There are ten (10) panels on a play slip. Players may mark their desired numbers on the play slip by selecting six (6) numbers from each panel played, or may mark the “Quick Pick ” box located at the bottom of each panel for the terminal to randomly select one (1) or more of the six (6)