

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Exemption for Issuers of Section 4(2) Offerings
 RULE NO.: 3E-500.016

PURPOSE AND EFFECT: The National Securities Markets Improvement Act of 1996 (“NSMIA”) preempted state securities registration laws with respect to “covered securities” as defined in Section 18(b) of the Securities Act of 1933 (“1933 Act”). Included in the definition of covered securities are securities issued pursuant to Section 4(2) of the 1933 Act. The SEC promulgated Rule 506 of Regulation D, which further defines the types of transactions exempt under Section 4(2). NSMIA, however, does not preempt state registration requirements for broker dealers, issuers and other sellers of such securities.

Currently, issuers of Rule 506 offerings must register as issuer dealers pursuant to Section 517.12(1), Florida Statutes, or rely on a transactional exemption pursuant to Section 517.061, Florida Statutes. Therefore, additional burdens are placed upon issuers in order for them to offer and sell Rule 506 offerings.

Pursuant to Section 517.061(19), Florida Statutes, the Department finds that the registration provisions of Sections 517.07 and 517.12, Florida Statutes, are not necessary in the public interest and for the protection of investors because of the limited nature of the offering. The proposed rule will provide an exemption from the registration requirements of Section 517.12, Florida Statutes, for issuers and their bona fide employees who offer and sell Rule 506 offerings.

SUBJECT AREA TO BE ADDRESSED: Exempt transactions.

SPECIFIC AUTHORITY: 517.03(1), 517.061(19) FS.

LAW IMPLEMENTED: 517.061(19) FS.

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

TIME AND DATE: 10:00 a.m., October 29, 2001

PLACE: Room 547, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick White, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-500.016 Exemption for Issuers of Section 4(2) Offerings.

Securities offered or sold in a transaction exempt under a rule or regulation issued by the Securities and Exchange Commission under Section 4(2) of the Securities Act of 1933, as it existed on January 1, 2001, are hereby exempted from the filing requirements of Section 517.07, F.S. An issuer of such securities and each of its bona fide employees who satisfy the criteria set forth in Section 517.021(6)(b)6., F.S., and through whom the issuer elects to sell such securities, shall be exempted from the registration requirements of Section 517.12(1), F.S.

Specific Authority 517.03(1), 517.061(19) FS. Law Implemented 517.061(19) FS. History—New

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Purpose	19-7.001
Pooled Investment Accounts	19-7.010
Rate of Return Calculation	19-7.011
Pool Participation	19-7.012
Reporting Procedures	19-7.013
Number of Accounts	19-7.014
Allocation of Earnings	19-7.015
Close of Business	19-7.016
Pooled Investment Account Reserve Fund	19-7.017

PURPOSE AND EFFECT: To discuss proposed amended rules regarding local government pools.

SUBJECT AREA TO BE ADDRESSED: Definitions; rate of return calculations; pool participations; reporting procedures; numbers of accounts; allocation of earnings; close of business procedures; and the investment account reserve fund.

SPECIFIC AUTHORITY: 218.405, 218.412 FS.

LAW IMPLEMENTED: 218, Part IV FS.

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

TIME AND DATE: 9:00 a.m. – 11:30 a.m., Wednesday, October 31, 2001

PLACE: Room 116, Hermitage Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Gokel at least 5 calendar days before the workshop.

Copies of the preliminary text of the proposed rule development may be obtained from: Cindy Gokel, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1199 or e-mail: gokel_cindy@fsba.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON OCTOBER 22, 2001.

PUBLIC SERVICE COMMISSION

DOCKET NO: UNDOCKETED

RULE TITLE: RULE NO.:

Calculation of Rate Reduction After Rate Case Expense is Amortized 25-30.4705

PURPOSE AND EFFECT: Codifies the method to be used to remove rate case expense from rates after the four year amortization period has expired as required by Section 367.0816, F.S.

SUBJECT AREA TO BE ADDRESSED: Water and Wastewater Industry Removal of Rate Case Expense.

SPECIFIC AUTHORITY: 350.127(2), 367.121 FS.

LAW IMPLEMENTED: 367.0816, 367.121 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 WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Samantha Cibula, Division of Appeals, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samantha Cibula, see address above

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-30.4705 Calculation of Rate Reduction After Rate Case Expense is Amortized.

To calculate the rate reduction to be made four years after a rate case as required by Section 367.0816, F.S., the following methodology shall be used. The annual amount of rate case expense, which is equal to one-fourth of the total allowed rate case expense, shall be divided by the regulatory assessment fee gross up factor. The resulting number shall then be divided by the revenue requirement to determine the percentage of the rate reduction. The percentage is then multiplied against the new

rates to determine the amount of the future rate reduction. Revised tariff sheets implementing the reduction shall be filed no later than one month before the end of the fourth year.

Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.0816, 367.121 FS. History--New.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: RULE NO.:

Pari-Mutuel Wagering Racing and Game Officials 61D-2.020

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes which grant permitholders the authority to designate racing officials.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the interpretation of Florida Statutes, which is necessary to ensure the integrity of the industry.

SPECIFIC AUTHORITY: 550.0251(3),(11), 550.105(2)(c), (4)(b),(9), 550.2415(13), 550.2625(2)(d) FS.

LAW IMPLEMENTED 550.0251, 550.09514, 550.105, 550.235, 550.2415, 550.2625 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., October 30, 2001

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, Room 130, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: RULE NO.:

Hearings Before Stewards/Judges 61D-3.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes which grant authority to Division stewards and judges to hear disciplinary matters.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the interpretation of Florida Statutes necessary to maintain disciplinary control over the industry.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251, 550.1155 FS.

LAW IMPLEMENTED 120.80(4)(a), 550.0251, 550.1155 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., October 30, 2001

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, Room 130, 1940 N. Monroe Street, Tallahassee, Florida 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Pari-Mutuels **RULE NO.:** 61D-7.020

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes which relate wagering activities on pari-mutuel events.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the interpretation of Florida Statutes, which is necessary to ensure proper oversight on pari-mutuel wagering within the State of Florida.

SPECIFIC AUTHORITY: 550.0251(3),(7), 550.105(2)(c), 550.155(1), 550.495(4) FS.

LAW IMPLEMENTED 550.0251, 550.0425, 550.105, 550.155, 550.495 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., October 30, 2001

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, Room 130, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE TITLE: Requirements for Conducting an Auction **RULE NO.:** 61G2-5.001

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Requirements for Conducting an Auction.

SPECIFIC AUTHORITY: 468.384(2) FS.

LAW IMPLEMENTED: 468.388, 468.389 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Baker, Executive Director, Board of Auctioneers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Probable Cause Determination
 RULE NO.: 61G15-18.005

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Probable cause determination.

SPECIFIC AUTHORITY: 455.225 FS.

LAW IMPLEMENTED: 455.225 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Definitions
 RULE NO.: 64B3-2.003

PURPOSE AND EFFECT: The Board proposes to clarify which courses will be counted as academic science.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-2.003 Definitions.

(1) through (5) No change.

(6) Academic science is a science course with a physical, chemical or biological science prefix. Acceptable courses include general chemistry, organic chemistry, biochemistry,

qualitative or quantitative analysis, physics, general biology, zoology, physiology, comparative anatomy, bacteriology, parasitology, cell biology and immunology. For purposes of this rule, the courses of geology, astronomy, entomology, oceanography marine biology, physics and physical science or remedial, preparatory or introductory science courses shall not be acceptable.

(7) through (20) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History—New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 59O-2.003, Amended 3-19-98, 12-13-98, 3-28-99, 9-12-99, 11-15-99,

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: Technologist
 RULE NOS.: 64B3-5.003

Director; Limitations, Qualifications and Responsibilities 64B3-5.007

PURPOSE AND EFFECT: The Board proposes to eliminate unnecessary duplication by striking information that was located in multiple locations.

SUBJECT AREA TO BE ADDRESSED: Technologist; Director; Limitations, Qualifications and Responsibilities.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823, 483.051 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823, 483.041(5), 483.051(1), 483.823(1), 483.824 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.003 Technologist.

(1) through (5) No change.

~~(6) Responsibilities of Technologists. Technologists shall:~~

~~(a) Assist the supervisor in fulfilling the supervisor's responsibilities, as assigned, or, in the absence of the supervisor, handle supervisory responsibilities as needed.~~

~~(b) Follow the clinical laboratory's procedures for specimen handling and processing, test analyses, reporting and maintaining records of patient test results.~~

(c) Adhere to the clinical laboratory's quality control policies, document all quality control activities, instrument and procedural calibrations and maintenance performed in accordance with the clinical laboratory's policies and procedures.

(d) Follow the clinical laboratory's established policies and procedures whenever test systems are not within the clinical laboratory's defined acceptable levels of performance and document corrective action taken.

(e) Identify problems that may adversely affect test performance or reporting of test results and either correct the problems or immediately notify a supervisor or director.

(f) Exercise professional judgement in evaluation of specimen integrity, result accuracy and validity and take corrective action as necessary. If a specimen appears to be compromised, the technologist shall cause a disclaimer statement to appear in the report indicating the potential compromised nature of the result and why, in accordance with Chapter 64B3-7, F.A.C.

(g) When performing cytology procedures, document slide interpretation results of each case examined or reviewed as specified in Chapter 64B3-7, F.A.C., and the clinical laboratory's policies and procedures. In each 24 hour period, record the number of slides and the number of hours spent examining or reviewing slides.

(7) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 59O-5.003, Amended 5-26-98, 1-11-99, 7-5-01, _____.

64B3-5.007 Director; Limitations, Qualifications and Responsibilities.

(1) through (4) No change.

(5) Responsibilities of a Director. The director is responsible for the:

(a) Overall operation and administration of the clinical laboratory.

(b) Employment of personnel who have appropriate education and experience and are competent to perform the procedures and tasks assigned to them and perform test methods according to the laboratory's policies and procedures.

(c) Prompt, accurate and proficient performance, recording and reporting of test results.

(d) Compliance of the laboratory with all applicable state and federal laws, rules and regulations.

(e) Performance of the duties of a supervisor or technologist, as needed.

(f) Physical plant and environmental conditions of the clinical laboratory which shall be appropriate for the testing performed and provide a safe environment where employees are protected from physical, chemical and biological hazards.

(g) Verification of test methodologies and testing systems to determine the accuracy, precision, and other pertinent characteristics of the method or system to assure quality results required for patient care.

(h) Enrollment and active participation of the laboratory in a proficiency testing program for the testing performed which meets the requirements of Rule Chapter 59A-7, F.A.C., and the review of proficiency testing reports to evaluate performance, identify problems that require corrective action and initiate the necessary corrective action.

(i) Quality control and quality assurance programs established and maintained by the laboratory to assure the quality of clinical laboratory services provided and to identify and correct problems as they occur.

(j) Remedial actions taken and documented whenever significant deviations from the clinical laboratory's established performance characteristics are identified.

(k) Inclusion of pertinent information required for interpretation in test reports.

(l) Availability of consultation services to the clinical laboratory's clients on matters relating to the quality of test results reported, the methodology used, and their interpretation concerning specific patient conditions.

(m) Assessment of laboratory staffing needs and the advisement of management when insufficient clinical laboratory personnel are employed.

(n) Laboratory procedure manual approved by the clinical laboratory director and for its distribution to all personnel responsible for any aspect of the testing process.

(o) Policies and procedures established to monitor and evaluate clinical laboratory personnel and personnel who collect, process and handle specimens, perform test procedures and report test results. When necessary, identify needs for remedial training or continuing education to improve skills.

(p) Selection of the clinical laboratory's test menu and methods, the schedule of testing, the criteria for specimen collection and rejection and the methods for reporting results.

(q) Patient identification system established and maintained by the laboratory.

(r) Financial management of resources for the clinical laboratory and for establishing and maintaining accurate billing practices.

(s) Workload limits for each individual examining slides in cytology and for ensuring that individuals do not exceed the slide limit established in Chapter 59A-7, F.A.C., regardless of testing location.

(t) Specify in writing the responsibilities and duties of each person engaged in laboratory test performance. In each case, the procedures which the individual is authorized to perform and whether supervision is necessary shall be annotated.

Specific Authority 483.051, 483.805(4) FS. Law Implemented 483.041(5), 483.051(1), 483.811(2), 483.823(1), 483.824 FS. History--New 6-6-85, Formerly 10D-41.67, Amended 3-11-90, Formerly 10D-41.067, Amended 7-1-97, Formerly 59O-5.007, Amended.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Manner of Application
 RULE NO.: 64B3-6.001
 PURPOSE AND EFFECT: The Board proposes to update the social security disclosure language, the application form, and the examination information.
 SUBJECT AREA TO BE ADDRESSED: Manner of Application.
 SPECIFIC AUTHORITY: 456.013, 483.805(4) FS.
 LAW IMPLEMENTED: 456.013, 483.815, 483.823 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 9:30 a.m., October 19, 2001
 PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Blvd., Jacksonville, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: Responsibilities of Supervisors
 RESPONSIBILITIES OF SUPERVISORS: 64B3-13.002
 RESPONSIBILITIES OF TECHNOLOGISTS: 64B3-13.003
 RESPONSIBILITIES OF TECHNICIANS: 64B3-13.004
 PURPOSE AND EFFECT: The Board proposes to resolve issues with regard to the delegation of duties by the clinical laboratory supervisor the clinical laboratory technologist; the Board proposes to remove obsolete text with regard to clinical laboratory technicians.
 SUBJECT AREA TO BE ADDRESSED: Responsibilities of Supervisors; Responsibilities of Technologist; Responsibilities of Technicians.
 SPECIFIC AUTHORITY: 483.805(4), 483.823 FS.
 LAW IMPLEMENTED: 483.800, 483.813, 483.823, 483.825 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-13.002 Responsibilities of Supervisors.

(1) The supervisor is responsible for fulfilling the responsibilities of the director as assigned ~~or in the absence of the director~~ and for monitoring compliance with all applicable regulations of the board and of the Department.

(2) In addition, the supervisor shall fulfill the following responsibilities:

(a) Performs the duties of a technologist in the specialty or specialties in which licensure is held, as needed.

(b) Assigns, if needed, performance of his or her direct supervision responsibilities to licensed technologists, however, the supervisor remains responsible for ensuring that direct supervision ~~of technicians~~ is properly performed. The assignment of responsibilities from the supervisor to the technologist must be written and specific.

(2)(c) through (f) No change.

(g) Provides on-site direct supervision when testing is being performed by those technicians who are required to work under direct supervision.

(h) through (s) No change.

(t) Designs and/or implements a quality assurance program to monitor variables which affect the quality of clinical laboratory services.

(u) through (aa) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.800, 483.813, 483.823, 483.825 FS. History--New 12-6-94, Amended 3-28-95, Formerly 59O-13.002, Amended.

64B3-13.003 Responsibilities of Technologists.

(1) The technologist is responsible for fulfilling the responsibilities of the supervisor, as assigned, ~~or, in the absence of the supervisor when authorized by this rule.~~ The assignment of responsibilities must be written and specific.

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

(h) Exercises professional judgment in evaluation, of specimen integrity, result accuracy and inter-result validity and takes corrective action as necessary. Such corrective action shall include specimen rejection, recollection, and/or retesting using the same or alternate methods and/or utilizes other skills associated with the practice of clinical laboratory science to ensure validity and accuracy of testing at all times taking care not to compromise patient care with excessive rejections, recollections or delays. If in their judgment a specimen is compromised, the technologist shall include an appropriate

disclaimer statement in the report indicating the potential compromised nature of the result and why, in accordance with Rule Chapter 59A-7, F.A.C.

(i) through (j) No change.

Specific Authority 483.805(4), 483.823 FS. Law Implemented 483.800, 483.813, 483.823, 483.825 FS. History—New 12-6-94, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 59O-13.003, Amended 4-10-01, _____.

64B3-13.004 Responsibilities of Technicians.

The technician shall:

(1) No change.

~~(2) When affixing the name or signature to any laboratory record or patient report, indicate the professional status by adding the designation “MLT” to designate Medical Laboratory Technician immediately following the name or signature if holding a current Florida license in any specialty at the technician level. The holder of temporary licensure shall use the designation “GMLT” to designate Graduate Medical Laboratory Technician until such time as licensure is granted by the Board.~~

(3) through (10) renumbered (2) through (9) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.800, 483.813, 483.823, 483.825 FS. History—New 12-6-94, Amended 3-28-95, 7-12-95, Formerly 59O-13.004, Amended 1-27-00, 9-27-00, _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Dental Hygiene Examination

RULE NO.: 64B5-2.0135

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to the dental hygiene examination.

SUBJECT AREA TO BE ADDRESSED: Dental hygiene examination.

SPECIFIC AUTHORITY: 456.017, 466.004(4), 466.007 FS.

LAW IMPLEMENTED: 456.017, 466.007 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-2.0135 Dental Hygiene Examination.

(1) through (2) No change.

(3) The clinical (or practical) portion of the examination requires a candidate to perform scaling/debridement, a ~~complete prophylaxis~~. ~~In addition,~~ root planing, and polishing.

~~will be performed on 4 designated teeth, none of which shall be primary teeth.~~ More specifically, the clinical (or practical) portion of the examination shall consist of 2-3 parts and shall be weighted as to each part as follows:

- (a) Scaling/debridement and root planing 90%
- ~~scaling/calculus removal~~ 70%
- (b) Polishing 10%
- ~~(c) Root planing~~ 20%

(4) The total time allowed for the clinical (or practical) portion will be 150 minutes and the clinical (or practical) portion is to be performed on a patient provided by the applicant. It is the applicant’s responsibility to provide a patient whose medical history permits dental treatment, who is at least 18 years of age, and who has a minimum of 20 natural teeth with generalized ~~light to moderate calculus, both supra and subgingival calculus and periodontitis such that there is a progression of gingival inflammation into the alveolar bone crest with slight bone loss and slight loss of connective tissue, submarginal.~~ The applicant’s patient must have a minimum of 4 teeth, ~~none of which shall have a full crown restoration,~~ with not less than 5 millimeter pockets with root roughness ~~4 mm- pockets which require root planing~~ at least one of which shall be a multi-rooted molar which is in proximal contact with at least one ~~other~~ tooth, ~~none of which shall be primary teeth or have full crown restorations.~~ In order that the examination may be conducted in an efficient and orderly manner, an applicant will be allowed no more than three attempts to qualify a patient during the specified check-in period.

(5) The following criteria shall be utilized in grading the ~~two (2) three (3)~~ parts of the clinical (or practical) portion of the examination. Failure to meet this criteria shall be regarded as an error.

(a) Scaling/debridement and root planing: Scaling/calculus removal:

- 1. Complete removal of all supra gingival marginal calculus from each tooth without laceration to the surrounding tissues.
- 2. Complete removal of all subgingival submarginal calculus from each tooth without laceration to the surrounding tissues.

3. Smoothing of all rough root surfaces.

(b) Polishing: ~~±~~ complete removal of all plaque and extrinsic stain from each tooth without abrasion.

~~(c) Root planing:~~

~~1. smoothing of all rough root surfaces.~~

(6) The ~~two three~~ parts of the clinical (or practical) portion of the examination shall be graded as follows:

(a) For the scaling/debridement and root planing part, ~~scaling/calculus removal part,~~ an applicant’s score will be based on the absence of or number of corroborated errors committed.

Errors	Grade
≥10 >8	0
9 7	1
8 6	2
5-7 5	3
2-4 4	4
0-1 0-3	5

(b) For the polishing part, an applicant's score will be based on the absence of or number of corroborated errors committed.

Errors	Grade
≥10 >8	0
9 7	1
8 6	2
5-7 5	3
2-4 4	4
0-1 0-3	5

~~(c) For the root planing part, an applicant's score will be based on the absence of or number of corroborated errors committed. Only four teeth will be evaluated and at least one of which shall be a multi-rooted molar. The four teeth will be identified to the applicant prior to the beginning of the clinical (or practical) part.~~

(7) through (8) No change.

Specific Authority 456.017, 466.004(4), 466.007 FS. Law Implemented 456.017, 466.007 FS. History--New 3-16-82, Amended 5-2-84, 5-19-85, 10-8-85, 12-8-85, Formerly 21G-2.135, Amended 12-31-86, 10-19-87, 2-21-88, 5-29-88, Formerly 21G-2.0135, 61F5-2.0135, Amended 11-15-95, Formerly 59Q-2.0135, Amended.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Financial Responsibility
 PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text.
 SUBJECT AREA TO BE ADDRESSED: Financial responsibility.

RULE NO.: 64B5-17.011

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.048 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-17.011 Financial Responsibility.

As a prerequisite for licensure or license renewal every dentist is required to maintain medical malpractice insurance or provide proof of financial responsibility as set forth herein:

(1) Obtaining and maintaining professional liability coverage in an amount not less than ~~\$100,000~~ \$25,000 per claim, with a minimum annual aggregate of not less than ~~\$300,000~~ \$75,000, from an authorized insurer as defined under Section 624.09, Florida Statutes, from a surplus lines insurer as defined under Section 626.914(2), Florida Statutes, from a risk retention group as defined under Section 627.942, Florida Statutes, from the Joint Underwriting Association established under Section 627.351(4), Florida Statutes, or through a plan of self-insurance as provided in Section 627.357, Florida Statutes.

(2) Obtaining and maintaining an unexpired, irrevocable letter of credit, established pursuant to Chapter 675, in an amount not less than ~~\$100,000~~ \$25,000 per claim, with a minimum aggregate availability of credit of not less than ~~\$300,000~~ \$75,000. The letter of credit shall be payable to the dentist as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the dentist or upon presentment of a settlement agreement signed by all parties to such agreement when such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, dental care and services. Such letter of credit shall be nonassignable and nontransferable. Such letter of credit shall be issued by any bank or savings association organized and existing under the laws of the State of Florida or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state.

(3) through (4) No change.

Specific Authority 466.004(4) FS. Law Implemented 456.048 FS. History--New 11-22-93, Amended 3-31-94, Formerly 61F5-17.011, 59Q-17.011, Amended 12-20-98, _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Standards of Practice – Continuous Quality Improvement Program
 PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text.
 SUBJECT AREA TO BE ADDRESSED: Standards of practice – continuous quality improvement program.
 SPECIFIC AUTHORITY: 465.0155 FS.
 LAW IMPLEMENTED: 465.0155 FS.

RULE NO.:

64B16-27.300

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-27.300 Standards of Practice – Continuous Quality Improvement Program.

(1) through (2) No change.

(3)(a) Each pharmacy shall establish a Continuous Quality Improvement Program which program shall be described in the pharmacy’s policy and procedure manual and, at a minimum, shall contain:

1. through 3. No change.

4. The procedure for reviewing Quality Related Events.

(b) As a component of its Continuous Quality Improvement Program, each pharmacy shall assure that, following a Quality-Related Event, all reasonably necessary steps have been taken to remedy any problem for the patient. ~~Records shall be maintained for two years of all remedial measures undertaken following a Quality-Related Event.~~

(c) No change.

(4) Each Quality-Related Event that occurs, or is alleged to have occurred, as the result of activities in a pharmacy, shall be documented in a written record or computer database created solely for that purpose. The Quality-Related Event shall be initially documented by the pharmacist to whom it is described, and it shall be recorded on the same day of its having been described to the pharmacist. Documentation of a Quality-Related Event shall include a description of the event that is sufficient to permit categorization and analysis of the event. Pharmacists shall maintain such records ~~for~~ at least until the event has been considered by the committee and incorporated in the summary required in subsection (5) below two years from the date of their creation.

(5) Records maintained as a component of a pharmacy Continuous Quality Improvement Program are confidential under the provisions of section 766.101, F.S. In order to determine compliance the Department may review the policy and procedures and a Summarization of Quality-Related Events. The summarization document shall analyze remedial measures undertaken following a Quality-Related Event. At a minimum, the review shall consider the effects on quality of pharmacy systems due to staffing levels, workflow, and technological support. No patient name or employee name shall be included in this summarization. The summarization

shall be maintained for two years. Records are considered peer-review documents and are not subject to discovery in civil litigation or administrative actions.

~~(6) Only those pharmacies located in a facility that is operating a medical review committee under the provisions of section 766.101(1)(a), Florida Statutes, shall be subject to the requirement of this section.~~

Specific Authority 465.0155 FS. Law Implemented 465.0155 FS. History–New 7-15-99, Amended.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: RULE NO.:

Citations 64B16-30.003

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.073, 456.077, 465.005 FS.

LAW IMPLEMENTED: 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-30.003 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) through (c) No change.

In addition, licensees shall take two additional hours of continuing education for each of the continuing education deficiencies. Said hours shall not count for continuing education renewal requirements for the next biennium.

<u>(d) Failure to timely pay a fine or costs imposed by a final order.</u>	<u>\$500 per month late to a maximum of \$5,000 (penalty will require permittee or licensee to also pay the original fine and/or costs).</u>
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<u>(e) Failure to display any sign, license or permit required by statute or rule.</u>	<u>\$500</u>
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<u>(f) Failure to have any reference material required by statute or rule available.</u>	<u>\$500</u>
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(g) Failure to notify the board of a change in a prescription department manager or consultant pharmacist. Fine based on the length of time prior to notifying board \$200 a month to \$5,000 maximum.

(4) through (5) No change.

Specific Authority 456.077, 456.073, 465.005 FS. Law Implemented 456.077 FS. History—New 12-22-91, Formerly 21S-30.003, 61F10-30.003, 59X-30.003, Amended 4-3-00,_____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: **STANDARDS FOR ONSITE SEWAGE TREATMENT** RULE CHAPTER NO.: **64E-6**

and Disposal Systems

PURPOSE AND EFFECT: Recently amended Chapter 381, Florida Statutes, and 99-395, Laws of Florida, specifically addresses the requirements for use of onsite sewage treatment and disposal systems. The rule must be modified to incorporate revisions. Rule language that requires technical corrections will also be addressed, as well as areas that are being addressed by the Technical Review and Advisory Panel.

SUBJECT AREAS TO BE ADDRESSED: Areas to be discussed include the following. Construction standards for drainfield mounds, operating permits for aerobic treatment units and performance-based treatment systems, criteria for maintenance entities, aerobic treatment unit inspection and sampling, treatment receptacle testing and construction criteria, contractor continuing education course and course provider approval, interim construction standards for systems in the Florida Keys, contractor registration requirements, contractor registration renewal requirements, certification of partnerships and corporations, fees.

SPECIFIC AUTHORITY: 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS.

LAW IMPLEMENTED: 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, Part I 386, Part III 489 FS., and 2001-337, Laws of Florida.

IF REQUESTED 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: Dale Holcomb, Department of Health, Bureau of Onsite Sewage Programs, HSES, 4042 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

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

**Section II
Proposed Rules**

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Purpose	4-157.001
Applicability and Scope	4-157.002
Definitions	4-157.003
Out-of-State Group Long-Term Care Insurance	4-157.004
Pre-existing Conditions	4-157.006
Conditions of Eligibility	4-157.007
Minimum Coverage	4-157.009
Requirements for Replacement	4-157.016
Prior Institutionalization	4-157.017
Right to Return Policy – Free Look	4-157.018
Long-Term Care Policies – Statements Required	4-157.019
Outline of Coverage	4-157.020
Nonforfeiture Protection Provision	4-157.023
Required Disclosure Provisions	4-157.024
Prohibition Against Post – Claims Underwriting	4-157.025
Discontinuance and Replacement	4-157.026
Appropriateness of Recommended Purchase	4-157.027
Requirements for Application Forms and Replacement Coverage	4-157.028
Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates	4-157.029
Reporting Requirements	4-157.030
Requirement to Deliver Shopper’s Guide	4-157.031
PURPOSE AND EFFECT: To adopt NAIC standards applicable to Long Term Care and Certain Limited Benefit Insurance policies.	

SUMMARY: The proposed amendments adopt NAIC standards regarding the content, rates, and sales of long term care and limited benefit insurance policies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308, 627.9407 FS.

LAW IMPLEMENTED: 624.307(1), 624.3161, 626.9541, 627.9403, 627.9405, 627.9406, 627.9407, 627.94072, 626.9641 FS.

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

TIME AND DATE: 2:00 p.m., November 15, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0329, (850)413-5014.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

LONG-TERM CARE AND CERTAIN LIMITED BENEFIT INSURANCE

4-157.001 Purpose.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 629.9402, 627.9407(1) FS. History—New 5-17-89 Formerly 4-81.001, Repealed.

4-157.002 Applicability and Scope.

(1) No change.

(2) The provisions of Chapter 4-157 shall apply to such long-term care policies issued or renewed on or after the effective date of Chapter 4-157; however, the provisions of Chapter 4-157 do not apply to any policy that is not subject to the provisions of sections 627.6401-.9408, F.S., ~~as presently existing or as hereafter amended.~~

(3) Pursuant to s. 627.9403, F.S., the provisions of this rule shall also apply to limited benefit policies that limit coverage to care in a nursing home only or to one or more lower levels of care required or authorized to be provided that are issued on or after October 1, 1996.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented, 624.307(1), 627.9403, 627.9406, 627.9407(1) FS. History—New 5-17-89, Formerly 4-81.002, Amended.

4-157.003 Definitions.

As used in these rules and as used in long-term care policies, the following terms shall have meanings no more restrictive than the following:

(1) through (3) No change.

(4) “Nursing home” means a facility or distinctly separate part of a hospital or other institution which is licensed by the appropriate licensing agency to engage primarily in providing nursing care and related services to inpatients and provides 24-hour a day nursing service, and has a nurse on duty or on

call at all times and maintains clinical records for all patients and as defined and licensed pursuant to the provisions of Chapter 400, Florida Statutes.

(5) through (7) No change.

(8) “Home Health Care” as defined in Chapter 400, Florida Statutes.

(9) “Assisted Living Facility” as defined in Chapter 400, Florida Statutes.

(10) “Adult Day Care Center” as defined in Chapter 400, Florida Statutes.

(11) “Nurse Registry” as defined in Chapter 400, Florida Statutes.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9407 FS. History—New 5-17-89, Formerly 4-81.003, Amended.

4-157.004 Out-of-State Group Long-Term Care Insurance.

(1) No group long-term care insurance coverage may be offered to a resident of this state under a group policy issued in another state to a group described in ~~s_ection~~ 627.9405(1)(c) or (d), F.S., unless this state or such other state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in this state has made a determination that such requirements have been met. Evidence to this effect shall be filed by the insurer with the department pursuant to the procedures specified in ~~s_ection~~ 627.410, F.S. Such evidence shall consist of:

(a) Filing of policy and certificate forms, including rates and rate development information, as though the policy/certificate were issued in this state, which demonstrate that the requirements of ~~ss. sections~~ 627.9401-.9408, ~~F.lorida S.tatutes~~, and these rules have been met, except ~~s_ection~~ 627.9405(2), F.S.; or

(2) In order for a state to be deemed to have statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida, that such state shall must require that long-term care policies meet at least all of the following requirements:

(a) ~~A M~~ minimum period of coverage of at least 24 consecutive months for each covered person as provided in Rule 4-157.009, F.A.C.

(b) A 60% minimum lifetime loss ratio meeting the standards of 4-157.022, at levels at which benefits are reasonable in relation to premiums and calculated in a manner which provides for adequate reserving of the long-term care insurance risk;

(c) A 30-day “free look” period, or longer, within which individual ~~certificateholders~~ policyholders have the right to return the ~~certificate~~ policy after its delivery and to have the premium refunded for any reason;

(d) through (i) No change.

(j) A minimum 30-day grace period for nonpayment of premium with notice and protection requirements as provided by s. 627.94072, F.S.

(k) Pursuant to s. 627.94072, F.S., a mandatory offer to the potential insured policyholder or certificateholder, as applicable, of a nonforfeiture provision meeting the standards of 4-157.023; and

(l) A conversion or continuation privilege at least as favorable as 4-157.010.

(m) A prohibition or limitation on an elimination in excess of 180 days as required by 4-157.013.

(3) No change.

(4)(a) All changes to rates, together with an actuarial memorandum developing and justifying the rate change, shall be filed with the Department pursuant to the procedures specified in s. 627.410, F.S.

(b) For those policies which have been determined to be regulated by a state with substantially similar long term care insurance requirements, pursuant to paragraph (1)(b) above, form and rate changes shall be filed informationally prior to use. To the extent that Section 627.9406, Florida Statutes, and this rule require that an out-of-state group policy form or rate be filed with the department for approval, such form or rate may not be amended or changed prior to approval by the Department pursuant to the procedures specified in Section 627.410, Florida Statutes.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9403, 627.9406 FS. History–New 5-17-89, Formerly 4-81.004, Amended

4-157.006 Pre-existing Conditions.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9407(1),(4) FS. History–New 5-17-89, Formerly 4-81.006, Repealed

4-157.007 Conditions of Eligibility.

(1) No change.

(2) Subsection 627.9405(2), F.S., does not require the sponsoring policyholder to contribute premiums. However no insurer may establish rules for eligibility, including continued eligibility if the sponsoring policyholder contributes any portion of the premium. No group long-term care policy may be issued or issued for delivery in this state unless all members of the group, or all of any class or classes thereof, are declared eligible and acceptable to the insurer at the time of issuance of the policy, subject to any exception to this requirement expressly authorized by Section 627.9405, Florida Statutes, as presently existing or as hereafter amended.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9407(1), 627.9405(2) FS. History–New 5-17-89, Formerly 4-81.007, Amended

4-157.009 Minimum Coverage.

(1) through (2) No change.

(3) No long-term care policy may provide significantly more coverage for care in a nursing home than coverage for lower levels of care. In furtherance of this requirement, benefits for all lower levels of care, ~~in the aggregate,~~ shall

provide a level of benefits equivalent to at least 50 percent of the benefits provided for nursing home coverage; i.e., if the nursing home benefit amount is \$100 per day then the required lower level of care benefit amount shall be at least \$50 per day or if more than one lower level of care is provided then each lower level of care shall provide a benefit amount of at least \$50 per day. For the purposes of applying this 50 percent equivalency requirement to a policy benefit period, the lower level of care shall be, in the aggregate, at least 50 percent of the benefit period provided for nursing home coverage. If a long-term care policy provides nursing home coverage for an unlimited duration, the nursing home benefit shall be considered to be payable for ten years and the lower level of care shall be payable for 5 years, in the aggregate. A long-term care policy may use an overall lifetime benefit maximum which may be exhausted by any combination of benefits

(4) For the purposes of this rule, “lower level(s) of care” means the following:

(a) No change.

(b) Assisted Living Facility Adult congregate living facility;

(c) through (h) No change.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9407(1), (3) FS. History–New 5-17-89, Formerly 4-81.009, Amended

4-157.016 Requirements for Replacement.

Specific Authority 624.308(1), 626.9611, 627.9407 FS. Law Implemented 624.307(1), 626.9541, 626.9641, 627.9407(1) FS. History–New 5-17-89, Formerly 4-81.016, Repealed

4-157.017 Prior Institutionalization.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9407(5) FS. History–New 5-17-89, Formerly 4-81.017, Repealed

4-157.018 Right to Return Policy – Free Look.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9407(1),(7) FS. History–New 5-17-89, Formerly 4-81.018, Repealed

4-157.019 Long-Term Care Policies – Statements Required.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.9407(1),(8) FS. History–New 5-17-89, Formerly 4-81.019, Repealed

4-157.020 Outline of Coverage.

An outline of coverage shall be delivered to an applicant for an individual long-term care insurance policy or certificateholder at the time of application for an individual policy. In the case of direct response solicitations, the insurer shall deliver the outline of coverage upon the applicant’s request, but regardless of request, shall make such delivery no later than at the time of policy delivery. The content and format of the outline of coverage shall be: Such outline of coverage shall include:

(1) The outline of coverage shall be free-standing document, using no smaller than ten point type.

(2) The outline of coverage shall contain no material of an advertising nature.

(3) Text which is capitalized or underscored in the standard format outline of coverage may be emphasized by other means which provide prominence equivalent to such capitalization or underscoring.

(4) Use of the text and sequence of text of the standard format outline of coverage is mandatory, unless otherwise specifically indicated.

(5) Format for outline of coverage:

[COMPANY NAME]
[ADDRESS – CITY & STATE]
[TELEPHONE NUMBER]
LONG-TERM CARE INSURANCE
OUTLINE OF COVERAGE
[Policy Number or Group Master Policy
and Certificate Number]

[Except for policies or certificates which are guaranteed issue, the following caution statement, or language substantially similar, must appear as follows in the outline of coverage.]

Caution: The issuance of this long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied]. If your answers are a material misstatement, the company has the right to deny benefits or rescind your policy. The best time to clear up any question is now, before a claim arises! If, for any reason, any of your answers are incorrect, contact the company at this address: [insert address]

(a) This policy is [an individual policy of insurance] ([a group policy] which was issued in the [indicate jurisdiction in which group policy was issued]).

(b) PURPOSE OF OUTLINE OF COVERAGE. This outline of coverage provides a very brief description of the important features of the policy. You should compare this outline of coverage to outlines of coverage for other policies available to you. This is not an insurance contract, but only a summary of coverage. Only the individual or group policy contains governing contractual provisions. This means that the policy or group policy sets forth in detail the rights and obligations of both you and the insurance company. Therefore, if you purchase this coverage, or any other coverage, it is important that you READ YOUR POLICY (OR CERTIFICATE) CAREFULLY!

(c) TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE RETURNED AND PREMIUM REFUNDED.

1. [Provide a brief description of the right to return-“free look” provision of the policy.]

2. [Include a statement that the policy contains a provision providing for a refund or partial refund of premium upon the death of an insured or surrender of the policy or certificate.]

(d) THIS IS NOT MEDICARE SUPPLEMENT COVERAGE. If you are eligible for Medicare, review the Medicare Supplement Buyer’s Guide available from the insurance company.

1. [For agents] Neither [insert company name] nor its agents represent Medicare, the federal government or any state government.

2. [For direct response] [insert company name] is not representing Medicare, the federal government or any state government.

(e) LONG-TERM CARE COVERAGE. Policies of this category are designed to provide coverage for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital, such as in a nursing home, in the community or in the home.

This policy provides coverage in the form of a fixed dollar indemnity benefit for covered long-term care expenses, subject to policy [limitations] [waiting period] and [coinsurance] requirements. [Modify this paragraph if the policy is not an indemnity policy.]

(f) BENEFITS PROVIDED BY THIS POLICY.

1. [Covered services, related deductible(s), waiting periods, elimination periods and benefit maximums.]

2. [Institutional benefits, by skill level.]

3. [Non-institutional benefits, by skill level.]

[Any benefit screens must be explained in this section. If these screens differ for different benefits, explanation of the screen should accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too must be specified. If activities of daily living (ADLs) are used to measure an insured’s need for long-term care, then these qualifying criteria or screens must be explained.]

(g) LIMITATIONS AND EXCLUSIONS.

[Describe:

1. Preexisting conditions;

2. Non-eligible facilities/provider;

3. Non-eligible levels of care (e.g., unlicensed providers, care or treatment provided by family member, etc.);

4. Exclusions/exceptions;

5. Limitations.]

[This section should provide a brief specific description of any policy provisions which limit, exclude, restrict, reduce, delay, or in any other manner operate to qualify payment of the benefits described in (f) above.]

THIS POLICY MAY NOT COVER ALL THE EXPENSES ASSOCIATED WITH YOUR LONG-TERM CARE NEEDS.

(h) RELATIONSHIP OF COST OF CARE AND BENEFITS. Because the costs of long-term care services will likely increased over time, you should consider whether and how the benefits of this plan may be adjusted. [As applicable, indicated the following:

1. That the benefit level will not increase over time;
2. Any automatic benefit adjustment provisions;
3. Whether the insured will be guaranteed the option to buy additional benefits and the basis upon which benefits will be increased over time if not by a specified amount or percentage;
4. And finally, describe whether there will be any additional premium charge imposed, and how that is to be calculated.]

(i) ALZHEIMER'S DISEASE AND OTHER ORGANIC BRAIN DISORDERS.

[State that the policy provides coverage for insureds clinically diagnosed as having Alzheimer's disease or related degenerative and dementing illnesses. Specifically describe each benefit screen or other policy provision which provides preconditions to the availability of policy benefits for such an insured.]

(j) PREMIUM.

1. State the total annual premium for the policy;
2. If the premium varies with an applicant's choice among benefit options, indicate the portion of annual premium which corresponds to each benefit option.]

(k). ADDITIONAL FEATURES.

1. Indicate if medical underwriting is used;
2. Describe other important features and other mandatory offers.]

~~(1) The name and principal address of the insurer or service association;~~

~~(2) A statement of identification of the policy or contract;~~

~~(3) A policy form number;~~

~~(4) A description of the principal benefits and coverage provided in the policy;~~

~~(5) A statement of the principal exclusions, reductions, and limitations contained in the policy;~~

~~(6) If the policy is not expected to cover 100 percent of the cost of services for which coverage is provided, as statement clearly describing any such limitations;~~

~~(7) A statement of the renewal provisions, including any reservation in the policy of a right to change premiums;~~

~~(8) A statement that the outline of coverage is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions; and~~

~~(9) A statement that the policy has been approved as a long-term care insurance policy meeting the requirements of Florida Law.~~

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.409, 627.9407(1),(9) FS. History--New 5-17-89, Formerly 4-81.020, Amended _____.

4-157.023 Nonforfeiture Protection Provision.

(1)(a) All insurers offering long term care insurance policies or certificates in this state shall offer a nonforfeiture protection provision at the time of issue as required by s. 627.94072, F.S.

(b) If the insurer offers an option other than the shortened benefit period option, the nonforfeiture protection option offered shall be determined such that the benefits provided are determined at time of issue to be at least actuarially equivalent to those provided by the shortened benefit period option.

(2) Other nonforfeiture protection provisions shall not be offered for sale in this state unless they meet the provisions of this rule.

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 624.307(1), 627.9407, 627.94072 FS. History--New _____.

4-157.024 Required Disclosure Provisions.

(1) Renewability. Individual long-term care insurance policies shall contain a renewability provision. Such provision shall be appropriately captioned and shall appear on the first page of the policy.

(2) Riders and Endorsements. Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual long-term care insurance policy, all riders or endorsements added to an individual long-term care insurance policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage are required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy, rider or endorsement.

(3) Payment of Benefits. A long-term care insurance policy which provides for the payment of benefits based on standards described as "mutual and customary," "reasonable and customary" or words of similar import shall include a definition of such terms and the formula or criteria used by the insurer in determining the amount to be paid and an explanation of such terms in its accompanying outline of coverage.

(4) Limitations. If a long-term care insurance policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled as "Preexisting Condition Limitations."

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 624.307(1), 627.9407 FS. History--New

4-157.025 Prohibition Against Post – Claims Underwriting.

(1) All applications for long-term care insurance policies or certificates except those which are guaranteed issue shall contain clear and unambiguous questions designed to ascertain the health condition of the applicant.

(2)(a) If an application for long-term care insurance contains a question which asks whether the applicant has had medication prescribed by a physician, it must also ask the applicant to list the medication that has been prescribed.

(b) If any information disclosed in such application were known by the insurer, or should have been known at the time of application, to be directly related to a medical condition for which coverage would otherwise be denied, then the policy or certificate shall not be rescinded for that condition.

(3) Except for policies or certificates which are guaranteed issue:

(a) The following language shall be set out conspicuously and in close conjunction with the applicant's signature block on an application for a long-term care insurance policy or certificate: "Caution: If your answers on this application are a material misstatement, [company] has the right to deny benefits or rescind your policy."

(b) The following language, or language substantially similar to the following, shall be set out conspicuously on the long-term care insurance policy or certificate at the time of delivery: "Caution: The issuance of this long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of our [application] [enrollment form] [is enclosed] [was retained by you when you applied]. If your answers are a material misstatement, the company has the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises! If, for any reason, any of your answers are incorrect, contact the company at this address: [insert address]"

(c) Prior to issuance of a long-term care policy or certificate to an applicant age eighty (80) or older, the insurer shall obtain one of the following:

1. A report of a physical examination;
2. An assessment of functional capacity;
3. An attending physician's statement; or
4. Copies of medical records.

(4) A copy of the completed application or enrollment form (whichever is applicable) shall be delivered to the insured no later than at the time of delivery of the policy or certificate unless it was retained by the applicant at the time of application.

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 624.307(1), 627.9407 FS. History--New

4-157.026 Discontinuance and Replacement.

If a group long-term care policy is replaced by another group long-term care policy issued to the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the previous group policy on its date of termination. Coverage provided or offered to individuals by the insurer and premiums charged to persons under the new group policy:

(1) Shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced; and

(2) Shall not vary or otherwise depend on the individual's health or disability status, claim experience or use of long-term care services;

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 627.307(1), 627.9407 FS. History--New

4-157.027 Appropriateness of Recommended Purchase.

In recommending the purchase or replacement of any long-term care insurance policy or certificate any agent shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 624.307(1), 627.9407 FS. History--New

4-157.028 Requirements for Application Forms and Replacement Coverage.

(1) Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another long-term care insurance policy or certificate in force or whether a long-term care policy or certificate is intended to replace any other accident and sickness or long-term care policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent, except where the coverage is sold without an agent, containing such questions may be used.

(a) Do you have another long-term care insurance policy or certificate in force (including health care service contract, health maintenance organization contract)?

(b) Did you have another long-term care insurance policy or certificate in force during the last twelve (12) months?

1. If so, with which company?

2. If that policy lapsed, when did it lapse?

(c) Are you covered by Medicaid?

(d) Do you intend to replace any of your medical or health insurance coverage with this policy [certificate]?

(2) Agents shall list any other health insurance policies they have sold to the applicant.

(a) List policies sold which are still in force.

(b) List policies sold in the past five (5) years which are no longer in force.

(3) Solicitations Other than Direct Response. Upon determining that a sale will involve replacement, an insurer, other than an insurer using direct response solicitation methods, or its agent; shall furnish the applicant, prior to issuance or delivery to the individual long-term care insurance policy, a notice regarding replacement of accident and sickness or long-term care coverage. One copy of such notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer. The required notice shall be provided in the following manner.

NOTICE TO APPLICANT REGARDING REPLACEMENT OF INDIVIDUAL ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE

[Insurance company's name and address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with an individual long-term care insurance policy to be issued by [company name] Insurance Company. Your new policy provides thirty (30) days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.

STATEMENT TO APPLICANT BY AGENT [BROKER OR OTHER REPRESENTATIVE]:

(Use additional sheets, as necessary.)

I have reviewed your current medical or health insurance coverage. I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention.

(a) Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.

(b) State law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. The insurer will waive any time periods

applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

(c) If you are replacing existing long-term care insurance coverage, you may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(d) If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all question on the application concerning your medical health history. Failure to include all material medical information on the application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded.

(Signature of Agent, Broker or Other Representative)

[Typed Name and Address of Agent or Broker]

The above "Notice to Applicant" was delivered to me on:

(Date)

(Applicant's Signature)

(4) Direct Response Solicitations. Insurers using direct response solicitation methods shall deliver a notice regarding replacement of accident and sickness or long-term care coverage to the applicant upon issuance of the policy. The required notice shall be provided in the following manner:

NOTICE TO APPLICANT REGARDING REPLACEMENT OF ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE

[Insurance company's name and address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with the long-term care insurance policy delivered herewith issued by [company name] Insurance Company.

Your new policy provides thirty (30) days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.

(a) Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.

(b) State law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. Your insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

(c) If you are replacing existing long-term care insurance coverage, you may wish to secure the advice of your present insurer or its agent regarding the propose replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(d) [To be included only if the application is attached to the policy] If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application could cause an otherwise valid claim to be denied. Carefully check the application and write to [company name and address] within thirty (30) days if any information is not correct and complete, or if any past medical history has been left out of the application.

_____ (Company Name)

(5) Where replacement is intended, the replacing insurer shall notify, in writing, the existing insurer of the propose replacement. The existing policy shall be identified by the insurer, name of the insured and policy shall be identified by the insurer, name of the insured and policy number or address including zip code. Such notice shall be made within five (5) working days from the date the application is received by the insurer or the date the policy is issued, whichever is sooner.

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 624.307(1), 627.9407 FS. History—New _____.

4-157.029 Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates.

If a long-term care insurance policy or certificate replaces another long-term care policy or certificate, the replacing insurer shall waive any time periods applicable to preexisting conditions and probationary periods in the new long-term care policy for similar benefits to the extent that similar exclusions have been satisfied under the original policy.

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 624.307(1), 627.9407 FS. History—New _____.

4-157.030 Reporting Requirements.

(1) Every insurer shall maintain records for each agent of the agent's amount of replacement sales as a percent of the agent's total annual sales and the amount of lapses of long-term care insurance policies sold by the agent as a percent of the agent's total annual sales.

(2) Every insurer shall report annually by June 30 the ten percent (10%) of its agents with the greatest percentages of lapses and replacements as measured by (1) above.

(3) Reported replacement and lapse rates do not alone constitute a violation of insurance laws or necessarily imply wrongdoing. The reports are for the purpose of reviewing more closely agent activities regarding the sale of long-term care insurance.

(4) Every insurer shall report annually by June 30 the number of lapsed policies as a percent of its total annual sales and as a percent of its total number of policies in force as of the end of the preceding calendar year.

(5) Every insurer shall report annually by June 30 the number of replacement policies sold as a percent of its total number of policies in force as of the preceding calendar year.

(6) Every insurer shall report annually by June 30 for qualified long-term care insurance contracts the number of claims denied for each class of business, expressed as a percentage of claims denied, in the format prescribed by the National Association of Insurance Commissioners in Appendix B, as adopted September 15, 2000, which is hereby adopted and incorporated by reference.

(7) For purposes of this section, "policy" shall mean only long-term care insurance and "report" means on a statewide basis.

(8) Every insurer or other entity selling or issuing long-term care insurance benefits shall maintain a record of all policy or certificate rescissions, both state and countrywide, except those which the insured voluntarily effectuated, and shall annually furnish by March 1 this information to the Department in the format prescribed by the National Association of Insurance Commissioners in Appendix A, adopted September 15, 2000, which is hereby adopted and incorporated by reference.

(9) Reports shall be filed with the Bureau of Market Conduct, Division of Insurer Services.

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 624.307(1), 624.3161, 627.9407 FS. History—New _____.

4-157.031 Requirement to Deliver Shopper's Guide.

(1) A long term care insurance shopper's guide in the format developed by the National Association of Insurance Commissioners, or a guide developed or approved by the Department, shall be provided to all prospective applicants for a long-term care insurance policy or certificate.

(a) In the case of agent solicitations, an agent must deliver the shopper's guide prior to the presentation of an application or enrollment form.

(b) In the case of direct response solicitations, the shopper's guide must be presented in conjunction with any application or enrollment form.

(2) Life insurance policies or riders containing accelerated long-term care benefits are not required to furnish the above-referenced guide, but shall furnish the policy summary required under s. 626.99.F.S.

(3) At the time of policy delivery, a policy summary shall be delivered for an individual life insurance policy which provides long-term care benefits within the policy or by rider. In the case of direct response solicitations, the insurer shall deliver the policy summary upon the applicant's request, but regardless of request shall make such delivery no later than at the time of policy delivery. In addition to complying with all applicable requirements, the summary shall also include:

(a) An explanation of how the long-term care benefit interacts with other components of the policy, including deductions for death benefits;

(b) An illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits if any, for each covered person;

(c) Any exclusions, reductions and limitations on benefits of long-term care; and

(d) If applicable to the policy type, the summary shall also include:

1. A disclosure of the effects of exercising other rights under the policy;

2. A disclosure of guarantees related to long-term care costs of insurance charges, and

3. Current and projected maximum lifetime benefits.

(4) Any time a long-term care benefit, funded through a life insurance vehicle by the acceleration of the death benefit, is in benefit payment status, a monthly report shall be provided to the policyholder. Such report shall include:

(a) Any long-term care benefits paid out during the month;

(b) An explanation of any changes in the policy, e.g. death benefits or cash values, due to long-term care benefits being paid out; and

(c) The amount of long-term care benefits existing or remaining.

Specific Authority 624.308(1), 627.9407 FS. Law Implemented 624.307(1), 627.9407 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Bureau Chief, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2000

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Highway Beautification and Landscape Management
 RULE CHAPTER NO.: 14-40

RULE TITLE: Application and Permit Issuance
 RULE NO.: 14-40.030

PURPOSE AND EFFECT: Part III Vegetation Management at Outdoor Advertising Signs (Rule 14-40.030) is being amended. The Notice of Rulemaking for Part II Florida Highway Beautification Council already was published. Part I General Provisions (Rule 14-40.003) will be amended by a future Notice of Rulemaking.

SUMMARY: This is an amendment to Part III Vegetation Management at Outdoor Advertising Signs (Rule 14-40.030). Part I and Part II are being amended by separate notices.

SPECIFIC AUTHORITY: 334.044(2), 337.2505 FS.

LAW IMPLEMENTED: 334.044(25), 335.167, 337.2505, 337.405, 339.2405, 479.106 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

TIME AND DATE: 2:30 p.m., November 7, 2001

PLACE: Room 250, The Suwannee Room, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-40.030 Application and Permit Issuance.

(1) Permit Required.

(a) No person or entity may remove, cut, or trim, ~~or remove~~ trees, shrubs, or herbaceous plants on the Department's right of way to make visible or to ensure future visibility of off-premise outdoor advertising signs (~~billboards~~) without obtaining a Permit for Vegetation Management at Outdoor Advertising Sign, Form 650-050-08, Rev. 07/97, which is incorporated herein by reference, pursuant to this Rule Chapter. For purposes of this Rule, the application of chemical

control constitutes ~~removing, cutting, or trimming, or removal,~~ depending on the impact on the tree, shrub, or herbaceous plant. A Permit for Vegetation Management at Outdoor Advertising Sign may be requested by submitting a completed Application for Vegetation Management at Outdoor Advertising Sign, Form 650-050-06, Rev. 01/02 04/98, which is incorporated herein by reference, to the Department District Maintenance Engineer or designee with responsibility for the segment of state road to which the subject sign is permitted. ~~Alternatively, (The Application for Vegetation Management at Outdoor Advertising Sign may also be submitted to the State District Outdoor Advertising Administrator, with an application for a new sign permit. Form 650-050-06 is available at any Department District Outdoor Advertising Office, District Maintenance Office, or from any Department District Landscape Manager. This Rule does not apply to requests to trim or remove vegetation that screens on-premise signs.~~

(b) An Applications for Vegetation Management at Outdoor Advertising Sign must be submitted by the outdoor advertising sign permit holder or the sign owner. A separate application is required for each sign facing. The vegetation management plan and appraisal, described in subsection (c), shall both be prepared by a properly qualified individual. Qualified individuals shall be one of the following:

1. An International Society of Arboriculture (ISA) Certified Arborist ® with Advanced Training in Roadside Vegetation, or an individual with equivalent credentials from a nationally recognized arboricultural organization, or

2. A landscape architect registered pursuant to Chapter 481, Part II, Florida Statutes.

(c) The application shall contain:

1. The name, address, telephone number, facsimile number, and E-Mail address, if available, of the applicant; the Department's current outdoor advertising sign tag permit number; the sign owner's sign company's billboard face number; and the notarized signature of the applicant's authorized representative.

2. The applicant's vegetation management plan (plan). The plan shall be for a period of not less than two years and not greater than five years. The plan shall include a plan for removing vegetation within the vegetation management zone, cutting (removing or altering more than one quarter of any plant's height, spread, or density of branches), or trimming (the shaping or pruning of less than one quarter of any plant's height, spread, or density of branches); or removing vegetation within the vegetation management zone. The vegetation management plan shall be a graphic and written document that describes the removal, cutting, trimming, removal, planting, fertilizing, mulching, irrigation, and desired condition and appearance of existing and proposed vegetation, including a plan for disposal of debris, and a schedule and description of the intended vegetation management method(s) of all work to

~~be performed~~ within the vegetation management zone. All vegetation management proposed in the plan shall be in accordance with this Rule and ~~the Florida Highway Landscape Guide, as incorporated by reference into Rule 14-40.003(3).~~

3. Color photographs of the sign and entire view zone taken within six weeks prior to the application being made to the Department. The photographs and accompanying drawings must depict a clear representative overview of the vegetation to be removed, cut, trimmed, or removed.

4. A photocopy of the qualifying credentials of the person preparing the vegetation management plan, and appraisal for mitigation, if applicable. If herbicides will be used, the application must include a photocopy of the applicator's license in three categories (core curriculum, right of way, and aquatic) by the Florida Department of Agriculture and Consumer Services. A proposed schedule and description of the method(s), and the qualifications of the personnel to be utilized. Personnel must be reasonably qualified and all personnel using herbicides on the Department's right of way must be licensed in three categories (core curriculum, right of way, and aquatic) by the Florida Department of Agriculture and Consumer Services (FDACS). Chemical control of vegetation is limited to the use of United States Environmental Protection Agency approved selective herbicides. Foliar application of herbicides is limited to the control of invasive exotic plants.

5. An itemized appraisal of the mitigation value of vegetation to be removed, cut, or trimmed.

~~6.5.~~ A non-refundable application fee of \$25.00. The non-refundable application fee shall be a total of not exceed \$200.00 for more than eight applications submitted simultaneously, providing that they are within the same Department District. If payment is by check, the fee submitted with an Application for Vegetation Management at Outdoor Advertising Sign must be paid separately from fees for other types of permits. The approved application, including any conditions stated therein, and the approved vegetation management plan, shall become part of the permit. The permit, issued by the Department, shall allow vegetation management within the vegetation management zone for the duration of the approved vegetation management plan. After approval, the permittee must give the Local Maintenance Engineer a minimum of two working days notification prior to ~~any~~ and all permitted vegetation management activity on the Department's right of way, unless otherwise stipulated as a special provision of the permit.

(d) A Permit for Vegetation Management at Outdoor Advertising Sign authorizes the permittee to remove, cut, or trim, or remove trees, shrubs, or herbaceous plants only as provided in the permit, and only within an approved vegetation management zone, which will be determined as follows:

1. The approved vegetation management zone shall be based on a continuous or cumulative 500 foot linear distance along the edge of the travel lane within the 1,000 foot linear view zone (as described below), all within the Department's right of way (see Figures 2 and 3).

2. A sign facing shall have only one view zone, and only within the Department's right of way of the ~~roadway~~ highway to which the sign is permitted.

a. The view zone for a right-view sign (see Figure 2) is a ~~nearly~~ triangular area measured along the right edge of the nearest travel lane on the same side of the highway to which the sign is permitted, which has:

(I) As terminus A, the point on the edge of the travel lane immediately opposite the edge of the outdoor advertising sign face closest to the highway;

(II) As terminus B, the point measured along the edge of pavement 1,000 feet in the direction from which the sign is viewed; and

(III) As a terminus C, the point on the edge of the sign face which is furthest from the road.

INSERT FIGURE 2
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b. The view zone for a left-view sign (see Figure 3) shall be measured as above, except that terminus A and terminus B shall be measured along the left edge of the nearest travel lane on the other side of the highway centerline.

c. The median area will be included in an approved vegetation management zone only for left-read signs legally erected before January 19, 1999, and only as necessary to maintain the view of that sign across the median as it existed

before January 19, 1999. Vegetation within the pre-existing view zone that could not be managed prior to the adoption of this Rule may be managed to restore visibility in accordance with this Rule.

(e) No Permit for Vegetation Management at Outdoor Advertising Sign will be issued:

1. For applications that are incomplete;

INSERT FIGURE 3
PAGE 1 OF 1

2. For vegetation control to enhance the view of an outdoor advertising sign which does not have a currently valid state permit.

3. For mowing (nonselective mechanical or chemical control of vegetation) of grass or other vegetation. Mechanical mowing, to a minimum height of 6 inches², will be permitted when no other means of vegetation management is practicable to control vegetation that is less than 18" height and screens or is likely to screen a sign face.

4. To make a sign visible for more than 500 feet¹ within a view zone.

5. To remove, cut, or trim, ~~or remove~~ vegetation that has established historic, cultural, economic, environmental, or aesthetic significance. Such vegetation would may:

a. Form an important part of the setting or landscaping for an historic structure;

b. Possess historic significance through a direct association with an event or person important in history;

c. Contribute strongly to the historic character as well as visual appeal of an historic structure or district;

d. Screen historic structures or residential property from traffic congestion;

e. Serve as memorials;

f. Be directly descended from historically significant trees or plants;

g. Be listed on the National Register of Historic Places, the State Register of Historic Sites, or local historical registries;

h. Be the only vegetation in the immediate vicinity, such that and removal would leave the area barren of any substantial trees;

i. Have reached an age, ~~or size, or and~~ shape that it is known to be a local landmark; or

j. Be in the immediate vicinity of a roadway that has been lined with ~~substantial~~ trees for a lengthy period of time where and removal of such vegetation would significantly diminish the "tree lined" character of the roadway;

6. To remove, cut, or trim, ~~or remove~~ trees, shrubs, or herbaceous plants that are protected by state law.

7. To remove, cut, or trim, ~~or remove~~ trees, shrubs, or herbaceous plants in violation of provisions of Section 479.106(5), Florida Statutes.

8. To remove, cut, or trim, ~~or remove~~ trees, shrubs, or herbaceous plants, when the Department has District Maintenance Engineer or designee and the District Landscape Manager have determined that the proposed vegetation management will significantly disrupt natural systems, roadside aesthetics, or have other negative impacts on the operation of the highway.

9. To create a new view zone by removing, cutting, or trimming, or removing existing vegetation for any sign originally permitted after July 1, 1996, unless the applicant removes at least two approximate comparable size

nonconforming signs under valid permits issued pursuant to Section 479.07, Florida Statutes, and surrender the permits to the Department, except when all of the following conditions have been met:

a. For any sign permitted after July 1, 1996, the original sign permit application must state that it would be necessary to remove, cut, or trim existing vegetation on the Department's right of way, and a Permit for Vegetation Management at Outdoor Advertising Sign has been issued for the view zone.

b. When the owner of a sign built after July 1, 1996, requests to remove, cut, or trim trees or other vegetation on the Department's right of way that screened the sign face when the sign was first permitted, the sign owner must remove at least two noneonforming signs under valid permits pursuant to Section 479.07, Florida Statutes, that the Department has determined are of the same approximate size as the new sign, and surrender the permits to the Department.

10. To remove, cut, or trim trees that have a circumference, measured at 4 1/2 feet above grade, equal to or greater than 70% of the circumference of the Florida Champion of the same species as listed in the Big Trees, The Florida Register, Florida Native Plant Society, 1997, which is incorporated herein by reference.

11. To remove, cut, or trim vegetation that is part of a beautification project, when the project was approved prior to the permitting of any sign originally permitted after July 1, 1996. For the purpose of this Rule, beautification projects include landscape projects, mitigation projects, and restoration projects. For the purpose of this Rule, a beautification project is approved when it is specifically identified in the Department's five year work program, or is a permitted landscape project, or is part of an executed agreement between the Department and a local government, or has been approved in writing by the Department for installation at a later date by a local government.

(f) Applications will be reviewed and approved or denied within 30 days of receipt of a complete application, though failure to respond within 30 days shall not cause an automatic approval. The Department may request additional information needed to deem the application complete ~~in accordance with Section 120.60, Florida Statutes~~. Applicants will be notified by mail of the approval or denial of the application. When an application is denied, no application fee will be charged for a revised application submitted within 90 days after the date shown on the notice of denial.

(g) A Permit for Vegetation Management at Outdoor Advertising Sign is valid for the term of the vegetation management plan (two to five years, as represented on the Application of Vegetation Management at Outdoor Advertising Sign and the permit.) The Department District Maintenance Engineer or designee will determine the expiration date of any Permit for Vegetation ~~Management~~ at Outdoor Advertising Sign, based on the safety of all users of the Department's right

of way, and the need to avoid conflict with other permitted activities on the Department's right of way, or changes in roadside conditions.

(h) When a Permit for Vegetation Management at Outdoor Advertising Sign expires, a new permit may be requested renewed by submitting a new Application for Vegetation Management at Outdoor Advertising Sign in accordance with this Rule.

(i) A permit placard (FDOT Form 650-050-08) must be displayed within the vegetation management zone in clear view from the main traveled way when vegetation management is in progress.

(2) Vegetation Management on the Right of Way.

(a) All work performed pursuant to a Permit for Vegetation Management at Outdoor Advertising Sign shall follow the approved vegetation management plan.

(b) Chemical control of vegetation is limited to the use of United States Environmental Protection Agency approved selective herbicides. Foliar application of herbicides is limited to the control of invasive exotic plants.

(c) Within 10 working days after completion of the removal, cutting, or trimming of vegetation, a qualified individual must inspect the vegetation management zone and adjoining right of way, and submit written notification to the District Maintenance Engineer or designee that the work is complete. The correspondence must indicate the extent and nature of any unauthorized removal, cutting, or trimming.

(3)(2) Mitigation. An applicant shall mitigate in accordance with this Rule Chapter for the impact to vegetation from removal, cutting, trimming, removal, or accidental damage of vegetation on the Department's right of way.

(a) Mitigation is required:

1. ~~Where Mitigation is required where cutting or trimming of, or damage to vegetation permanently detracts from the appearance or health of trees (including palm trees), shrubs, or herbaceous plants, or where cutting and trimming of trees or shrubs is not done in accordance with the standards set forth in the following documents: American National Standards Institute Tree Shrub and Other Woody Plant Maintenance-Standard Practices, 1995, and Fertilization, 1999, Publication #A300, and Tree-Pruning Guidelines authored and published by the International Society of Arboriculture, 1995, which are hereby (ANSI A300) publication, incorporated by reference herein. Copies of these publications are available for purchase from the International Society of Arboriculture, Post Office Box GG, Savoy, Illinois 61874-9902, phone 217-355-9411, FAX 217-355-9516, or on the Internet at www.flaisa.org. This requirement does not apply to the cutting or trimming of, or damage to invasive exotic plants (plants listed by the Florida Department of Environmental Protection Rule Chapter, 62C-52, Aquatic Plant Importation, Transportation, Non-Nursery Cultivation, Possession, and Collection, and plants listed by the Florida Department of~~

Agriculture and Consumer Services, Rule Chapter 5B-57, Introduction or Release of Plant Pests, Noxious Weeds, Arthropods, and Biological Control Agents, or other plant species determined by the Department to be a nuisance to natural habitats or agriculture, or to have an adverse effect on the maintenance or safety of the Department's right of way).

2. Where trees taller than the surrounding shrubs and herbaceous plants are permanently damaged or removed.

3. Where trees or shrubs of a species that are not likely to grow to interfere with the visibility of displays are damaged or removed.

4. Where trees or shrubs of a species that are likely to grow to interfere with the visibility of displays are trimmed improperly, permanently damaged, or removed.

5. Where herbaceous plants are permanently damaged.

(b) Where mitigation is necessary, the applicant will provide with the Application for Vegetation Management an appraisal prepared by a qualified individual as defined in Section (1)(b) using the appropriate appraisal method found in Determining the Mitigation Value of Roadside Vegetation, Florida Chapter of the International Society of Arboriculture, 2000, which is incorporated herein by reference a mitigation plan, a maintenance plan (including irrigation and establishment for a period of one year from the date of planting), and a schedule for completion for any vegetation planted. Copies of this document can be obtained by contacting the International Society of Arboriculture as listed in (3)(a)1, above. Pending approval by the Department, the appraised value of the vegetation to be cut and removed will be the required mitigation. Approval is based on completeness and accuracy of mitigation calculations. These plans are subject to the requirements of this Rule Chapter, the Florida Highway Landscape Guide, and the Highway Landscape, Beautification, and Plan Review Procedure (650-050-001-e). Mitigation must be completed within six months after vegetation is cut, trimmed, or removed.

1. The mitigation may be paid as a fee (Option 1) equal to the amount of the mitigation appraisal prepared in accordance with subsection (b) of this Rule. Mitigation fees must be paid to the Department prior to issuance of a Permit for Vegetation Management at Outdoor Advertising Sign.

2. The permittee may design and build a mitigation project equal to the appraised value, at an approved location within the right of way (Option 2). Applicants must contact the District Landscape Manager when preparing to develop a mitigation plan. For mitigation projects, the applicant must submit a mitigation plan which, in addition to the requirements of this Rule, meets the requirements for landscape plans in Rule 14-40.003(2) and (4), to the Department for approval. Mitigation projects must be designed to avoid additional maintenance costs by the Department. The mitigation plan shall include a landscape plan, maintenance plan (including watering for establishment for a period of one year from the

date of planting), and an estimated budget of all expenses to install, establish, and maintain the replacement vegetation. The value of the completed mitigation project must be equal to or greater than the appraised value of the cut and removed vegetation. When a mitigation project does not meet the required mitigation value, the balance is due to the Department as a mitigation fee. When the mitigation plan is approved, the applicant may proceed to construct the mitigation project. Failure to complete the mitigation project within six months after the vegetation is cut or removed will result in a penalty for unauthorized removal, cutting, or trimming as described in subsection (4) of this Rule. The permittee is required, at the permittee's expense, to remove and replace any mitigation materials that have not survived in a healthy condition for the first full year after planting. The replacement materials shall be of like size and variety as the replaced material, or may be other material proposed by the permittee, and determined by the Department, to be more likely to survive. If the mitigation project is not restored to meet the permit requirements, the permittee is subject to enforcement of required mitigation and the penalty for unauthorized removal, cutting, or trimming.

(c) Mitigation of large trees (trees with a mature height likely to be greater than thirty feet) is not required when trimming maintains a plant's the tree's natural habit of growth, and is performed in accordance with professionally accepted arboricultural standards, cited in the documents previously referenced in Section (3)(a)1. of this Rule. The American National Standards Institute (ANSI) Tree Shrub and Other Woody Plant Maintenance Standard Practices, 1995, Publication #A300, and Tree-Pruning Guidelines authored and published by the International Society of Arboriculture, 1995, are hereby incorporated by reference. Copies of these publications are available from the International Society of Arboriculture, Post Office Box GG, Savoy, Illinois 61874-9902, Phone 217-355-9411, FAX 217-355-9516. Young trees (immature trees that are no taller than the surrounding shrubs and herbaceous plants) of species that upon their maturity are likely to interfere with the visibility of displays may be removed without mitigation. Mitigation is not required where small trees and herbaceous plants, that upon their maturity will not be large enough to interfere with the visibility of displays in specific on-site situations within the vegetation management zone, are managed to maintain their natural appearance and habit of growth. Invasive exotic plants may be removed without mitigation. Where the Department District Landscape Manager has determined that vegetation is diseased, or structurally damaged through no fault of the applicant, beyond a point where restoration is practicable, the vegetation may be removed without mitigation.

(d) On-site mitigation (mitigation provided on or adjacent to the impacted site) for removal or damage of trees shall be at 2:1 ratio measured in inches diameter of the trunk at breast height (DBH). DBH is to be measured 4 1/2 feet high. Multi-trunk trees are measured using the cumulative diameter

of the three main trunks at breast height. To mitigate for trees with a DBH greater than 2", two or more trees (of one inch caliper or greater) with a combined equivalent diameter to the removed or damaged trees, may be used. Mitigation for removal of shrubs and herbaceous plants shall be at a 1:1 ratio calculating the total plant height per impacted species. Required mitigation is calculated by estimating the number of shrubs of a species impacted within a vegetation management zone, and multiplying by their average height. Mitigation for removal of shrubs and herbaceous plants under 6" in height shall be calculated by measuring the area impacted within the vegetation management zone, and replanting an equivalent area with the same or other approved species. Mitigation shall be completed pursuant to the requirements of the management plan.

(e) Remote mitigation (mitigation provided away from the impacted site but along the same state highway and within the same county) for removal or damage of trees shall be at a 3:1 ratio measured in inches DBH. Mitigation for trees with a DBH greater than 2" may be provided as described in paragraph (2)(d). Remote mitigation for removal of shrubs and herbaceous plants shall be at a 2:1 ratio. Required mitigation is calculated by estimating the number of shrubs of a species impacted within a vegetation management zone and multiplying by their average height. Mitigation for removal of shrubs and herbaceous plants under 6" in height shall be calculated by measuring the area impacted within the vegetation management zone for replanting an equivalent area with the same or other approved species. A location for remote mitigation must be approved by the District Maintenance Engineer or designee. No vegetation at the sign site will be cut, trimmed, or removed until after remote mitigation has occurred.

(f) The permittee is required, at his/her expense, to remove and replace any mitigation materials that have not survived in a healthy condition for the first full year after planting. The replacement materials shall be of like size and variety as the replaced material, or may be other material proposed by the permittee and determined by the District Maintenance Engineer or designee to be more likely to survive. The permittee is also required, at his/her expense, to remove and replace any replacement materials that have not survived in a healthy condition for the first full year after planting.

(g) The permittee may choose, in lieu of mitigation, to contribute funds to a District mitigation program for the beautification, aesthetic, and environmental improvement of the Department's right of way. The remote mitigation ratios shall apply and include wholesale cost of materials, installation, and one year establishment and maintenance. The permittee must contact the District Maintenance Engineer or designee to contribute to such a program(s) as part, or in lieu of other mitigation requirements. No vegetation will be cut, trimmed, or removed until after contribution.

~~(d)(4)~~ Special Conditions Affecting Mitigation. The following additional provisions apply only to vegetation management pursuant to a permit issued under this Rule:

1. Mitigation is not required for vegetation that the Department normally cuts or removes pursuant to its regular maintenance of the Department's right of way.

2. Mitigation is not required for vegetation when that the Department's roadway plans explicitly show that the vegetation will be removed ~~expects to remove~~ as part of the ~~planned~~ clearing and grubbing for a construction project designed and included in the Department's five-year work program.

3. Mitigation is not required for vegetation that was installed within the approved view zone after July 1, 1996, so long as the sign was permitted prior to the installation of the vegetation. ~~On-site mitigation ratios are applicable for mitigation work at surrendered permit locations when those locations are within or adjacent to a wooded area, such that mitigation would fill in or extend such wooded area.~~

4. ~~If the Department approves a landscape/mitigation plan which contains both the maximum feasible on-site mitigation within the view zone (maximum vegetative habitat), and which screens the sign supports and the back of the sign to the maximum extent feasible, the Department will accept monetary donations for the remaining mitigation in the form of donations for off-site mitigation, which covers the cost of materials, installation, and one-year establishment, at the on-site ratio. For purposes of this provision, when the back of the sign is visible from the main traveled way, on-site mitigation is to include plantings of suitable vegetation on the right of way reasonably designed to screen the back of the sign.~~

5. ~~The on-site mitigation ratio at nonconforming sign sites for the removal of trees with a DBH of 4" or more, as of the date of January 19, 1999, would be reduced to 1.5:1 when removal of the trees was previously precluded by Chapter 14-13 and the following conditions exist:~~

a. ~~The trees were planted in front of the sign after it was erected; or~~

b. ~~By the time the sign was screened by the trees, they were 4" DBH or greater and trimming of the trees for visibility has significantly detracted or will significantly detract from the natural habit of growth of the trees.~~

~~(4)(3)~~ Unauthorized Removal, Cutting, or Trimming, ~~or Removal~~ of Vegetation. Any person engaged in unauthorized removal, cutting, or trimming, ~~or removal~~ of vegetation in violation of Section 479.106, Florida Statutes, or who benefits from such action, is subject to a penalty of \$1,000 per incident per sign facing and shall provide ~~on-site or remote~~ mitigation as required by subsection (3) ~~at double the rate set forth in paragraphs (2)(d)&(e).~~ For purposes of this subsection, the

application of any chemical compound that kills or injures a tree, shrub, or herbaceous plant constitutes removal, cutting, or trimming, ~~or removal, depending on the impact on the plant.~~

Specific Authority 334.044(2), 337.2505(1) FS. Law Implemented 334.044(25), 335.167, 337.405, 479.106 FS. History—New 1-19-99, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Caster, Environmental Management Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Morefield, Assistant Secretary for Transportation Policy, for Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

PUBLIC SERVICE COMMISSION

DOCKET NO.: 010982-EU

RULE TITLE: Interconnection of Small Photovoltaic Systems

RULE NO.: 25-6.065

PURPOSE AND EFFECT: To encourage customers of investor-owned electric utility to use renewable generation for their own needs by enabling the interconnection of small photovoltaic systems with the electric utility and establishing standards to protect the reliability and safety of the electric utility's system.

SUMMARY: Rule 25-6.065 establishes standards for the interconnection of small photovoltaic systems (SPS) with the electric grid and requires investor-owned electric utilities to file an interconnection agreement with the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Additional costs are expected for activities such as reviewing and processing applications for interconnection, the cost of an engineer to be present at testing and inspecting of the SPS, modification of billing systems to handle customer generated kWh credits, additional meter costs if the utility chooses to install a separate meter, and the cost of developing a new tariff. Although there is an additional cost in lost revenues to the utility under net metering, because the customer is essentially being compensated at the retail rate rather than the avoided cost rate, there are additional administrative costs when a second meter is installed instead of net metering. In addition to the cost of equipment, the customer will be responsible for paying the utility a fee for processing the application. Customers may also have the cost of purchasing and installing a manual disconnect switch if it is required by the host utility.

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

SPECIFIC AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.04(2)(c),(5),(6), 366.041, 366.05(1), 366.81 FS.

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

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

TIME AND DATE: 1:00 p.m., December 5, 2001

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.065 Interconnection of Small Photovoltaic Systems.

(1) A small photovoltaic system (SPS) is a solar powered generating system that uses an inverter rated at no more than 10 kW alternating current (AC) power output and is primarily intended to offset part or all of a customer's current electricity requirements.

(2) Each investor-owned electric utility (utility), within 30 days of the effective date of this rule, shall file for Commission approval a Standard Interconnection Agreement for interconnecting an SPS. Where a utility refuses to interconnect with an SPS or attempts to impose unreasonable standards or conditions, the SPS customer may petition the Commission for relief. The utility shall have the burden of demonstrating to the Commission why interconnection with the SPS should not be required or that the standards or conditions the utility seeks to impose on the SPS are reasonable. The SPS Standard Interconnection Agreement shall, at a minimum, contain the following:

(a) A list of standards approved by nationally recognized professional organizations that address the design, installation, and operation of the SPS. It is the customer's responsibility to ensure compliance with such standards.

(b) A requirement that the SPS must be inspected and approved by local code officials prior to its operation in parallel with an investor-owned electric utility to ensure compliance with applicable local codes.

(c) A requirement for general liability insurance for personal and property damage in the amount of no more than \$100,000. A homeowner's policy that furnishes at least this level of liability coverage will meet the requirement for insurance.

(d) Identification of a reasonable charge for processing the application for interconnection.

(e) Provisions that permit the utility to inspect the SPS and its component equipment, and the documents necessary to ensure compliance with subsections (a) through (d). The utility has the right to have personnel present at the initial testing of customer equipment and protective apparatus.

(f) A provision that the customer who operates an SPS is responsible for protecting its generating equipment, inverters, protection devices, and other system components from damage from the normal and abnormal conditions and operations that occur on the utility system in delivering and restoring system power; and is responsible for ensuring that the SPS equipment is inspected, maintained, and tested in accordance with the manufacturer's instructions to insure that it is operating correctly and safely.

(3) The SPS Interconnection Agreement may require the customer to:

(a) Install, at the customer's expense, a manual disconnect switch of the visible load break type to provide a separation point between the AC power output of the SPS and any customer wiring connected to the utility's system. The manual disconnect switch shall be mounted separate from the meter socket and shall be readily accessible to the utility and capable of being locked in the open position with a utility padlock. The utility may open the switch, isolating the SPS, without prior notice to the customer. To the extent practicable, however, prior notice shall be given.

(b) Provide a written agreement to hold harmless and indemnify the utility from all loss resulting from the operation of the SPS, except in those cases where loss occurs due to the negligent actions of the utility.

(4) The utility shall provide the customer with written notice that it has received the documents required by the Standard Interconnection Agreement within 10 business days of receipt. The customer shall not begin parallel operations until the customer has received this written notice.

(5) Any of the following conditions shall be cause for the utility to disconnect the SPS from its system:

(a) Utility system emergencies or maintenance requirements;

(b) Hazardous conditions existing on the utility system due to the operation of the customer's SPS generating or protective equipment as determined by the utility;

(c) Adverse electrical effects (such as power quality problems) on the electrical equipment of the utility's other electric consumers caused by the SPS as determined by the utility; or

(d) Failure of the customer to maintain the required insurance.

The SPS shall be reconnected to the utility grid as soon as practical once the conditions causing the disconnection cease to exist.

(6) The utility may install, at its own expense, an additional meter or metering equipment on the customer's premises capable of measuring any excess kilowatt-hours produced by the SPS and delivered back to the utility. The value of such excess generation shall be credited to the customer's bill based on the host utility's COG-1 tariff, or by other applicable tariffs approved by the Florida Public Service Commission. If the utility does not install such a meter or metering equipment, the utility shall permit the customer to net meter any excess power delivered to the utility by use of a single standard watt-hour meter capable of reversing directions to offset recorded consumption by the customer. If the kilowatt-hour of energy produced by the SPS exceeds the customer's kilowatt-hour consumption for any billing period, such that when the meter is read the value displayed on the register is less than the value displayed on the register when it was read at the end of the previous billing period, the utility shall carry forward credit for the excess energy to the next billing period. Credits may accumulate and be carried forward for a 12-month period specified by the utility in the SPS Interconnection Agreement. In no event shall the customer be paid for excess energy delivered to the utility at the end of the 12-month period.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(c),(5),(6), 366.041, 366.05(1), 366.81 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Roland Floyd

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 26, No. 47, November 22, 2000

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE TITLE: RULE NO.:

Housing for Older Persons Registration 60Y-9.007
and Documentation

PURPOSE AND EFFECT: To specify the fee, the fine and the forms and procedures to be used for the registration required by s. 760.29(4)(e), F.S.

SUMMARY: Registration and documentation of facilities and communities claiming and exemption under the "housing for older persons" provisions of the Fair Housing Act with respect to the prohibition of discrimination based upon "familial status."

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

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

SPECIFY AUTHORITY: 760.31(5) FS.

LAW IMPLEMENTED: 760.29(4)(e) FS.

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

TIME AND DATE: 10:00 a.m., November 8, 2001

PLACE: Florida Commission on Human Relations, Suite 240, Building F, 325 John Knox Road, Tallahassee, Florida 32303-4149

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND A COPY OF THE DRAFT IS: Nina Singleton, Deputy Executive Director, Florida Commission on Human Relations, telephone number (850)488-7082

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-9.007 Housing for Older Persons Registration and Documentation.

(1) Facilities or communities claiming an exemption under s. 760.29(4), F.S., may register with the commission and submit the statutorily required documentation to the commission in the manner prescribed by the commission. See

FCHR Housing Form s. 760.29(4)(b)1., F.S.; FCHR Housing Form s. 760.29(4)(b)2., F.S.; FCHR Housing Form s. 760.29(b)3., F.S.

(2) The registration and documentation letter shall be mailed certified mail, return receipt requested and shall contain in bold letters on the face of the envelope the words "Registration for Housing for Older Person," and provide the date of mailing.

(3) The registration and documentation shall be submitted biennially on the first day of the month, or up to seven days thereafter, of the anniversary of the initial registration.

(4) The information in the commission's registry is a public record. The information shall also be included in the commission's main website at "http://fchr.info.state.fl.us."

(5) The commission's registry is not admissible in an administrative or judicial proceeding with respect to proving whether or not the facility or community complies with the requirements of s. 760.29(4)(b)1., F.S., s. 760.29(4)(b)2., F.S., or s. 760.29(4)(b)3., F.S.

(6) A facility or community may prove compliance with the requirements of s. 760.29(4)(b)1., F.S. s. 760.29(4)(b)2., F.S. or s. 760.29(4)(b)3., F.S. without participating in the registry pursuant to s. 760.29(4)(e), F.S.

(7) The registration fee must be included within the completed registration letter in order to constitute a valid registration. The biennial registration fee is \$20.00. It shall be sent to: Florida Commission on Human Relations, Post Office Box 3388, Tallahassee, Florida 32315-3388.

(8) Any facility or community that knowingly submits false information in the documentation required by s. 760.29(4)(e), F.S., shall be assessed a \$500.00 fine to be paid into the commission's trust fund.

Specific Authority 760.29(5) FS. Law Implemented 760.29(4)(e) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dana Baird

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Nina Singleton, Deputy Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2001

Proposed wording of FCHR Housing Form s. 760.29(4)(b)1., F.S.

[LETTERHEAD OFFACILITY OR COMMUNITY]

[COMPLIANCE LETTER UNDER s. 760.29(4)(b)1., F.S.]

Date

Re: [name of facility or community]/Registration under s. 760.29(4)(b)1., F.S.

FCHR Executive Director

[FCHR Address]

Dear FCHR Executive Director:

Please acknowledge this registration by making it available to the public as well as placing this information on the Commission's website.

In addition, as President of the above-mentioned facility or community, I hereby state that the facility or community complies with the requirements of s. 760.29(4)(b)1., F.S., provides that this facility or community is "housing for older persons" in that the housing is "provided under any state or federal programs that the commission has determined is specifically designed and operated to assist elderly persons."

FCHR Executive Director Correspondence, Registration

Thank you for your prompt assistance in this matter.

Sincerely,

Signature

[title of signatory and name of facility or community]

[notary - for purpose of verification of identity of president]

Proposed wording of FCHR Housing Form s. 760.29(4)(b)3., F.S.

[LETTERHEAD OFFACILITY OR COMMUNITY]

[COMPLIANCE LETTER UNDER s. 760.29(4)(b)3., F.S.]

Date

Re: [name of facility or community]/Registration under s. 760.29(4)(b)3., F.S.

FCHR Executive Director

[FCHR Address]

Dear FCHR Executive Director:

Same as preliminary FCHR Housing Form s. 760.29(4)(b)1., F.S., with the following language being substituted for paragraph two of the letter:

In addition, as President of the above-mentioned facility or community, I hereby state that the facility or community complies with the requirements of s. 760.29(4)(b)2., F.S., as amended. Sub subsection 760.29(4)(b)2., F.S., provides that this facility or community is "housing for older persons" in that the housing is "[I]nteded for, and solely occupied by, person, 62 years of age or older."

Proposed wording of FCHR Housing Form s. 760.29(4)(b)3., F.S.

[LETTERHEAD OFFACILITY OR COMMUNITY]

[COMPLIANCE LETTER UNDER s. 760.29(4)(b)3., F.S.]

Date

Re: [name of facility or community]/Registration under s. 760.29(4)(b)1., F.S.

FCHR Executive Director:

[FCHR Address]

Dear FCHR Executive Director:

Same as preliminary FCHR Housing Form s. 760.29(4)(b)1., F.S., with the following language being substituted for paragraph two of the letter:

In addition, as President of the above-mentioned facility or community, I hereby state that the facility or community complies with the requirements of s. 760.29(4)(b)3., F.S., as amended. Subsubsection 760.29(4)(b)3., F.S., provides in pertinent part that this facility or community is "housing for older persons" in that the housing is "intended and operated for occupancy by persons 55 years of age or older" and meets all requirements for such statutory exemption to Florida's Fair Housing Act, Section 760.20, et seq.. Such requirements include in summary. (a) The facility or community must have 80% occupancy by at least one person 55 years or more; (b) The facility or community must publish and adhere to policies and procedures that demonstrate the intent to b "housing for older person;" and (c) The facility or community must comply with the rules made by the Secretary of the United States Department of Housing and Urban Development pursuant to 24 C.F.R. part 100 for verification of occupancy.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Resource Management**

DOCKET NO.: 99-53R

RULE CHAPTER TITLE: Certification to Administer
RULE CHAPTER NO.: 62C-35

Reclamation Rules
RULE TITLE: Petition for Certification
RULE NO.: 62C-35.003

PURPOSE AND EFFECT: The Department of Environmental Protection (Department) intends to repeal the reference to Florida Department of Transportation from Rule 62C-35.003(1), F.A.C. The Florida Department of Transportation is no longer able to petition the Department to be certified to receive notices of intent to mine and other documents required to carry out Chapters 62C-36 and 62C-39, F.A.C.; to review such notices and documents; and to conduct compliance inspections. This will implement statutory amendments to Chapter 378, F.S., provided in Chapter 99-385, Laws of Florida. The Florida Department of Transportation has not previously petitioned to be certified, prior to repeal of this statutory provision.

SUMMARY: The proposed rulemaking will repeal Department of Transportation's authority to petition the Department for certification to receive notices of intent to mine and other documents required to carry out Chapters 62C-36 and 62C-39, F.A.C., to review such notices and documents, and to conduct compliance inspections.

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

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

SPECIFIC AUTHORITY: 370.021, 378.404, 378.411 FS.

LAW IMPLEMENTED: 378.411 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Howard J. Hayes, Florida Department of Environmental Protection, Division of Water Resource Management, Bureau of Mine Reclamation, Mail Station 715, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, Telephone (850)488-8217

THE FULL TEXT OF THE PROPOSED RULE IS:

62C-35.003 Petition for Certification.

(1) A local government ~~or the Florida Department of Transportation~~ may petition the executive director to receive notices of intent to mine and other documents required to carry out chapters 62C-36 and 62C-39, F.A.C.; to review such notices and documents; and to conduct compliance inspections.

(2) through (10) No change.

Specific Authority 370.021, 378.404, 378.411 FS. Law Implemented 378.411 FS. History--New 2-22-87, Amended 11-29-90, Formerly 16C-35.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, III, Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Resource Management**

DOCKET NO.: 99-54R

RULE CHAPTER TITLE: Limestone Reclamation
RULE CHAPTER NO.: 62C-36

Requirements
RULE TITLE: Definitions
RULE NO.: 62C-36.002

PURPOSE AND EFFECT: Section 373.421 of the Florida Statutes states that any existing wetlands definition or delineation methodology shall be superseded by the wetland definition and methodology codified by Chapter 373 of the Florida Statutes. The Department of Environmental Protection

(Department) intends to repeal the definition of wetlands contained in Rule 62C-36.002(20), F.A.C., since this rule definition had been based on a conflicting statutory definition contained in Chapter 378 of the Florida Statutes. The wetland definition and methodology to be used in the Department's reclamation programs shall now conform with the standards codified in Chapter 373 of the Florida Statutes. The Department has also identified that it lacks sufficient statutory authority to authorize the Department of Transportation to petition the Department to be certified to receive and review notices of intent to mine and to conduct compliance inspections as set forth in subsection 62C-35.003(1), F.A.C. Chapter 99-385 of the Laws of Florida repealed the statutory authority for such provisions.

SUMMARY: The proposed rulemaking will address the definition of wetlands and the methodology used to delineate the extent of wetlands for purposes of the limestone reclamation program. This rulemaking will also repeal the Department of Transportation's authority to petition the Department to be certified to receive and review notices of intent to mine and to conduct compliance inspections as set forth in subsection 62C-35.003(1), F.A.C.

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

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

SPECIFIC AUTHORITY: 370.021, 378.404 FS.

LAW IMPLEMENTED: 378.403, 378.404 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Howard J. Hayes, Florida Department of Environmental Protection, Division of Water Resource Management, Bureau of Mine Reclamation, Mail Station 715, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, Telephone (850)488-8217

THE FULL TEXT OF THE PROPOSED RULE IS:

62C-36.002 Definitions.

For the purpose of this chapter, the following words and terms shall have the definitions and meanings ascribed to them in this section:

(1) through (2) No change.

(3) "Certified" means approved by the department executive director to administer the requirements of this chapter. This term shall only apply to ~~the Department of Transportation~~ or a local government.

(4) through (19) No change.

~~(20) "Wetlands" means any area having dominant vegetation as defined and listed in Department of Environmental Protection Rule 62-301.400, Florida Administrative Code, regardless of whether the area is within the Department of Environmental Protection's jurisdiction or whether the water bodies are connected.~~

Specific Authority 370.021, 378.404 FS. Law Implemented 378.403, 378.404 FS. History--New 7-16-87, Formerly 16C-36.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, III, Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Resource Management**

DOCKET NO.: 99-55R

RULE CHAPTER TITLE: Heavy Mineral Reclamation Requirements

RULE CHAPTER NO.: 62C-37

RULE TITLES: Definitions

RULE NOS.: 62C-37.002

Applications Required 62C-37.003

Document Format and Standards 62C-37.004

Application Procedures 62C-37.005

Application Review Procedures 62C-37.006

Reclamation Standards 62C-37.008

Release Procedures 62C-37.010

PURPOSE AND EFFECT: Section 373.421 of the Florida Statutes states that any existing wetlands definition or delineation methodology shall be superseded by the wetland definition and methodology codified by chapter 373 of the Florida Statutes. The Department of Environmental Protection (Department) intends to repeal the definition of wetlands contained in Rule 62C-37.002(16), F.A.C., since this rule definition had been based on a conflicting statutory definition contained in Chapter 378 of the Florida Statutes. The wetland definition and methodology to be used in the Department's reclamation programs shall now conform with the standards codified in Chapter 373 of the Florida Statutes. The Department also intends to repeal the rule provision in subsection 62C-37.008(11), F.A.C., that allows for the designation of Wildlife Areas where the Department may, on a case-by-case basis, waive or modify reclamation requirements for slopes, revegetation, and erosion control. The Department

lacks authority to waive mine reclamation requirements in this manner. To date, no Wildlife Areas have been designated within any mines regulated by Chapter 62C-37, F.A.C.

The Department intends to repeal provisions for the submittal of reclamation program documents and amendments to these documents. This will be in conformance with the repeal from Chapter 378, F.S., of the requirements for these documents. The Department intends to revise the requirements for the mine conceptual plans to take into account that proposed, detailed, reclamation designs will no longer be provided in separate reclamation programs.

The Department has replaced the phrase "Executive Director" with the word "Department" everywhere the phrase appears to reflect the agency head's current title. In addition, the Department has replaced the phrase "Florida Game and Fresh Water Fish Commission" with the phrase "Florida Fish and Wildlife Conservation Commission" everywhere the phrase appears to reflect the agency's current title.

SUMMARY: The proposed rulemaking will modify the definition of wetlands and the methodology used to delineate the extent of wetlands to be used in the mine reclamation program; will repeal the designation of Wildlife Areas within a mine where reclamation standards may be waived or modified; will repeal the requirement to provide a reclamation program and modify the documentation requirements for conceptual plans; and will modify phrases to reflect changes to agency names and the title to the Department's agency head.

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

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

SPECIFIC AUTHORITY: 370.021, 378.404, 378.601 FS.

LAW IMPLEMENTED: 378.403, 378.404, 378.405, 378.601 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Howard J. Hayes, Florida Department of Environmental Protection, Division of Water Resource Management, Bureau of Mine Reclamation, Mail Station 715, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, Telephone (850)488-8217

THE FULL TEXT OF THE PROPOSED RULES IS:

62C-37.002 Definitions.

For the purpose of this chapter, the following words and terms shall have the definitions and meanings ascribed to them in this section:

(1) through (3) No change.

(4) ~~"Executive director" means the chief administrative officer of the department or his designee.~~

(5) through (15) renumbered (4) through (14) No change.

(16) ~~"Wetlands" means any area having dominant vegetation as defined and listed in Department of Environmental Protection Rule 62-301.400, Florida Administrative Code, regardless of whether the area is within the Department of Environment Regulation's jurisdiction or whether the water bodies are connected.~~

Specific Authority 370.021, 378.404, 378.601 FS. Law Implemented 378.403, 378.404, 378.601 FS. History--New 2-22-87, Formerly 16C-37.002, Amended

62C-37.003 Applications Required.

(1) **Conceptual Plan.** Prior to July 1, 1987, no operator may begin the process of heavy mineral extraction at a new mine without filing an application for a conceptual plan with the department at least six months prior to the beginning of mining operations. After July 1, 1987, no operator may begin the process of heavy mineral extraction at a new mine without receiving approval of a conceptual reclamation plan from the department. The conceptual plan application shall include the following information to allow documentation, review, and evaluation of proposed reclamation activities and to allow determination of compliance with the standards in this chapter.

(a) No change.

(b) **Premining information.** The plan shall include descriptions of the following, as they existed prior to mining:

1. No change.

2. The presence and location of plant and animal species listed as threatened or endangered by the Florida Fish and Wildlife Conservation Commission ~~Florida Game and Fresh Water Fish Commission~~ or the U. S. Fish and Wildlife Service.

(c) No change.

(d) A description of the activities to be undertaken to comply with each of the standards in Section 62C-37.008, F.A.C. The information provided shall be sufficient to determine whether or not each standard will be met.

(e) ~~(d)~~ No change.

(f) Cross sections shall be provided for each area to be reclaimed as a water body and wetland.

~~(g) A description of any temporary land use requested, including the estimated dates the temporary land use will be in effect, what reclamation activities will be needed when the temporary land use ceases, and a time schedule for the reclamation activities.~~

~~(h)(e) No change.~~

~~(2) Modification to an Approved Conceptual Plan. An operator shall submit applications for modifications, as needed, for all changes to approved conceptual plans.~~

~~(a) through (e) No change.~~

~~(f) Changes required by permit conditions or requirements imposed by other agencies, including federal agencies, shall not be considered significant when such changes are consistent with the reclamation standards in Section 62C-37.008.~~

~~(g) Requests for temporary land uses on approved conceptual plans shall be filed as modifications.~~

~~(3) Program. Each operator shall have an approved program prior to beginning reclamation activities upon any site which is subject to the requirements of this chapter. Program applications shall include the following information:~~

~~(a) General information:~~

~~1. Operator's name, mailing address, business address, and phone number.~~

~~2. Name of parent company, corporation, etc., mailing address, business address, and phone number.~~

~~3. Mine name, mailing address, business address, and phone number.~~

~~4. Authorized agent's name, mailing address, business address, and phone number.~~

~~5. Date mining operations began or are to begin within the application area.~~

~~6. Program area location by county, township, range, section, and quarter section.~~

~~(b) A detailed description of the activities to be undertaken to comply with each of the standards in Section 62C-37.008. The information provided shall be sufficient to determine whether or not each standard will be met.~~

~~(c) Separate maps shall be provided that show the:~~

~~1. Postreclamation topography and drainage.~~

~~2. Postreclamation vegetation.~~

~~3. Area to be mined and area to be disturbed, but not mined.~~

~~(d) Cross sections shall be provided for each water body and wetland.~~

~~(e) A description of any temporary land use requested, including the estimated dates the temporary land use will be in effect, what reclamation activities will be needed when the temporary land use ceases, and a time schedule for the reclamation activities.~~

~~(4) Amendment to an Approved Program. Each operator shall have an approved amendment for all changes to a program before initiating such changes.~~

~~(a) An amendment application shall include the following information:~~

~~1. Name of mine.~~

~~2. Name of operator.~~

~~3. Permit identification code for approved program.~~

~~4. What change is requested.~~

~~5. Why the change is requested.~~

~~6. What alternatives were considered.~~

~~7. Why the requested change was chosen.~~

~~(b) Significant changes to approved programs are changes that affect or result in a cumulative change of more than 100 acres or more than 20 percent, whichever is smaller, of the area covered by the program, as originally approved or most recently amended by the executive director.~~

~~(c) Changes required by permit conditions or requirements imposed by other agencies, including federal agencies, shall not be considered significant when such changes are consistent with the reclamation standards in section 62C-37.008.~~

~~(d) Requests for temporary land uses on approved programs shall be filed as amendments.~~

~~(3)(5) No change.~~

~~(4)(6) An operator shall notify the department executive director of any changes of land ownership or operators at a mine within at least 30 days after such changes.~~

~~(5)(7) An operator shall notify the department executive director no later than six months after the temporary cessation and 30 days after the permanent cessation of mining at a mine.~~

~~Specific Authority 370.021, 378.404, 378.601 FS. Law Implemented 378.404, 378.601 FS. History--New 2-22-87, Formerly 16C-37.003, Amended _____.~~

~~62C-37.004 Document Format and Standards.~~

~~(1) All applications for conceptual plans, modifications, programs, and amendments shall be submitted in accordance with the document format and standards in this section.~~

~~(2) through (6) No change.~~

~~(7) All maps, drawings, and cross sections shall be of a scale suitable to show the required information. The original map scale for conceptual plans and modifications shall be one inch equals 1000 2000 feet. The original map scale for programs and amendments shall be no smaller than one inch equals 500 feet, unless the application area will not fit within the format requirements of subsections (5) and (6) above.~~

~~(8) No change.~~

~~Specific Authority 370.021, 378.404, 378.601 FS. Law Implemented 378.404, 378.601 FS. History--New 2-22-87, Formerly 16C-37.004, Amended _____.~~

~~62C-37.005 Application Procedures.~~

~~(1) No change.~~

~~(2) Filing. Applications shall be filed with the bureau in accordance with the following deadlines:~~

~~(a) through (b) No change.~~

(c) ~~Programs.~~ Program applications shall be filed at least six months, but no more than two years, prior to the anticipated commencement of extraction in the application area.

(d) ~~Amendments.~~ Amendment applications shall be filed at least 90 days prior to beginning activities which are significant changes to an approved program and at least 30 days prior to beginning activities which are not significant changes to an approved program.

Specific Authority 370.021, 378.404, 378.601 FS. Law Implemented 378.404, 378.601 FS. History—New 2-22-87, Formerly 16C-37.005, Amended.

62C-37.006 Application Review Procedures.

All applications shall be reviewed in accordance with the following procedures:

(1) Within 30 days after receipt of an operator's application for a ~~conceptual plan, modification, program, or amendment~~, the department executive director shall review the application plan, modification, program, or amendment and shall request the submittal of all additional information the agency is permitted by law to require.

(2) The operator shall provide the requested additional information within 45 days of receipt of the request or request an extension to the 45-day period. The extension request shall include the date by which the information can be provided and the reason for the extension. The department executive director ~~or his designee~~ shall approve reasonable requests that are based on a need to complete data collection. If the operator does not provide the requested information within the 45-day period or request an extension, the department executive director may proceed to final action.

(3) No change.

(4) Within 30 days after receipt of the requested additional information, the department executive director shall review it and may request only such information needed to clarify the received additional information.

(5) If the operator believes the request of the department executive director for such additional information, requested pursuant to subsection (4) above, is not authorized by law or department rule, the department, at the operator's request, shall proceed to process the application.

(6) Applications shall be approved, approved with conditions, or denied by the department within 90 days after receipt of the original application, the last item of timely requested additional information, or the operator's written request to begin processing the application, ~~as follows:~~

(a) ~~The department shall take final action on conceptual plans and any application that includes significant changes to an approved conceptual plan.~~

(b) ~~The executive director shall take final action on all applications that do not require final action by the department.~~

Specific Authority 370.021, 378.404, 378.601 FS. Law Implemented 378.405, 378.601 FS. History—New 2-22-87, Formerly 16C-37.006, Amended.

62C-37.008 Reclamation Standards.

The following standards shall apply to areas mined or disturbed by mining operations each program area, unless otherwise specified:

(1) The program area shall be delineated based on the following:

(a) All acres shall be contiguous.

(b) ~~The program area shall have simple boundaries and, therefore, may include areas which will not be disturbed by mining activities.~~

(c) ~~The program area must be large enough to include appropriate drainage features, such as lakes, wetlands, and streams and enough of the surrounding uplands to evaluate the function of each feature.~~

(d) ~~The program area shall consist of a logical unit which has a boundary that is based on a consideration of the standards in this section. The bureau may request alterations in the originally submitted boundary as part of the bureau's evaluation of the completeness of the application.~~

(e) ~~The program area shall include at least one year of mining and shall not exceed 640 acres, unless an area of 640 acres or less would not constitute a logical unit pursuant to the other standards in this subsection.~~

(f) ~~The program area for waste disposal sites must include the entire waste disposal site, if such site includes slurried wastes contained by a dam.~~

(2) through (5) renumbered (1) through (4) No change.

(5)(6) Wetlands and Water Bodies. The design of artificially created wetlands and water bodies shall be consistent with health and safety practices, maximize beneficial contributions within local drainage patterns, provide aquatic and wetland wildlife habitat values, and maintain downstream water quality by preventing erosion and providing nutrient uptake. Water bodies should incorporate a variety of emergent habitats, a balance of deep and shallow water, fluctuating water levels, high ratios of shoreline length to surface area and a variety of shoreline slopes.

(a) At least 25% of the highwater surface area of each water body shall consist of an annual zone of water fluctuation to encourage emergent and transition zone vegetation. This area will also qualify as wetlands under the requirements of (4)(5) above if requirements in 62C-37.008(9) ~~62C-37.008(9)(d)~~ are met. In the event that sufficient shoreline configurations, slopes, or water level fluctuations cannot be designed to accommodate this requirement, this deficiency shall be met by constructing additional wetlands adjacent to and hydrologically connected to the water body.

(b) through (c) No change.

(7) through (10) renumbered (6) through (9) No change.

(10)(11) Wildlife.

(~~a~~) The operator shall identify what measures have been incorporated into the conceptual plan ~~or program~~ to offset fish and wildlife values lost as a result of mining activities and shall identify special programs to restore, enhance, or reclaim particular habitats, especially for endangered and threatened species, as identified by the Florida Fish and Wildlife Conservation Commission ~~Florida Game and Fresh Water Fish Commission~~ or the U. S. Fish and Wildlife Service.

(~~b~~) ~~The operator may designate specific locations within the mine as "Wildlife Areas" and include a plan for reclamation and management for sites so designated. Slopes, revegetation, and erosion control requirements may be waived or modified by the department in such areas on a case-by-case basis where such changes will benefit the overall plan for the propagation of wildlife.~~

(~~11~~)(12) Time Schedule.

(a) No change.

(b) Completion dates.

1. through 3. No change.

4. Reclamation and restoration shall be completed within three years of the actual completion of mining operations, inclusive of a one-year period after planting the required vegetation to allow for establishment. ~~The required completion date may vary within a program, depending upon the specific sequence of mining.~~

5. through 6. No change.

(~~12~~)(13) Exceptions and Innovations. Exceptions to the standards contained in this section may be granted by the ~~department executive director~~ for experimental or innovative techniques.

(~~13~~)(14) No change.

Specific Authority 370.021, 378.404, 378.601 FS. Law Implemented 378.404, 378.601 FS. History--New 2-22-87, Formerly 16C-37.008, Amended

62C-37.010 Release Procedures.

(1) Upon completion of reclamation requirements in ~~an a~~ program area, the operator shall notify the ~~department executive director~~.

(2) Within 60 days after receipt of the notification, the ~~department executive director~~ shall notify the operator in writing whether or not in inspection will be made within one year after receipt of the operator's notification. The ~~department's executive director's~~ notification shall include the date the inspection will occur, if an inspection is scheduled.

(3) Within 30 days after the inspection, the ~~department executive director~~ shall notify the operator in writing that the ~~program~~ area is released or what work must be done before release can be granted.

(4) If the ~~department executive director~~ notifies the operator that the ~~program~~ area will not be inspected, the ~~program~~ area shall be released from reclamation requirements at the end of the second year after receipt of the operator's notification.

(5) If an operator wishes to resume mining operations within a released ~~program~~ area, the area to be disturbed shall be considered to be an undisturbed area for the purposes of this chapter and application shall be made in accordance with the full provisions of this chapter.

Specific Authority 370.021, 378.404, 378.601 FS. Law Implemented 378.404, 378.601 FS. History--New 2-22-87, Formerly 16C-37.010, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mimi Drew, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, III, Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Resource Management**

DOCKET NO.: 99-56R

RULE CHAPTER TITLE: Fuller's Earth Reclamation Requirements

RULE CHAPTER NO.:

62C-38

RULE TITLES: Definitions

RULE NOS.:

62C-38.002

Reclamation Standards

62C-38.008

PURPOSE AND EFFECT: Section 373.421 of the Florida Statutes states that any existing wetlands definition or delineation methodology shall be superseded by the wetland definition and methodology codified by Chapter 373 of the Florida Statutes. The Department of Environmental Protection (Department) intends to repeal the definition of wetlands contained in Rule 62C-38.002(15), F.A.C., since this rule definition had been based on a conflicting statutory definition contained in Chapter 378 of the Florida Statutes. The wetland definition and methodology to be used in the Department's reclamation programs shall now conform with the standards codified in Chapter 373 of the Florida Statutes. The Department also intends to repeal the rule provision in subsection 62C-38.008(7), F.A.C., that allows for the designation of Wildlife Areas where the Department may, on a case-by-case basis, waive or modify reclamation requirements for slopes, revegetation, and erosion control. The Department lacks authority to waive mine reclamation requirements in this manner. To date, no Wildlife Areas have been designated within any mines regulated by Chapter 62C-38, F.A.C.

SUMMARY: The proposed rulemaking will modify the definition of wetlands and the methodology used to delineate the extent of wetlands to be used in the mine reclamation program, and will repeal the designation of Wildlife Areas within a mine where reclamation standards may be waived or modified.

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

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

SPECIFIC AUTHORITY: 211.32, 370.021, 378.404 FS.

LAW IMPLEMENTED: 211.32, 378.403, 378.404, 378.703 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Howard J. Hayes, Florida Department of Environmental Protection, Division of Water Resource Management, Bureau of Mine Reclamation, Mail Station 715, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, Telephone (850)488-8217

THE FULL TEXT OF THE PROPOSED RULES IS:

62C-38.002 Definitions.

For the purpose of this chapter, the following words and terms shall have the definitions and meanings ascribed to them in this section:

(1) through (14) No change.

~~(15) "Wetland" means any area having dominant vegetation as defined and listed in Department of Environmental Protection Rule 62-301.400, Florida Administrative Code, regardless of whether the area is within the Department of Environmental Protection's jurisdiction or whether the water bodies are connected.~~

Specific Authority 370.021, 378.404 FS. Law Implemented 378.403, 378.404 FS. History--New 3-19-87, Amended 11-29-90, Formerly 16C-38.002, Amended _____.

62C-38.008 Reclamation Standards.

The following standards shall apply to any original surface area that is initially disturbed by mining operations on or after October 1, 1986, and is not covered by an approved conceptual reclamation plan. The standards in section 62C-16.0051, as existing on September 30, 1986, shall apply to any area mined or disturbed from July 1, 1975, to October 1, 1986, except where any standard in Section 62C-38.008 is less strict, then the standard in 62C-38.008 shall apply.

(1) through (6) No change.

(7) Revegetation.

(a) No change.

(b) The plans for revegetation shall incorporate measures to offset wildlife habitat lost as a result of fuller's earth extraction.

4- The operator shall identify what measures have been incorporated into the conceptual plan to offset fish and wildlife values lost as a result of mining activities and shall identify special programs to restore, enhance, or reclaim particular habitats, especially for endangered and threatened species, as identified by the Florida Fish and Wildlife Conservation Commission ~~Florida Game and Fresh Water Fish Commission~~ or the U. S. Fish and Wildlife Service.

~~2- The operator may designate specific locations within the mine as "Wildlife Areas" and include a plan for reclamation and management for sites so designated. Slopes, revegetation, and erosion control requirements may be waived or modified by the department in such areas on a case-by-case basis where such changes will benefit the overall plan for the propagation of wildlife.~~

(8) No change.

Specific Authority 211.32, 370.021, 378.404 FS. Law Implemented 211.32, 378.404(8), 378.703 FS. History--New 3-19-87, Amended 11-29-90, Formerly 16C-38.008, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, III, Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Resource Management**

RULE CHAPTER TITLE: Reclamation Requirements for

RULE CHAPTER NO.:

Solid Resources

62C-39

RULE TITLES:

RULE NOS.:

Definitions

62C-39.002

Severance Taxpayers and Multiple

Resource Operators

62C-39.013

PURPOSE AND EFFECT: Section 373.421 of the Florida Statutes states that any existing wetlands definition or delineation methodology shall be superseded by the wetland definition and methodology codified by Chapter 373 of the Florida Statutes. The Department of Environmental Protection (Department) intends to repeal the definition of wetlands contained in Rule 62C-39.002(21), F.A.C., since this rule definition had been based on a conflicting statutory definition contained in Chapter 378 of the Florida Statutes. The wetland

definition and methodology to be used in the Department's reclamation programs shall now conform with the standards codified in Chapter 373 of the Florida Statutes. The Department has also identified that it lacks sufficient statutory authority to authorize the Department of Transportation to petition the Department to be certified to receive and review notices of intent to mine and to conduct compliance inspections as set forth in subsection 62C-35.003(1), F.A.C. Accordingly, the Department intends to repeal the reference in subsection 62C-39.002(3), F.A.C., to the Department of Transportation under the definition of "certified." Chapter 99-385 of the Laws of Florida repealed the statutory authority for such provisions. The Department also intends to repeal the procedures and additional review requirements contained in subsection 62C-39.013(1), F.A.C., for mining operators who are subject to the severance tax provisions of Part II of Chapter 211 of the Florida Statutes. There are no severance taxpayers subject to the requirements of this chapter.

SUMMARY: The proposed rulemaking will repeal the definition of wetlands and the methodology used to delineate the extent of wetlands to be used in the mine reclamation program. This rulemaking will also repeal the Department of Transportation's authority to petition the Department to be certified to receive and review notices of intent to mine and to conduct compliance inspections as set forth in subsection 62C-35.003(1), F.A.C., and referenced in subsection 62C-39.002(3), F.A.C. Lastly, the rulemaking will repeal the procedures and additional review requirements when reviewing reclamation plans for mining operators who are subject to the severance tax provisions of part II of Chapter 211 of the Florida Statutes.

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

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

SPECIFIC AUTHORITY: 211.32, 370.021, 378.404 FS.

LAW IMPLEMENTED: 211.32, 378.403, 378.404 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Howard J. Hayes, Florida Department of Environmental Protection, Division of Water Resource Management, Bureau of Mine Reclamation, Mail Station 715, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, telephone (850)488-4522

THE FULL TEXT OF THE PROPOSED RULES IS:

62C-39.002 Definitions.

For the purpose of this chapter, the following words and terms shall have the definitions and meanings ascribed to them in this section:

(1) through (2) No change.

(3) "Certified" means approved by the department executive director to administer the requirements of this chapter. This term shall only apply to ~~the Department of Transportation~~ or a local government.

(4) through (20) No change.

(21) ~~"Wetlands" means any area having dominant vegetation as defined and listed in Department of Environmental Protection Rule 62-301.400, Florida Administrative Code, regardless of whether the area is within the Department of Environmental Protection's jurisdiction or whether the water bodies are connected.~~

Specific Authority 370.021, 378.404 FS. Law Implemented 378.403, 378.404 FS. History--New 1-19-89, Formerly 16C-39.002, Amended.

62C-39.013 Severance Taxpayers and-Multiple Resource Operators.

~~(1) Severance Taxpayers. Any operator who is subject to the severance tax provision of chapter 211, part II, Florida Statutes, shall meet or be subject to the following additional requirements or provisions:~~

~~(a) Reclamation and restoration plans previously approved by the department shall be carried out, as approved, unless the operator seeks changes pursuant to this chapter.~~

~~(b) All applications, except conceptual reclamation plans, required by chapter 62C-16, F.A.C., received prior to October 1, 1986, that are on file with the department and not required by this chapter shall be considered withdrawn on the effective date of this chapter.~~

~~(c) The review of unapproved conceptual reclamation plans filed under chapter 62C-16, F.A.C., shall be completed in accordance with section 62C-39.006, F.A.C., unless withdrawn by the applicant.~~

~~(d) For the purposes of this section, the following definitions shall apply:~~

~~1. "Program" shall mean a reclamation plan that is approved by the executive director and is consistent with the reclamation standards in section 62C-39.008.~~

~~2. "Other qualified sites" shall mean sites other than the site of severance that meet the following qualifications:~~

~~a. The restoration or reclamation of the site and the program to be instituted are in the public interest; and~~

~~b. The location of the site is in an area where economic considerations would not be conducive to immediate restoration or reclamation of the site.~~

~~(e) On or before April 1 of each year, each operator shall submit to the executive director a report for the previous calendar year for each mine under its control that is subject to the severance tax. Each report shall be submitted on the DNR~~

~~Form 53-034(16), incorporated by reference in Section 62C-39.014, F.A.C., and shall include the following for the report period:~~

- ~~1. Name and address of the operator, name of the mine, and year covered by the report.~~
- ~~2. The number of acres upon which resource extraction occurred which was subject to the severance tax.~~
- ~~3. The total number of acres for which refunds are being requested for reclamation activities.~~
- ~~4. A map that shows the location of the site of severance and the area where reclamation activities occurred for which refunds are being sought.~~
- ~~5. A description of the reclamation activities for which a refund is being sought.~~

~~(f) As part of accomplishing the reclamation of any site that is eligible for refunds under Section 211.32, Florida Statutes, an operator may request that the department accept a portion or portions of the site as state land. Such a request shall be in writing to the executive director and shall be accompanied by an offer to transfer to the state title to the land involved and suitable ingress thereto and egress therefrom.~~

~~(2) Multiple Resource Operators. If an operator is engaged in extracting more than one resource from the same mine, the operator shall be subject to the requirements of the rule chapter, specifically, 62C-16, 16C-36, 62C-37, 16C-38, or 16C-39, that regulates the particular mineral resource which was extracted in the largest volume.~~

~~Specific Authority 370.021, 211.32, 378.404 FS. Law Implemented 211.32, 378.404(1) FS. History--New 1-19-89, Formerly 16C-39.013, Amended~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mimi Drew, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, III, Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Scope of Practice Relative to Specialty of Licensure

RULE NO.: 64B3-10.005

PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUMMARY: The Board proposes to add other automated immunoassays to the types of analyses performed under the specialty of clinical chemistry.

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

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

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.825 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

(1) through (6) No change.

(7) The purpose of the specialty of clinical chemistry is to perform qualitative and quantitative analyses on body fluids such as blood, urine, spinal fluid, feces, tissue, calculi and other materials to measure the chemical constituents including but not limited to carbohydrates, proteins, lipids, enzymes, non-protein nitrogenous substances, electrolytes, blood gases, trace elements, inorganic compounds, therapeutic and drugs of abuse, hormones, vitamins, tumor markers, other automated immunoassays and other analyses. The specialty also encompasses urine microscopics and the chemical evaluation of liver, renal, lung, cardiac, neuromuscular, reproductive, bone, endocrine and other organ function and pathology and all testing included in the specialties of radioassay as defined in Subsection (9) and blood gas analysis as defined in Subsection (10). Individuals employed in plasmapheresis centers who perform only total protein by refractometer are not required to hold a license in clinical chemistry if they meet the requirements of 42 CFR 493.1423, and can document appropriate training.

(8) through (18) No change.

~~Specific Authority 483.805(4) FS. Law Implemented 483.813, 483.823, 483.825 FS. History--New 2-7-95, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 590-10.005, Amended 3-19-98, 1-28-99, 11-24-99, 2-15-01,~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2001

DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH

Board of Medicine

Board of Medicine

RULE TITLE: Performance of Pro Bono Services
RULE NO.: 64B8-45.005

RULE TITLE: Requirements for Approval of Continuing Education Training Courses for Laser and Light-based Hair Removal or Reduction
RULE NO.: 64B8-52.004

PURPOSE AND EFFECT: The Board proposes to amend the existing rule by updating the rule text.

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with regard to the Continuing Education Training Courses.

SUMMARY: The rule amendment is for the purpose of updating the performance of pro bono services.

SUMMARY: The Board proposes to update the rule text by clarifying the area of Continuing Education Training Courses.

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

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

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

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

SPECIFIC AUTHORITY: 456.013(8), 468.507 FS.

SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 468.514 FS.

LAW IMPLEMENTED: 478.42(5), 478.43(3), 478.50 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-45.005 Performance of Pro Bono Services.

(1) Up to four hours per biennium of continuing education credit may be fulfilled by the performance of pro bono services to the indigent; as provided in § 456.013(9), or to underserved populations, or in areas of critical need within the state where the licensee practices. The standard for determining indigency shall be that recognized by the Federal Poverty Income Guidelines produced by the Department of Health and Human Services found in 45 CFR § 206 and § 234 and incorporated herein by reference.

64B8-52.004 Requirements for Approval of Continuing Education Training Courses for Laser and Light-based Hair Removal or Reduction.

Laser and Light-based Hair Removal or Reduction. The Electrolysis Council will approve laser and light-based hair removal or reduction continuing education training courses upon application if the following requirements are met:

(2) No change.

(1) Continuing education providers seeking initial approval by the Council shall pay a fee of \$250, and shall complete and submit to the Council the application form entitled "Application for Laser and Light Based Hair Removal or Reduction Continuing Education Provider", form number DOH/MQA/EO/LASER/CEU/07/23/01, which is hereby incorporated by reference and will be effective July 23, 2001, copies of which may be obtained from the Council office. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Council approval, a continuing education program:

Specific Authority 456.013(9), 468.507 FS. Law Implemented 468.514, 456.013(9) FS. History--New 9-28-93, Amended 2-8-94, Formerly 61F6-51.005, 59R-45.005, Amended _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 2, 2001

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

Specific Authority 478.43 FS. Law Implemented 478.42(5), 478.43(3), 478.50 FS. History—New 10-3-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrolysis Council
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Mediation
RULE NO.: 64B8-55.004
PURPOSE AND EFFECT: The proposed rule will set forth the requirements for mediation.

SUMMARY: The proposed rule is to identify the meaning of mediation.

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

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

SPECIFIC AUTHORITY: 456.078, 478.43 FS.

LAW IMPLEMENTED: 456.078 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-55.004 Mediation.

(1) “Mediation” means a process whereby a mediator appointed by the Department acts to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and nonadversarial process with the objective of assisting the parties to reach a mutually acceptable agreement.

(2) For purposes of Section 456.078, F.S., the Board designates as being appropriate for mediation, failure to respond timely to a continuing education audit.

Specific Authority 456.078, 478.43 FS. Law Implemented 456.078 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrolysis Council
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2001

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE NO.: 3E-500.017
RULE TITLE: Compensatory Benefit Plan Exemption

NOTICE OF CHANGE

Notice is hereby given that the Department has made the following changes to the above referenced rule, which was published in the July 20, 2001, Vol. 27, No. 29, issue of the Florida Administrative Weekly, based on public comments received by the Department.

The rule has been changed to read:

(1) Transactions involving the offer or sale of a security pursuant to a written ~~pension plan, stock plan, profit sharing plan,~~ compensatory benefit plan (or a written compensation contract) or similar plan established by the issuer, its parents, its majority-owned subsidiaries or majority-owned subsidiaries of the issuer’s parent, for the participation of their employees, directors, general partners, trustees, officers, or consultants and advisors, and their family members who acquire such securities from such persons through gifts or domestic relations orders, are exempt from the registration provisions of Section 517.07, F.S., if:

- (a) through (c) No change.
- (2) through (4) No change.

(a) All sales of securities are made by a partner, officer, director, trustee of the issuer, its parents, its majority-owned subsidiaries or majority-owned subsidiaries of the issuer’s parent, or any person employed by any of the foregoing the issuer who primarily performs substantial duties for, or on behalf of any of the foregoing, the issuer other than in connection with transactions in securities; and

- (b) No change.

DEPARTMENT OF INSURANCE

RULE NOS.: 4-186.001, 4-186.002
RULE TITLES: Disclosure; Mortgage Policyholders Approved Form

4-186.003	Title Insurance Rates
4-186.006	Usury of Claims of Usury Excluded from Title Insurance Overages
4-186.008	Escrow Requirements
4-186.012	Independent Searcher/Abstractor Coverage
4-186.014	Insurer Reporting for Non-Licensed Agents

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s), as noticed in Vol. 27, No. 34, August 24, 2001 of the Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER NO.: 9B-3
 RULE CHAPTER TITLE: Florida Building Commission: Operational Procedures

RULE NO.: 9B-3.047
 RULE TITLE: State Building Code Adopted

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. 27, No. 31, August 3, 2001 issue of the Florida Administrative Weekly:

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code as revised by the Florida Building Commission on _____, is hereby adopted and incorporated by reference as the building code for the State of Florida.

(2) No change.

Specific Authority 553.73(1),(7), FS. Law Implemented 553.72, 553.73(3),(7),(9) FS. History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01,_____.

NOTE 1: The following sections of the Florida Building Code were changed as a result of public comments received at the rule making hearing on August 28, 2001, and October 2, 2001:

Volume Building:

Chapter 1, Administration

The following section is amended in the Code:

104.6.2 (Work commencing before permit issuance)

The following section is added in the Code:

104.5.4 (Work starting before permit issuance)

Chapter 4, Special Occupancy

The following sections are amended in the Code:

412 (Special Provisions for Group B and Group R High Rise Buildings);

427 (Crisis Stabilization Units): 427.1, 427.1.1, 427.1.3.2.11, and 427.2;

428 (Manufactured Buildings): 428.3.2.2

Chapter 11, Florida Accessibility Code for Building Construction

The following figure is amended in the Code (Part A):

Figure 30 (e) (Toilet Stall New Construction)

The following Form is amended in the Code (Part C):

Request for Waiver from Accessibility Requirements, Chapter 553, Part V, Florida Statutes.

Chapter 13, Energy Efficiency

The following forms are amended in the Code:

Appendix D Energy Code Compliance Forms 600A-01, North, Central, South. Changes shall be made to the FLA/RES computer program which generates an equivalent of the completed forms.

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

TIME AND DATE: 9:00 a.m., November 6, 2001

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-21.003	Definitions
18-21.004	Management Policies, Standards, and Criteria
18-21.007	Applications for Consent of Use
18-21.008	Applications for Lease
18-21.009	Applications for Public Easement
18-21.010	Applications for Private Easement
18-21.900	Forms

NOTICE OF FINAL PUBLIC HEARING

The Department, as staff to the Board of Trustees, announces a final adoption hearing before the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, for consideration and adoption of the final rule amendments regarding sufficient upland interest.

DATE AND TIME: October 30, 2001, 9:00 a.m.
 PLACE: The Capitol, Lower Level, Cabinet Meeting Room LL03, Tallahassee, Florida

The Notice of Proposed Rulemaking was published in Vol. 27, No. 24, June 15, 2001, issue and a Notice of Change was published in Vol. 27, No. 36, September 7, 2001, issue of the Florida Administrative Weekly.

A copy of the agenda may be obtained by writing: Jeanese McCree, Department of Environmental Protection, 2600 Blair Stone Road, MS #2500, Tallahassee, FL 32399-2400, by calling (850)921-9901, or e-mail Jeanese.McCree@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this final adoption hearing is asked to advise the agency at least 48 hours before the hearing by contacting: Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.020 RULE TITLE: Payment Methodology for Inpatient Hospital Services
 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. 27, No. 34, August 10, 2001, issue of the Florida Administrative Weekly. Based upon comments received from the Joint Administrative Procedures Committee (JAPC), the Agency is adding the following changes to the proposed rule 59G-6.020, Payment Methodology for Inpatient Hospital Services. The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan).

1. Section II.E.6 (page 6), the statutory reference relating to repayments was changed to "Section" 414.41, F.S., instead of "Chapter" 414.41, F.S.
2. Section V.C.6.b.4 (page 18), the reference to "Department" was changed to "AHCA."
3. Section J.1.h. (page 41) referred to two non-existent entities, the Florida Health Care Purchasing Cooperative and the Florida Health Access Corporation, each of which has been disbanded and repealed from statute. These references have been deleted.
4. Section X.H. (page 52), the definition of "Community Hospital Education Program (CHEP) hospitals" referred to the Board of Regents as the administering entity. Chapter 2001-222, Laws of Florida, transferred this responsibility to

the Department of Health and therefore the reference to the Board of Regents has been changed to the Department of Health.

5. There was a proposed revision to the definition of "Rural Hospital" in the Outpatient Plan (page 17), to reflect the current statutory definition found in s. 395.602(2)(e), F.S., and s. 408.07(42), F.S. that was inadvertently left out of the Inpatient Plan. We modified the definition in the Inpatient Plan to match the definition in the Outpatient Plan.

6. Section M., Upper Payment Limit (UPL), was slightly reworded to clarify the 100% UPL for privately owned and operated facilities and 150% for non-State government owned and operated facilities.

7. On pages 10 and 16, the new language refers to hospitals "defined" in section V.A. The word "defined" was changed to "included."

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

TIME AND DATE: 9:00 a.m., November 5, 2001
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.030 RULE TITLE: Payment Methodology for Outpatient Hospital Services
 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. 27, No. 34, August 10, 2001, issue of the Florida Administrative Weekly. Based upon comments received from the Joint Administrative Procedures Committee (JAPC), the Agency is adding the following changes to the proposed Rule 59G-6.030, Payment Methodology for Outpatient Hospital Services. The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement Plan (the Plan).

1. Section X.D. (page 15), the definition of "Community Hospital Education Program (CHEP) hospitals" referred to the Board of Regents as the administering entity. Chapter 2001-222, Laws of Florida, transferred this responsibility to

the Department of Health and therefore the reference to the Board of Regents has been changed to the Department of Health.

2. On pages 8-9, 11, and 13 the new language refers to hospitals "defined" in section V.A. The word "defined" was changed to "included."

3. Section I.H (page 3) referred to 59G-1.002(13), F.A.C., incorporating ACHA-Med form 1005. It was brought to our attention that 59G-1.002(13) was repealed and replaced with 59G-5.080(2).

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

TIME AND DATE: 9:00 a.m., November 5, 2001

PLACE: Agency For Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-2.020
RULE TITLE: Pari-Mutuel Wagering Racing and Game Officials

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-proposed rule as published in Vol. 27, No. 31, August 3, 2001 issue of the Florida Administrative Weekly is withdrawn.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-12.008
RULE TITLE: Reactivation of an Inactive License

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed new rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 40, October 6, 2000 issue of the Florida Administrative Weekly. These changes to the new rule are in response to comments received from the Joint Administrative Procedures Committee.

64B12-12.008 Reactivation of an Inactive License.

An inactive status license may change to active status at anytime provided the licensee:

- (1) Submits a written request for reactivation.

(2) Demonstrates compliance with the continuing education requirements of Rule 64B12-15.001, F.A.C., for the biennium the license was in inactive status.

(3) Pays the reactivation fee set forth in Rule 64B12-11.010, F.A.C., and

(4) Pays the applicable renewal fee.

(a) If the reactivation request is received during the license renewal cycle, pays the active renewal fee set forth in Rule 64B12-11.003, F.A.C., or

(b) If the reactivation request is received at any other time than at the time of license renewal, pays the difference between the inactive renewal fee and the active renewal fee and the change of status fee set forth in Rule 64B12-11.0105, F.A.C.

Specific Authority 456.013(6),(7), 456.036(2),(3),(4), 484.005, 484.008, 484.009 F.S. Law Implemented 456.013(6),(7), 456.036(2),(3),(4), 484.008, 484.009 F.S. History--New

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.007
RULE TITLE: Standard of Care for Office Surgery

NOTICE OF CHANGE

The Board of Osteopathic Medicine hereby gives notice 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. 27, No. 31, August 3, 2001 issue of the Florida Administrative Weekly. The changes are in response to comments received at a public hearing held on September 21, 2001 in Tampa, Florida.

The rule shall now read as follows:

64B15-14.007 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

(1) Definitions.

(a) Surgery. For the purpose of this rule, surgery is defined as any operative procedure, including the use of lasers, performed upon the body of a living human being for the purposes of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defects, prolonging life, relieving suffering or any elective procedure for aesthetic, reconstructive or cosmetic purposes, to include, but not be limited to: incision or curettage of tissue or an organ; suture or other repair of tissue or organ, including a closed as well as an open reduction of a fracture; extraction of tissue including premature extraction of the products of conception from the uterus; insertion of natural or artificial implants; or an endoscopic procedure with use of local or general anesthetic.

(b) Surgeon. For the purpose of this rule, surgeon is defined as a licensed osteopathic physician performing any procedure included within the definition of surgery.

(c) Equipment. For the purpose of this rule, implicit within the use of the term of equipment is the requirement that the specific item named must meet current performance standards.

(d) Office surgery. For the purpose of this rule office surgery is defined as surgery which is performed outside a hospital, an ambulatory surgical center, abortion clinic, or other medical facility licensed by the Department of Health, the Agency for Health Care Administration, or a successor agency. Office surgical procedures shall not be of a type that generally result in blood loss of more than ten percent of estimated blood volume in a patient with a normal hemoglobin; require major or prolonged intracranial, intrathoracic, abdominal, or major joint replacement procedures, except for laparoscopic procedures; directly involve major blood vessels; or are generally emergent or life threatening in nature.

(2) General Requirements for Office Surgery.

(a) The surgeon must examine the patient immediately before the surgery to evaluate the risk of anesthesia and of the surgical procedure to be performed. The surgeon must maintain complete records of each surgical procedure, as set forth in Rule 64B15-15.004, F.A.C., including anesthesia records, when applicable and the records shall contain written informed consent from the patient reflecting the patient's knowledge of identified risks, consent to the procedure, type of anesthesia and anesthesia provider, and that a choice of anesthesia provider exists, i.e., anesthesiologist, another appropriately trained physician as provided in this rule, certified registered nurse anesthetist, or physician assistant qualified as set forth in rule 64B15-6.010(2)(b)6., F. A.C.

(b) The requirement set forth in subsection (2)(a) above for written informed consent is not necessary for minor Level I procedures limited to the skin and mucosa.

(c) The surgeon must maintain a log of all Level II and Level III surgical procedures performed, which must include a confidential patient identifier, the type of procedure, the type of anesthesia used, the duration of the procedure, the type of post-operative care, and any adverse incidents, as identified in Section 459.026, F.S. The log and all surgical records shall be provided to investigators of the Department of Health upon request.

(d) In any liposuction procedure, the surgeon is responsible for determining the appropriate amount of supernatant fat to be removed from a particular patient. A maximum of 4000cc supernatant fat may be removed by liposuction in the office setting. A maximum of 50mg/kg of Lidocaine can be injected for tumescent liposuction in the office setting.

(e) Liposuction may be performed in combination with another separate surgical procedure during a single Level II or Level III operation, only in the following circumstances:

1. When combined with abdominoplasty, liposuction may not exceed 1000 cc of supernatant fat;

2. When liposuction is associated and directly related to another procedure, the liposuction may not exceed 1000 cc of supernatant fat;

3. Major liposuction in excess of 1000 cc supernatant fat may not be performed in a remote location from any other procedure.

(f) For elective cosmetic and plastic surgery procedures performed in a physician's office, the maximum planned duration of all surgical procedures combined must not exceed 8 hours. Except for elective cosmetic and plastic surgery, the surgeon shall not keep patients past midnight in a physician's office. For elective cosmetic and plastic surgical procedures, the patient must be discharged within 24 hours of presenting to the office for surgery; an overnight stay is permitted in the office provided the total time the patient is at the office does not exceed 23 hours and 59 minutes including the surgery time. An overnight stay in a physician's office for elective cosmetic and plastic surgery shall be strictly limited to the physician's office. If the patient has not recovered sufficiently to be safely discharged within the timeframes set forth, the patient must be transferred to a hospital for continued post-operative care.

(g) The Board of Osteopathic Medicine adopts the "Standards of the American Society of Anesthesiologists for Basic Anesthetic Monitoring," approved by House Delegates on October 21, 1986 and last amended on October 21, 1998, as the standards for anesthetic monitoring by any qualified anesthesia provider.

1. These standards apply to general anesthetics, regional anesthetics, and monitored anesthesia care (Level II and III as defined by this rule) although, in emergency circumstances, appropriate life support measures take precedence. These standards may be exceeded at any time based on the judgment of the responsible supervising physician or anesthesiologist. They are intended to encourage quality patient care, but observing them cannot guarantee any specific patient outcome. They are subject to revision from time to time, as warranted by the evolution of technology and practice. This set of standards address only the issue of basic anesthesia monitoring, which is one component of anesthesia care.

2. In certain rare or unusual circumstances some of these methods of monitoring may be clinically impractical, and appropriate use of the described monitoring methods may fail to detect untoward clinical developments. Brief interruptions of continual monitoring may be unavoidable. For purpose of this rule, "continual" is defined as "repeated regularly and frequently in steady rapid succession" whereas "continuous" means "prolonged without any interruption at any time."

3. Under extenuating circumstances, the responsible supervising osteopathic physician or anesthesiologist may waive the requirements marked with an asterisk (*); it is recommended that when this is done, it should be so stated

(including the reasons) in a note in the patient's medical record. These standards are not intended for the application to the care of the obstetrical patient in labor or in the conduct of pain management.

a. Standard I

I. Qualified anesthesia personnel shall be present in the room throughout the conduct of all general anesthetics, regional anesthetics and monitored anesthesia care.

II. OBJECTIVE. Because of the rapid changes in patient status during anesthesia, qualified anesthesia personnel shall be continuously present to monitor the patient and provide anesthesia care. In the event there is a direct known hazard, e.g., radiation, to the anesthesia personnel which might require intermittent remote observation of the patient, some provision for monitoring the patient must be made. In the event that an emergency requires the temporary absence of the person primarily responsible for the anesthetic, the best judgment of the supervising physician or anesthesiologist will be exercised in comparing the emergency with the anesthetized patient's condition and in the selection of the person left responsible for the anesthetic during the temporary absence.

b. Standard II

I. During all anesthetics, the patient's oxygenation, ventilation, circulation and temperature shall be continually evaluated.

II. OXYGENATION

(A) OBJECTIVE – To ensure adequate oxygen concentration in the inspired gas and the blood during all anesthetics.

(B) METHODS:

(I) Inspired gas: During every administration of general anesthesia using an anesthesia machine, the concentration of oxygen in the patient breathing system shall be measured by an oxygen analyzer with a low oxygen concentration limit alarm in use.*

(II) Blood oxygenation: During all anesthetics, a quantitative method of assessing oxygenation such as a pulse oximetry shall be employed.* Adequate illumination and exposure of the patient are necessary to assess color.*

III VENTILATION

(A) OBJECTIVE – To ensure adequate ventilation of the patient during all anesthetics.

(B) METHODS:

(I) Every patient receiving general anesthesia shall have the adequacy of ventilation continually evaluated. Qualitative clinical signs such as chest excursion, observation of the reservoir breathing bag and auscultation of breath sounds are useful. Continual monitoring for the presence of expired carbon dioxide shall be performed unless invalidated by the nature of the patient, procedure or equipment. Quantitative monitoring of the volume of expired gas is strongly encouraged.*

(II) When an endotracheal tube or laryngeal mask is inserted, its correct positioning must be verified by clinical assessment and by identification of carbon dioxide analysis, in use from the time of endotracheal tube/laryngeal mask placement, until extubation/removal or initiating transfer to a postoperative care location, shall be performed using a quantitative method such as capnography, capnometry or mass spectroscopy.*

(III) When ventilation is controlled by a mechanical ventilator, there shall be in continuous use a device that is capable of detecting disconnection of components of the breathing system. The device must give an audible signal when its alarm threshold is exceeded.

(IV) During regional anesthesia and monitored anesthesia care, the adequacy of ventilation shall be evaluated, at least, by continual observation of qualitative clinical signs.

IV CIRCULATION

(A) OBJECTIVE – To ensure the adequacy of the patient's circulatory function during all anesthetics.

(B) METHODS

(I) Every patient receiving anesthesia shall have the electrocardiogram continuously displayed from the beginning of anesthesia until preparing to leave the anesthetizing location.*

(II) Every patient receiving anesthesia shall have arterial blood pressure and heart rate determined and evaluated at least every five minutes.*

(III) Every patient receiving general anesthesia shall have, in addition to the above, circulatory function continually evaluated by at least one of the following: palpation of a pulse, auscultation of heart sounds, monitoring of a tracing of intra-arterial pressure, ultrasound peripheral pulse monitoring, or pulse plethysmography or oximetry.

V. BODY TEMPERATURE

(A) OBJECTIVE – To aid in the maintenance of appropriate body temperature during all anesthetics.

(B) METHODS: Every patient receiving anesthesia shall have temperature monitored when clinically significant changes in body temperature are intended, anticipated or suspected.

(h) The surgeon must assure that the post-operative care arrangements made for the patient are adequate to the procedure being performed as set forth in Rule 64B15-14.006, F.A.C. Management of post-surgical care is the responsibility of the operating surgeon and may be delegated only as set forth in Rule 64B15-14.006(3), F.A.C. If there is an overnight stay at the office in relation to any surgical procedure:

1. The office must provide at least two (2) monitors, one of these monitors must be certified in Advanced Cardiac Life Support (ACLS), and maintain a monitor to patient ratio of at least 1 monitor to 2 patients. Once the surgeon has signed a timed and dated discharge order, the office may provide only one monitor to monitor the patient. The monitor must be

certified in Advanced Cardiac Life Support. The full and current crash cart required below must be present in the office and immediately accessible for the monitors.

2. The surgeon must be reachable by telephone and readily available to return to the office if needed. For purposes of this subsection, "readily available" means capable of returning to the office within 15 minutes of receiving a call.

(i) A policy and procedure manual must be maintained in the office, updated annually, and implemented. The policy and procedure manual must contain the following: duties and responsibilities of all personnel, quality assessment and improvement systems comparable to those required by Rule 59A-5.019; cleaning, sterilization, and infection control, and emergency procedures. This applies only to physician offices at which Level II and Level III procedures are performed.

(j) The surgeon shall establish a risk management program that includes the following components:

1. The identification, investigation, and analysis of the frequency and causes of adverse incidents to patients,

2. The identification of trends or patterns of incidents,

3. The development of appropriate measures to correct, reduce, minimize, or eliminate the risk of adverse incidents to patients, and

4. The documentation of these functions and periodic review no less than quarterly of such information by the surgeon.

(k) The surgeon shall report to the Department of Health any adverse incidents that occur within the office surgical setting. This report shall be made within 15 days after the occurrence of an incident as required by Section 497.026, F.S.

(l) A sign must be prominently posted in the office which states that the office is a doctor's office regulated pursuant to the rules of the Board of Osteopathic Medicine as set forth in Rule Chapter 64B15, F.A.C. This notice must also appear prominently within the required patient informed consent.

(3) Level I Office Surgery.

(a) Scope. Level I office surgery includes the following:

1. Minor procedures such as excision of skin lesions, moles, warts, cysts, lipomas and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient.

2. Liposuction involving the removal of less than 4000cc supernatant fat is permitted.

3. Incision and drainage of superficial abscesses, limited endoscopies such as proctoscopies, skin biopsies, arthrocentesis, thoracentesis, paracentesis, dilation of urethra, cysto-scopic procedures, and closed reduction of simple fractures or small joint dislocations (i.e., finger and toe joints).

4. Pre-operative medications not required or used other than minimal pre-operative tranquilization of the patient; anesthesia is local, topical, or none. No drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient is permitted in Level I Office Surgery.

5. Chances of complication requiring hospitalization are remote.

(b) Standards for Level I Office Surgery.

1. Training Required. Surgeon's continuing medical education should include: proper dosages; management of toxicity or hypersensitivity to regional anesthetic drugs. Basic Life Support Certification is recommended but not required.

2. Equipment and Supplies Required. Oxygen, positive pressure ventilation device, Epinephrine (or other vasopressor), Corticoids, Antihistamine and Atropine if any anesthesia is used.

3. Assistance of Other Personnel Required. No other assistance is required, unless the specific surgical procedure being performed requires an assistant.

(4) Level II Office Surgery.

(a) Scope.

1. Level II Office Surgery is that in which peri-operative medication and sedation are used intravenously, intramuscularly, or rectally, thus making intra and post-operative monitoring necessary. Such procedures shall include, but not be limited to: hemorrhoidectomy, hernia repair, reduction of simple fractures, large joint dislocations, breast biopsies, colonoscopy, and liposuction involving the removal of up to 4000cc supernatant fat.

2. Level II Office Surgery includes any surgery in which the patient is placed in a state which allows the patient to tolerate unpleasant procedures while maintaining adequate cardiorespiratory function and the ability to respond purposefully to verbal command and/or tactile stimulation. Patients whose only response is reflex withdrawal from a painful stimulus are sedated to a greater degree than encompassed by this definition.

(b) Standards for Level II Office Surgery.

1. Training Required. The surgeon must be able to document satisfactory completion of training such as Board certification or Board eligibility by a Board approved by the American Osteopathic Association, the American Board of Medical Specialties, the Accreditation Council on Graduate Medical Education or any other board approved by the Board of Osteopathic Medicine or must be able to establish comparable background, training, and experience. The surgeon and one assistant must be currently certified in Basic Life Support and the surgeon or at least one assistant must be currently certified in Advanced Cardiac Life Support or have a qualified anesthesia provider practicing within the scope of the provider's license manage the anesthesia.

2. Equipment and Supplies Required.

a. Full and current crash cart at the location the anesthetizing is being carried out. The crash cart must include, at a minimum, the following resuscitative medications:

- I. Adrenalin (epinephrine) 1:10,000 dilution; 10ml
- II. Adrenalin (epinephrine) 1:1000 dilution; 1ml
- III. Atropine 0.1mg/ml; 5ml
- IV. Benadryl (diphenhydramine)
- V. Calcium chloride 10%; 10ml
- VI. Dextrose 50%;
- VII. Dilantin (phenytoin)
- VIII. Dopamine
- IX. Heparin
- X. Inderal (propranolol)
- XI. Isuprel
- XII. Lanoxin (digoxin)
- XIII. Lasix (furosemide)
- XIV. Xylocaine (lidocaine)
- XV. Magnesium sulfate 50%
- XVI. Narcan (naloxone)
- XVII. Pronestyl (procainamide)
- XVIII. Sodium bicarbonate 50mEq/50ml
- XIX. Solu-medrol (methylprednisolone)
- XX. Verapamil hydrochloride
- XXI. Romazicon

b. Suction devices, endotracheal tubes, laryngoscopes, etc.

c. Positive pressure ventilation device (e.g., Ambu) plus oxygen supply.

d. Double tourniquet for the Bier block procedure.

e. Monitors for blood pressure/EKG/Oxygen saturation.

f. Emergency intubation equipment.

g. Adequate operating room lighting.

h. Emergency power source able to produce adequate power to run required equipment for a minimum of two (2) hours.

i. Appropriate sterilization equipment.

j. IV solution and IV equipment.

3. Assistance of Other Personnel Required. The surgeon must be assisted by a qualified anesthesia provider as follows: An Anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule 64B15-6.010(2)(b)6., Florida Administrative Code, or a registered nurse may be utilized to assist with the anesthesia, if the surgeon is ACLS certified. An assisting anesthesia provider cannot function in any other capacity during the procedure. If additional assistance is required by the specific procedure or patient circumstances, such assistance must be provided by a physician, osteopathic physician, registered nurse, licensed practical nurse, or operating room technician. A physician licensed under Chapter 458 or 459, a licensed physician assistant, a licensed registered nurse with post-anesthesia care unit experience or the equivalent, credentialed in Advanced

Cardiac Life Support or, in the case of pediatric patients, Pediatric Advanced Life Support, must be available to monitor the patient in the recovery room until the patient is recovered from anesthesia.

(5) Level IIA Office Surgery.

(a) Scope. Level IIA office surgeries are those Level II office surgeries with a maximum planned duration of 5 minutes or less and in which chances of complications requiring hospitalization are remote.

(b) Standards for Level IIA Office Surgery.

1. The standards set forth in 64B15-14.006(4), Florida Administrative Code must be met except for the requirements set forth in section 64B15-14.006(4)(b)4., Florida Administrative Code regarding assistance of other personnel.

2. Assistance of Other Personnel Required. During the procedure, the surgeon must be assisted by a physician or physician assistant who is licensed pursuant to Chapter 458 or 459, F.S., or by a licensed registered nurse or a licensed practical nurse. Additional assistance may be required by specific procedure or patient circumstances. Following the procedure, a physician or physician assistant who is licensed pursuant to Chapter 458 or 459, F.S., or a licensed registered nurse must be available to monitor the patient in the recovery room until the patient is recovered from anesthesia. The monitor must be certified in Advanced Cardiac Life Support, or, in the case of pediatric patients, Pediatric Advanced Life Support.

(6) Level III Office Surgery.

(a) Scope.

1. Level III Office Surgery is that surgery which involves, or reasonably should require, the use of a general anesthesia or major conduction anesthesia and pre-operative sedation. This includes the use of:

a. Intravenous sedation beyond that defined for Level II office surgery;

b. General Anesthesia: loss of consciousness and loss of vital reflexes with probable requirement of external support of pulmonary or cardiac functions; or

c. Major Conduction anesthesia.

2. Only patients classified under the American Society of Anesthesiologist's (ASA) risk classification criteria as Class I or II are appropriate candidates for Level III office surgery.

(a) All Level III surgeries on patient classified as ASA III and higher are to be performed only in a hospital or ambulatory surgery center.

(b) For all ASA II patients above the age of 40, the surgeon must obtain, at a minimum, an EKG and a complete workup performed prior to the performance of Level III surgery in a physician office setting. If the patient is deemed to be a complicated medical patient, the patient must be referred to an appropriate consultant for an independent medical clearance. This requirement may be waived after evaluation by the patient's anesthesiologist.

(b) Standards for Level III Office Surgery. In addition to the standards for Level II Office Surgery, the surgeon must comply with the following:

1. Training Required.

a. The surgeon must be able to document satisfactory completion of training such as Board certification or Board qualification by a Board approved by the American Osteopathic Association, the American Board of Medical Specialties, the Accreditation Council on Graduate Medical Education or any other board approved by the Board of Osteopathic Medicine or must be able to demonstrate to the accrediting organization or to the Department comparable background, training and experience. In addition, the surgeon must have knowledge of the principles of general anesthesia.

b. The surgeon and one assistant must be currently certified in Basic Life Support and the surgeon or at least one assistant must be currently certified in Advanced Cardiac Life Support.

2. Emergency procedures related to serious anesthesia complications should be formulated, periodically reviewed, practiced, updated, and posted in a conspicuous location.

3. Equipment and Supplies Required.

a. Equipment, medication, including at least 36 ampules of dantrolene on site, and monitored post-anesthesia recovery must be available in the office.

b. The office, in terms of general preparation, equipment, and supplies, must be comparable to a free standing ambulatory surgical center, including, but not limited to, recovery capability, and must have provisions for proper recordkeeping.

c. Blood pressure monitoring equipment; EKG; end tidal CO2 monitor; pulse oximeter, precordial or esophageal stethoscope, emergency intubation equipment and a temperature monitoring device.

d. Table capable of trendelenburg and other positions necessary to facilitate the surgical procedure.

e. IV solutions and IV equipment.

4. Assistance of Other Personnel Required. An Anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule 64B15-6.010(2)(c)6., Florida Administrative Code, must administer the general or regional anesthesia and an M.D., D.O., Registered Nurse, Licensed Practical Nurse, Physician Assistant, or Operating Room Technician must assist with the surgery. The anesthesia provider cannot function in any other capacity during the procedure. A physician licensed under Chapter 458 or 459, F.S., a licensed physician assistant, or a licensed registered nurse with post-anesthesia care unit experience or the equivalent, and credentialed in Advanced Cardiac Life Support, or in the case of pediatric patients, Pediatric Advanced Life Support, must be available to monitor the patient in the recovery room until the patient has recovered from anesthesia.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NOS.:	RULE TITLES:
65A-2.022	Rights and Responsibilities of Applicants and Recipients
65A-2.032	General Eligibility Criteria
65A-2.036	Amount of Optional State Supplementation Payments

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules identified above in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 27, No. 33, August 17, 2001, issue of the Florida Administrative Weekly. These changes are the result of potential objections raised by the Joint Administrative Procedures Committee in a letter dated August 28, 2001.

In Rule paragraph 65A-2.022(1), F.A.C., following the second sentence, insert, "OSS payments are made to individuals residing in facilities covered by Rule 65A-2.032(7) and within the coverage groups specified in Rules 65A-2.033(1) through (4), F.A.C."

In Rule paragraph 65A-2.022(4), F.A.C., the single sentence is changed as follows, "The department is responsible for providing prompt action in accordance with Rule 65A-2.023(1) and (2), equitable treatment in accordance with Rules 65A-1.204 and 65A-2.031 and timely notification in accordance with Rule 65A-2.023(2) of any decision regarding an individual's payment or eligibility status."

In Rule paragraph 65A-2.032(4), F.A.C., add at the end of the single sentence, "in Rule 65A-2.036(3)".

In Rule paragraph 65A-2.032(6), F.A.C., add at the end of the single sentence, "as required by federal regulation 20 CFR s. 416.210 for the SSI program and by federal regulation 42 CFR s. 435.608 for the Medicaid program".

In Rule paragraph 65A-2.036(1), F.A.C., the first sentence is changed to read, "The department establishes the base provider rates for specialized living arrangements (the amount the individual is to pay the facility) specified in rule 65A-2.036(4) within the funds appropriated by the Legislature,~~the department will establish base provider rates for specialized living arrangements (the amount the individual is to pay the facility).~~"

Section IV Emergency Rules

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Purpose and Scope	4ER01-24
Definitions	4ER01-25
Initial Privacy Notice to Consumers Required	4ER01-26
Annual Privacy Notice to Customers Required	4ER01-27
Information to be Included in Privacy Notices	4ER01-28
Form of Opt Out Notice to Consumers and Opt Out Methods	4ER01-29
Revised Privacy Notice	4ER01-30
Delivery	4ER01-31
Limits on Disclosure of Nonpublic Personal Financial Information to Nonaffiliated Third Parties	4ER01-32
Limits on Redisclosure and Reuse of Nonpublic Personal Financial Information	4ER01-33
Limits on Sharing Account Number Information for Marketing Purposes	4ER01-34
Exception to Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Service Providers and Joint Marketing	4ER01-35
Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Processing and Servicing Transactions	4ER01-36
Other Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information	4ER01-37
When Authorization Required for Disclosure of Nonpublic Personal Health Information	4ER01-38
Authorizations	4ER01-39
Authorization Request Delivery	4ER01-40
Relationship to Federal Rules	4ER01-41
Relationship to State Laws	4ER01-42
Protection of Fair Credit Reporting Act	4ER01-43
Nondiscrimination	4ER01-44
Effective Date	4ER01-45

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Insurance hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare:

Personal privacy is a fundamental freedom imbedded in the framework of American jurisprudence, long recognized by the United States Constitution and specifically identified and preserved in Section 23, Article I of the Constitution of the State of Florida. Privacy of personal financial and health information is particularly sacred and revered by all citizens. Unfortunately, today's modern economy and technologically

advanced society has compromised this fundamental expectation of privacy, and the Congress and the states have recognized the critical need to implement specific safeguards to promote and protect the precious right to privacy.

Nationally, Congress enacted Title V of the Gramm-Leach-Bliley Act of 1999 (GLB), which established a policy of the Congress that entities have an affirmative and continuing obligation to respect the privacy of consumers and to protect the security and confidentiality of those consumers' non-public information. This act established time frames for compliance therewith and delegated to the states the authority to implement and enforce specific protections applicable to the business of insurance. Immediate adoption of these rules is necessary to meet this state's obligations under this act.

As to insurers, GLB provides that requirements are enforced by state insurance regulators. Under the terms of GLB, the federal legislation and the obligation of the states to enforce its requirements became effective July 1, 2001. The Legislature of the State of Florida by enactment of Section 626.9651, F.S., has indicated the public necessity of this requirement by mandating the Department to adopt rules to govern the use of the consumer's non-public personal financial and health information. Due to the framework of the rulemaking process set forth in Chapter 120, F.S., it is impossible to conclude the regular rulemaking process prior to the mandated effective date of these privacy protections. The Department has initiated the rulemaking process and is currently obtaining public comment and feedback. Insofar as the legislation was not signed into law until June 1, 2001, the Department has not created nor contributed to the current immediate public necessity to have rules in place to assure compliance with both state and federal law to protect the "priceless" privacy interests of the citizens of the State of Florida. If the protections provided in these rules are not timely implemented, the public harm is further exacerbated, as once private information is made public the valuable asset is lost and compromised, and cannot be restored. Also, it is well known that fraudulent misappropriation of personal financial information is of epic proportions due to lax or nonexistent privacy policies of some firms. These rules would assure that adequate standards are put in place to prevent these types of fraudulent activities.

Proposed Rule Chapter 4-128 was published July 27, 2001, to adopt the substance of the emergency rules. A public hearing was held on August 21, 2001, and a Notice of Change was published September 7, 2001. The American Insurance Association filed a rule challenge to the originally published rules and filed a separate rule challenge as to the Notice of Change. Both rule challenge proceedings are pending at this time. Emergency Rules 4ER01-through 22 will expire on September 28, 2001. The facts and circumstances described above still constitute an immediate danger to the public welfare, and accordingly a renewal of the emergency rules is necessary until such time as all legal challenges have been

resolved. Pursuant to Section 120.54(4)(c), F.S., the Department is renewing the emergency rules set forth herein during the pendency of the challenges to the permanent rules.

In conclusion, these facts and circumstances constitute an immediate danger to the public health, safety, and welfare and accordingly justify the adoption of these emergency rules.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Department of Insurance believes that adopting an emergency rule is the fairest method to protect the public because the Department has been communicating with affected persons over the past months and has conducted a public rule development workshop on June 15, 2001 for the purpose of formal development of the subject matter of the rules. Furthermore, the statutory directive to adopt substantially the NAIC Model Regulation, Privacy of Consumer Financial and Health Information, which was adopted by the NAIC on September 26, 2000, has given affected persons advance notice and opportunity to review and understand the requirements of the privacy regulations. Indeed, many affected persons have diligently participated in the drafting and finalization of the NAIC Model Regulation. By virtue of adoption of Title V of the Gramm-Leach-Bliley Act of 1999, affected persons have been preparing for an extended period of time and anticipated the implementation of the rules on July 1, 2001 as provided by federal law.

The Department continues to accept additional comment and is preparing public information material to assist affected persons in compliance with these rules, and has initiated the formal rulemaking process and intends to expedite said process to fully develop rules which consider the concerns of affected persons.

Therefore, the Department asserts that the process and procedures set forth above are fair under the circumstances.

SUMMARY OF THE RULE: These rules substantially adopt the NAIC Model Regulation, Privacy of Consumer Financial and Health Information, adopted September 26, 2000, in accordance with s. 626.9651, F.S., which was adopted on June 1, 2001 in Chapter 2001-222, Laws of Florida. The rules establish protections applicable to the protection of consumer privacy with respect to financial and health information obtained by licensees of the Department of Insurance. The rules require notification to consumers of the licensee's privacy policies, provide an opportunity to the consumer to prohibit the sharing of their protected financial information with non-affiliated third parties, and require affirmative consent of the consumer before sharing of health information with any other parties, with some exceptions.

THE PERSON TO BE CONTACTED REGARDING THESE EMERGENCY RULES IS: Stephen Fredrickson, Senior Attorney, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, phone (850)413-4144

THE FULL TEXT OF THE EMERGENCY RULE IS:

PRIVACY OF CONSUMER FINANCIAL AND
HEALTH INFORMATION

PART I GENERAL PROVISIONS

4ER01-24 Purpose and Scope.

(1) Purpose. These rules governs the treatment of nonpublic personal health information and nonpublic personal financial information about individuals by all licensees regulated pursuant to the Florida Insurance Code. These rules:

(a) Require a licensee to provide notice to individuals about its privacy policies and practices;

(b) Describe the conditions under which a licensee may disclose nonpublic personal health information and nonpublic personal financial information about individuals to affiliates and nonaffiliated third parties; and

(c) Provide methods for individuals to prevent a licensee from disclosing that information.

(2) Scope. These rules apply to:

(a) Nonpublic personal financial information about individuals who obtain or are claimants or beneficiaries of products or services primarily for personal, family or household purposes from licensees. These rules do not apply to information about companies or about individuals who obtain products or services for business, commercial or agricultural purposes; and

(b) All nonpublic personal health information.

(3) Rule of Construction. The examples in these rules and the sample clauses in Appendix A, incorporated by reference in Rule 4ER01-28, F.A.C., are not exclusive. Compliance with an example or use of a sample clause, to the extent applicable, constitutes compliance with this rule.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 9-29-01.

4ER01-25 Definitions.

As used in these rules, unless the context requires otherwise:

(1) "Affiliate" means a company that controls, is controlled by or is under common control with another company.

(2)(a) "Clear and conspicuous" means that a notice is reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

(b) Examples.

1. Reasonably understandable. A licensee makes its notice reasonably understandable if it:

a. Presents the information in the notice in clear, concise sentences, paragraphs and sections;

b. Uses short explanatory sentences or bullet lists whenever possible;

c. Uses definite, concrete, everyday words and active voice whenever possible;

d. Avoids multiple negatives;

e. Avoids legal and highly technical business terminology whenever possible; and

f. Avoids explanations that are imprecise and readily subject to different interpretations.

2. Designed to call attention. A licensee designs its notice to call attention to the nature and significance of the information in it if the licensee:

a. Uses a plain-language heading to call attention to the notice;

b. Uses a typeface and type size that are easy to read;

c. Provides wide margins and ample line spacing;

d. Uses boldface or italics for key words; and

e. In a form that combines the licensee's notice with other information, uses distinctive type size, style, and graphic devices, such as shading or sidebars.

3. Notices on web sites. If a licensee provides a notice on a web page, the licensee designs its notice to call attention to the nature and significance of the information in it if the licensee uses text or visual cues to encourage scrolling down the page if necessary to view the entire notice and ensure that other elements on the web site, such as text, graphics, hyperlinks or sound, do not distract attention from the notice, and the licensee either:

a. Places the notice on a screen that consumers frequently access, such as a page on which transactions are conducted; or

b. Places a link on a screen that consumers frequently access, such as a page on which transactions are conducted, that connects directly to the notice and is labeled appropriately to convey the importance, nature and relevance of the notice.

(3) "Collect" means to obtain information that the licensee organizes or can retrieve by the name of an individual or by identifying number, symbol or other identifying particular assigned to the individual, irrespective of the source of the underlying information.

(4) "Company" means a corporation, limited liability company, business trust, general or limited partnership, association, sole proprietorship or similar organization.

(5)(a) "Consumer" means an individual who seeks to obtain, obtains or has obtained an insurance product or service from a licensee that is to be used primarily for personal, family or household purposes, and about whom the licensee has nonpublic personal information, or that individual's legal representative.

(b) Examples.

1. An individual who provides nonpublic personal information to a licensee in connection with obtaining or seeking to obtain financial, investment or economic advisory

services relating to an insurance product or service is a consumer regardless of whether the licensee establishes an ongoing advisory relationship.

2. An applicant for insurance prior to the inception of insurance coverage is a licensee's consumer.

3. An individual who is a consumer of another financial institution is not a licensee's consumer solely because the licensee is acting as agent for, or provides processing or other services to, that financial institution.

4. An individual is a licensee's consumer if the individual is:

a.(I) A beneficiary of a life insurance policy underwritten by the licensee;

(II) A claimant under an insurance policy issued by the licensee;

(III) An insured or an annuitant under an insurance policy or an annuity, respectively, issued by the licensee; or

(IV) A mortgagor of a mortgage covered under a mortgage insurance policy; and

b. The licensee discloses nonpublic personal financial information about the individual to a nonaffiliated third party other than as permitted under Rules 4ER01-35, 36, and 37, F.A.C.

5. Provided that the licensee provides the initial, annual and revised notices under Rules 4ER01-26, 27, and 30, F.A.C. to the plan sponsor, group or blanket insurance policyholder or group annuity contract holder or workers' compensation plan participant, and further provided that the licensee does not disclose to a nonaffiliated third party nonpublic personal financial information about such an individual other than as permitted under Rules 4ER01-35, 36, and 37, F.A.C., an individual is not the consumer of the licensee solely because he or she is:

a. A participant or a beneficiary of an employee benefit plan that the licensee administers or sponsors or for which the licensee acts as a trustee, insurer or fiduciary;

b. Covered under a group or blanket insurance policy or group annuity contract issued by the licensee; or

c. A beneficiary in a workers' compensation plan.

6.a. The individuals described in sub-subparagraphs 5.a. through c. of this paragraph are consumers of a licensee if the licensee does not meet all the conditions of subparagraph 5.

b. In no event shall the individuals, solely by virtue of the status described in sub-subparagraphs 5.a. through c. above, be deemed to be customers for purposes of this rule.

7. An individual is not a licensee's consumer solely because he or she is a beneficiary of a trust for which the licensee is a trustee.

8. An individual is not a licensee's consumer solely because he or she has designated the licensee as trustee for a trust.

(6) “Consumer reporting agency” has the same meaning as in Section 603(f) of the federal Fair Credit Reporting Act (15 U.S.C. 1681a(f)).

(7) “Control” means:

(a) Ownership, control or power to vote 25 percent or more of the outstanding shares of any class of voting security of the company, directly or indirectly, or acting through one or more other persons;

(b) Control in any manner over the election of a majority of the directors, trustees or general partners (or individuals exercising similar functions) of the company; or

(c) The power to exercise, directly or indirectly, a controlling influence over the management or policies of the company, as the Department determines.

(8) “Customer” means a consumer who has a customer relationship with a licensee.

(9)(a) “Customer relationship” means a continuing relationship between a consumer and a licensee under which the licensee provides one or more insurance products or services to the consumer that are to be used primarily for personal, family or household purposes.

(b) Examples.

1. A consumer has a continuing relationship with a licensee if:

a. The consumer is a current policyholder of an insurance product issued by or through the licensee; or

b. The consumer obtains financial, investment or economic advisory services relating to an insurance product or service from the licensee for a fee.

2. A consumer does not have a continuing relationship with a licensee if:

a. The consumer applies for insurance but does not purchase the insurance;

b. The licensee sells the consumer airline travel insurance in an isolated transaction;

c. The individual is no longer a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee;

d. The consumer is a beneficiary or claimant under a policy and has submitted a claim under a policy choosing a settlement option involving an ongoing relationship with the licensee;

e. The consumer is a beneficiary or a claimant under a policy and has submitted a claim under that policy choosing a lump sum settlement option;

f. The customer’s policy is lapsed, expired, or otherwise inactive or dormant under the licensee’s business practices, and the licensee has not communicated with the customer about the relationship for a period of 12 consecutive months, other than annual privacy notices, material required by law or rule, communication at the direction of a state or federal authority, or promotional materials;

g. The individual is an insured or an annuitant under an insurance policy or annuity, respectively, but is not the policyholder or owner of the insurance policy or annuity; or

h. For the purposes of this rule, the individual’s last known address according to the licensee’s records is deemed invalid. An address of record is deemed invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

(10)(a) “Financial institution” means any institution the business of which is engaging in activities that are financial in nature or incidental to such financial activities as described in Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

(b) Financial institution does not include:

1. Any person or entity with respect to any financial activity that is subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

2. The Federal Agricultural Mortgage Corporation or any entity charged and operating under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); or

3. Institutions chartered by Congress specifically to engage in securitizations, secondary market sales (including sales of servicing rights) or similar transactions related to a transaction of a consumer, as long as the institutions do not sell or transfer nonpublic personal information to a nonaffiliated third party.

(11)(a) “Financial product or service” means a product or service that a financial holding company could offer by engaging in an activity that is financial in nature or incidental to such a financial activity under Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

(b) Financial service includes a financial institution’s evaluation or brokerage of information that the financial institution collects in connection with a request or an application from a consumer for a financial product or service.

(12) “Health care” means:

(a) Preventive, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, services, procedures, tests or counseling that:

1. Relates to the physical, mental or behavioral condition of an individual; or

2. Affects the structure or function of the human body or any part of the human body, including the banking of blood, sperm, organs or any other tissue; or

(b) Prescribing, dispensing or furnishing to an individual drugs or biologicals, or medical devices or health care equipment and supplies.

(13) “Health care provider” means a physician or other health care practitioner licensed, accredited or certified to perform specified health services consistent with state law, or a health care facility.

(14) “Health information” means any information or data except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or the consumer that relates to:

(a) The past, present or future physical, mental or behavioral health or condition of an individual;

(b) The provision of health care to an individual; or

(c) Payment for the provision of health care to an individual.

(15)(a) “Insurance product or service” means any product or service that is offered by a licensee pursuant to the insurance laws of this state.

(b) Insurance service includes a licensee’s evaluation, brokerage or distribution of information that the licensee collects in connection with a request or an application from a consumer for a insurance product or service.

(16)(a) “Licensee” means all licensed insurers, producers and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered pursuant to the Florida Insurance Code.

(b) A licensee is not subject to the notice and opt out requirements for nonpublic personal financial information set forth in this rule if the licensee is an employee, agent or other representative of another licensee (“the principal”) and:

1. The principal otherwise complies with, and provides the notices required by, the provisions of these rules; and

2. The licensee does not disclose any nonpublic personal information to any person other than the principal or its affiliates in a manner permitted by this rule.

(c)1. Subject to (b)2. above, “licensee” shall also include an unauthorized insurer that accepts business placed through a licensed surplus lines agent in this state, but only in regard to the surplus lines placements placed pursuant to section 626.916, Florida Statutes.

2. A surplus lines agent, producing agent, or surplus lines insurer shall be deemed to be in compliance with the notice and opt out requirements for nonpublic personal financial information set forth in these rules provided:

a. The surplus lines agent, producing agent, or insurer does not disclose nonpublic personal information of a consumer or a customer to nonaffiliated third parties for any purpose, including joint servicing or marketing under Rule 4ER01-35, F.A.C. except as permitted by Rules 4ER01-36 or 37, F.A.C.; and

b. The surplus lines agent, producing agent or insurer delivers a notice to the consumer at the time a customer relationship is established on which the following is printed in 16-point type:

PRIVACY NOTICE

“Neither the U.S. brokers that handled this insurance nor the insurers that have underwritten this insurance will disclose nonpublic personal information concerning the buyer to nonaffiliates of the brokers or insurers except as permitted by law.

(17)(a) “Nonaffiliated third party” means any person except:

1. A licensee’s affiliate; or

2. A person employed jointly by a licensee and any company that is not the licensee’s affiliate (but nonaffiliated third party includes the other company that jointly employs the person).

(b) Nonaffiliated third party includes any company that is an affiliate solely by virtue of the direct or indirect ownership or control of the company by the licensee or its affiliate in conducting merchant banking or investment banking activities of the type described in Section 4(k)(4)(H) or insurance company investment activities of the type described in Section 4(k)(4)(I) of the federal Bank Holding Company Act (12 U.S.C. 1843(k)(4)(H) and (I)).

(18) “Nonpublic personal information” means nonpublic personal financial information and nonpublic personal health information.

(19)(a) “Nonpublic personal financial information” means:

1. Personally identifiable financial information; and

2. Any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available.

(b) Nonpublic personal financial information does not include:

1. Health information;

2. Publicly available information, except as included on a list described in subparagraph (19)(a)2. of this rule; or

3. Any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived without using any personally identifiable financial information that is not publicly available.

(c) Examples of lists.

1. Nonpublic personal financial information includes any list of individuals’ names and street addresses that is derived in whole or in part using personally identifiable financial information that is not publicly available, such as account numbers.

2. Nonpublic personal financial information does not include any list of individuals’ names and addresses that contains only publicly available information, is not derived in whole or in part using personally identifiable financial

information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a consumer of a financial institution.

(20) "Nonpublic personal health information" means health information:

(a) That identifies an individual who is the subject of the information; or

(b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual.

(21)(a) "Personally identifiable financial information" means any information:

1. A consumer provides to a licensee to obtain an insurance product or service from the licensee;

2. About a consumer resulting from a transaction involving an insurance product or service between a licensee and a consumer; or

3. The licensee otherwise obtains about a consumer.

(b) The following are examples of personally identifiable financial information:

1. Information a consumer provides to a licensee on an application to obtain an insurance product or service;

2. Account balance information and payment history;

3. The fact that an individual is or has been one of the licensee's customers or has obtained an insurance product or service from the licensee;

4. Any information about the licensee's consumer if it is disclosed in a manner that indicates that the individual is or has been the licensee's consumer;

5. Any information that a consumer provides to a licensee or that the licensee or its agent otherwise obtains in connection with collecting on a loan or servicing a loan;

6. Any information the licensee collects through an Internet cookie (an information-collecting device from a web server); and

7. Information from a consumer report.

(c) Personally identifiable financial information does not include:

1. Health information;

2. A list of names and addresses of customers of an entity that is not a financial institution; and

3. Information that does not identify a consumer, such as aggregate information or blind data that does not contain personal identifiers such as account numbers, names or addresses.

(22)(a) "Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:

1. Federal, state or local government records;

2. Widely distributed media; or

3. Disclosures to the general public that are required to be made by federal, state or local law.

(b) Reasonable basis. A licensee has a reasonable basis to believe that information is lawfully made available to the general public if the licensee has taken steps to determine:

1. That the information is of the type that is available to the general public; and

2. Whether an individual can direct that the information not be made available to the general public and, if so, that the licensee's consumer has not done so.

(c) Examples.

1. Government records. Publicly available information in government records includes information in government real estate records and security interest filings.

2. Widely distributed media. Publicly available information from widely distributed media includes information from a telephone book, a television or radio program, a newspaper or a web site that is available to the general public on an unrestricted basis. A web site is not restricted merely because an Internet service provider or a site operator requires a fee or a password, so long as access is available to the general public.

3. Reasonable basis.

a. A licensee has a reasonable basis to believe that mortgage information is lawfully made available to the general public if the licensee has determined that the information is of the type included on the public record in the jurisdiction where the mortgage would be recorded.

b. A licensee has a reasonable basis to believe that an individual's telephone number is lawfully made available to the general public if the licensee has located the telephone number in the telephone book or the consumer has informed you that the telephone number is not unlisted.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 9-29-01.

PART II PRIVACY AND OPT OUT NOTICES FOR FINANCIAL INFORMATION

4ER01-26 Initial Privacy Notice to Consumers Required.

(1) Initial notice requirement. A licensee shall provide a clear and conspicuous notice that accurately reflects its privacy policies and practices to:

(a) Customer. An individual who becomes the licensee's customer, not later than when the licensee establishes a customer relationship, except as provided in subsection (5) this rule; and

(b) Consumer. A consumer, before the licensee discloses any nonpublic personal financial information about the consumer to any nonaffiliated third party, if the licensee makes a disclosure other than as authorized by Rules 4ER01-36 and 37, F.A.C.

(2) When initial notice to a consumer is not required. A licensee is not required to provide an initial notice to a consumer under paragraph (1)(b) of this rule if:

(a) The licensee does not disclose any nonpublic personal financial information about the consumer to any nonaffiliated third party, other than as authorized by Rules 4ER01-36 and 37, F.A.C., and the licensee does not have a customer relationship with the consumer; or

(b) A notice has been provided by an affiliated licensee, as long as the notice clearly identifies all licensees to whom the notice applies and is accurate with respect to the licensee and the other institutions.

(3) When the licensee establishes a customer relationship.

(a) General rule. A licensee establishes a customer relationship at the time the licensee and the consumer enter into a continuing relationship.

(b) Examples of establishing customer relationship. A licensee establishes a customer relationship when the consumer:

1. Becomes a policyholder of a licensee that is an insurer when the insurer delivers an insurance policy or contract to the consumer, or in the case of a licensee that is an insurance producer or insurance broker, obtains insurance through that licensee; or

2. Agrees to obtain financial, economic or investment advisory services relating to insurance products or services for a fee from the licensee.

(4) Existing customers. When an existing customer obtains a new insurance product or service from a licensee that is to be used primarily for personal, family or household purposes, the licensee satisfies the initial notice requirements of subsection (1) of this rule as follows:

(a) The licensee may provide a revised policy notice, under Rule 4ER01-30, F.A.C., that covers the customer's new insurance product or service; or

(b) If the initial, revised or annual notice that the licensee most recently provided to that customer was accurate with respect to the new insurance product or service, the licensee does not need to provide a new privacy notice under subsection (1) of this rule.

(5) Exceptions to allow subsequent delivery of notice.

(a) A licensee may provide the initial notice required by paragraph (1)(a) of this rule within a reasonable time after the licensee establishes a customer relationship if:

1. Establishing the customer relationship is not at the customer's election; or

2. Providing notice not later than when the licensee establishes a customer relationship would substantially delay the customer's transaction and the customer agrees to receive the notice at a later time.

(b) Examples of exceptions.

1. Not at customer's election. Establishing a customer relationship is not at the customer's election if a licensee acquires or is assigned a customer's policy from another

financial institution or residual market mechanism and the customer does not have a choice about the licensee's acquisition or assignment.

2. Substantial delay of customer's transaction. Providing notice not later than when a licensee establishes a customer relationship would substantially delay the customer's transaction when the licensee and the individual agree over the telephone to enter into a customer relationship involving prompt delivery of the insurance product or service.

3. No substantial delay of customer's transaction. Providing notice not later than when a licensee establishes a customer relationship would not substantially delay the customer's transaction when the relationship is initiated in person at the licensee's office or through other means by which the customer may view the notice, such as on a web site.

(6) Delivery. When a licensee is required to deliver an initial privacy notice by this rule, the licensee shall deliver it according to Rule 4ER01-31, F.A.C. If the licensee uses a short-form initial notice for non-customers according to subsection 4ER01-28(4), F.A.C., the licensee may deliver its privacy notice according to paragraph 4ER01-28(4)(c), F.A.C. This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 9-29-01.

4ER01-27 Annual Privacy Notice to Customers Required.

(1)(a) General rule. A licensee shall provide a clear and conspicuous notice to customers that accurately reflects its privacy policies and practices not less than annually during the continuation of the customer relationship. Annually means at least once in any period of 12 consecutive months during which that relationship exists. A licensee may define the twelve consecutive month period, but the licensee shall apply it to the customer on a consistent basis.

(b) Example. A licensee provides a notice annually if it defines the twelve-consecutive-month period as a calendar year and provides the annual notice to the customer once in each calendar year following the calendar year in which the licensee provided the initial notice. For example, if a customer opens an account on any day of year 1, the licensee shall provide an annual notice to that customer by December 31 of year 2.

(2)(a) Termination of customer relationship. A licensee is not required to provide an annual notice to a former customer. A former customer is an individual with whom a licensee no longer has a continuing relationship.

(b) Examples.

1. A licensee no longer has a continuing relationship with an individual if the individual no longer is a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee.

2. A licensee no longer has a continuing relationship with an individual if the individual's policy is lapsed, expired or otherwise inactive or dormant under the licensee's business practices, and the licensee has not communicated with the customer about the relationship for a period of 12 consecutive months, other than to provide annual privacy notices, material required by law or rule, or promotional materials.

3. For the purposes of this rule, a licensee no longer has a continuing relationship with an individual if the individual's last known address according to the licensee's records is deemed invalid. An address of record is deemed invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

4. A licensee no longer has a continuing relationship with a customer in the case of providing real estate settlement services, at the time the customer completes execution of all documents related to the real estate closing, payment for those services has been received, or the licensee has completed all of its responsibilities with respect to the settlement, including filing documents on the public record, whichever is later.

(3) Delivery. When a licensee is required by this rule to deliver an annual privacy notice, the licensee shall deliver it according to Rule 4ER01-8, F.A.C.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 9-29-01.

4ER01-28 Information to be Included in Privacy Notices.

(1) General rule. The initial, annual and revised privacy notices that a licensee provides under Rules 4ER01-26, 27 and 30, F.A.C. shall include each of the following items of information, in addition to any other information the licensee wishes to provide, that applies to the licensee and to the consumers to whom the licensee sends its privacy notice:

(a) The categories of nonpublic personal financial information that the licensee collects;

(b) The categories of nonpublic personal financial information that the licensee discloses;

(c) The categories of affiliates and nonaffiliated third parties to whom the licensee discloses nonpublic personal financial information, other than those parties to whom the licensee discloses information under Rules 4ER01-36 and 37, F.A.C.;

(d) The categories of nonpublic personal financial information about the licensee's former customers that the licensee discloses and the categories of affiliates and nonaffiliated third parties to whom the licensee discloses nonpublic personal financial information about the licensee's former customers, other than those parties to whom the licensee discloses information under Rules 4ER01-36 and 37, F.A.C.;

(e) If a licensee discloses nonpublic personal financial information to a nonaffiliated third party under Rule 4ER01-35, F.A.C. (and no other exception in Rules 4ER01-36 and 37, F.A.C., applies to that disclosure), a separate description of the categories of information the licensee discloses and the categories of third parties with whom the licensee has contracted;

(f) An explanation of the consumer's right under subsection 4ER01-32(1), F.A.C., to opt out of the disclosure of nonpublic personal financial information to nonaffiliated third parties, including the methods by which the consumer may exercise that right at that time;

(g) Any disclosures that the licensee makes under Section 603(d)(2)(A)(iii) of the federal Fair Credit Reporting Act (15 U.S.C. 1681a(d)(2)(A)(iii)) (that is, notices regarding the ability to opt out of disclosures of information among affiliates);

(h) The licensee's policies and practices with respect to protecting the confidentiality and security of nonpublic personal information; and

(i) Any disclosure that the licensee makes under subsection (2) of this rule.

(2) Description of parties subject to exceptions. If a licensee discloses nonpublic personal financial information as authorized under Rules 4ER01-36 and 37, F.A.C., the licensee is not required to list those exceptions in the initial or annual privacy notices required by Rules 4ER01-26 and 27, F.A.C. When describing the categories of parties to whom disclosure is made, the licensee is required to state only that it makes disclosures to other affiliated or nonaffiliated third parties, as applicable, as permitted by law.

(3) Examples.

(a) Categories of nonpublic personal financial information that the licensee collects. A licensee satisfies the requirement to categorize the nonpublic personal financial information it collects if the licensee categorizes it according to the source of the information, as applicable:

1. Information from the consumer;

2. Information about the consumer's transactions with the licensee or its affiliates;

3. Information about the consumer's transactions with nonaffiliated third parties; and

4. Information from a consumer reporting agency.

(b) Categories of nonpublic personal financial information a licensee discloses.

1. A licensee satisfies the requirement to categorize nonpublic personal financial information it discloses if the licensee categorizes the information according to source, as described in paragraph (a) above, as applicable, and provides a few examples to illustrate the types of information in each category. These might include:

a. Information from the consumer, including application information, such as assets and income and identifying information, such as name, address and social security number;

b. Transaction information, such as information about balances, payment history and parties to the transaction; and

c. Information from consumer reports, such as a consumer's creditworthiness and credit history.

2. A licensee does not adequately categorize the information that it discloses if the licensee uses only general terms, such as transaction information about the consumer.

3. If a licensee reserves the right to disclose all of the nonpublic personal financial information about consumers that it collects, the licensee may simply state that fact without describing the categories or examples of nonpublic personal information that the licensee discloses.

(c) Categories of affiliates and nonaffiliated third parties to whom the licensee discloses.

1. A licensee satisfies the requirement to categorize the affiliates and nonaffiliated third parties to which the licensee discloses nonpublic personal financial information about consumers if the licensee identifies the types of businesses in which they engage.

2. Types of businesses may be described by general terms only if the licensee uses a few illustrative examples of significant lines of business. For example, a licensee may use the term financial products or services if it includes appropriate examples of significant lines of businesses, such as life insurer, automobile insurer, consumer banking or securities brokerage.

3. A licensee also may categorize the affiliates and nonaffiliated third parties to which it discloses nonpublic personal financial information about consumers using more detailed categories.

(d) Disclosures under exception for service providers and joint marketers. If a licensee discloses nonpublic personal financial information under the exception in Rule 4ER01-35, F.A.C. to a nonaffiliated third party to market products or services that it offers alone or jointly with another financial institution, the licensee satisfies the disclosure requirement of paragraph (1)(e) of this rule if it:

1. Lists the categories of nonpublic personal financial information it discloses, using the same categories and examples the licensee used to meet the requirements of paragraph (1)(b) of this rule, as applicable; and

2. States whether the third party is:

a. A service provider that performs marketing services on the licensee's behalf or on behalf of the licensee and another financial institution; or

b. A financial institution with whom the licensee has a joint marketing agreement.

(e) Simplified notices. If a licensee does not disclose, and does not wish to reserve the right to disclose, nonpublic personal financial information about customers or former customers to affiliates or nonaffiliated third parties except as

authorized under Rules 4ER01-36 and 37, F.A.C., the licensee may simply state that fact, in addition to the information it shall provide under paragraphs (1)(a), (h), and (i), and subsection (2) of this rule.

(f) Confidentiality and security. A licensee describes its policies and practices with respect to protecting the confidentiality and security of nonpublic personal financial information if it does both of the following:

1. Describes in general terms who is authorized to have access to the information; and

2. States whether the licensee has security practices and procedures in place to ensure the confidentiality of the information in accordance with the licensee's policy. The licensee is not required to describe technical information about the safeguards it uses.

(4) Short-form initial notice with opt out notice for non-customers.

(a) A licensee may satisfy the initial notice requirements in paragraph 4ER01-26(1)(b) and subsection 4ER01-29(3), F.A.C. for a consumer who is not a customer by providing a short-form initial notice at the same time as the licensee delivers an opt out notice as required in Rule 4ER01-29, F.A.C.

(b) A short-form initial notice shall:

1. Be clear and conspicuous;

2. State that the licensee's privacy notice is available upon request; and

3. Explain a reasonable means by which the consumer may obtain that notice.

(c) The licensee shall deliver its short-form initial notice according to Rule 4ER01-31, F.A.C. The licensee is not required to deliver its privacy notice with its short-form initial notice. The licensee instead may simply provide the consumer a reasonable means to obtain its privacy notice. If a consumer who receives the licensee's short-form notice requests the licensee's privacy notice, the licensee shall deliver its privacy notice according to Rule 4ER01-31, F.A.C.

(d) Examples of obtaining privacy notice. The licensee provides a reasonable means by which a consumer may obtain a copy of its privacy notice if the licensee:

1. Provides a toll-free telephone number that the consumer may call to request the notice; or

2. For a consumer who conducts business in person at the licensee's office, maintains copies of the notice on hand that the licensee provides to the consumer immediately upon request.

(5) Future disclosures. The licensee's notice may include:

(a) Categories of nonpublic personal financial information that the licensee reserves the right to disclose in the future, but does not currently disclose; and

(b) Categories of affiliates or nonaffiliated third parties to whom the licensee reserves the right in the future to disclose, but to whom the licensee does not currently disclose, nonpublic personal financial information.

(6) Sample clauses. Sample clauses illustrating some of the notice content required by this rule are included in Appendix A of this rule, which is incorporated herein by reference.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 9-29-01.

4ER01-29 Form of Opt Out Notice to Consumers and Opt Out Methods.

(1)(a) Form of opt out notice. If a licensee is required to provide an opt out notice under subsection 4ER01-32(1), F.A.C., it shall provide a clear and conspicuous notice to each of its consumers that accurately explains the right to opt out under that rule. The notice shall state:

1. That the licensee discloses or reserves the right to disclose nonpublic personal financial information about its consumer to a nonaffiliated third party;

2. That the consumer has the right to opt out of that disclosure; and

3. A reasonable means by which the consumer may exercise the opt out right.

(b) Examples.

1. Adequate opt out notice. A licensee provides adequate notice that the consumer can opt out of the disclosure of nonpublic personal financial information to a nonaffiliated third party if the licensee:

a. Identifies all of the categories of nonpublic personal financial information that it discloses or reserves the right to disclose, and all of the categories of nonaffiliated third parties to which the licensee discloses the information, as described in paragraphs 4ER01-28(1)(a) and (b), F.A.C., and states that the consumer can opt out of the disclosure of that information; and

b. Identifies the insurance products or services that the consumer obtains from the licensee, either singly or jointly, to which the opt out direction would apply.

2. Reasonable opt out means. A licensee provides a reasonable means to exercise an opt out right if it:

a. Designates check-off boxes in a prominent position on the relevant forms with the opt out notice;

b. Includes a reply form together with the opt out notice;

c. Provides an electronic means to opt out, such as a form that can be sent via electronic mail or a process at the licensee's web site, if the consumer agrees to the electronic delivery of information; or

d. Provides a toll-free telephone number that consumers may call to opt out.

3. Unreasonable opt out means. A licensee does not provide a reasonable means of opting out if:

a. The only means of opting out is for the consumer to write his or her own letter to exercise that opt out right; or

b. The only means of opting out as described in any notice subsequent to the initial notice is to use a check-off box that the licensee provided with the initial notice but did not include with the subsequent notice.

4. Specific opt out means. A licensee may require each consumer to opt out through a specific means, as long as that means is reasonable for that consumer.

(2) Same form as initial notice permitted. A licensee may provide the opt out notice together with or on the same written or electronic form as the initial notice the licensee provides in accordance with Rule 4ER01-26, F.A.C.

(3) Initial notice required when opt out notice delivered subsequent to initial notice. If a licensee provides the opt out notice later than required for the initial notice in accordance with Rule 4ER01-26, F.A.C., the licensee shall also include a copy of the initial notice with the opt out notice in writing or, if the consumer agrees, electronically.

(4) Joint relationships.

(a) If 2 or more consumers jointly obtain an insurance product or service from a licensee, the licensee may provide a single opt out notice. The licensee's opt out notice shall explain how the licensee will treat an opt out direction by a joint consumer as explained in paragraph (e) of this subsection.

(b) Any of the joint consumers may exercise the right to opt out. The licensee may either:

1. Treat an opt out direction by a joint consumer as applying to all of the associated joint consumers; or

2. Permit each joint consumer to opt out separately.

(c) If a licensee permits each joint consumer to opt out separately, the licensee shall permit one of the joint consumers to opt out on behalf of all of the joint consumers.

(d) A licensee may not require all joint consumers to opt out before it implements any opt out direction.

(e) Example. If John and Mary are both named policyholders on a homeowner's insurance policy issued by a licensee and the licensee sends policy statements to John's address, the licensee may do any of the following, but it shall explain in its opt out notice which opt out policy the licensee will follow:

1. Send a single opt out notice to John's address, but the licensee shall accept an opt out direction from either John or Mary.

2. Treat an opt out direction by either John or Mary as applying to the entire policy. If the licensee does so and John opts out, the licensee may not require Mary to opt out as well before implementing John's opt out direction.

3. Permit John and Mary to make different opt out directions. If the licensee does so:

- a. It shall permit John and Mary to opt out for each other;
- b. If both opt out, the licensee shall permit both of them to notify it in a single response (such as on a form or through a telephone call); and
- c. If John opts out and Mary does not, the licensee may only disclose nonpublic personal financial information about Mary, but not about John and not about John and Mary jointly.

(5) Time to comply with opt out. As to opt outs received from consumer later than 30 days after the opt out notification is delivered by the licensee, a licensee shall comply with a consumer's opt out direction as soon as reasonably practicable after the licensee receives it.

(6) Continuing right to opt out. A consumer may exercise the right to opt out at any time.

(7) Duration of consumer's opt out direction.

(a) A consumer's direction to opt out under this rule is effective until the consumer revokes it in writing or, if the consumer agrees, electronically.

(b) When a customer relationship terminates, the customer's opt out direction continues to apply to the nonpublic personal financial information that the licensee collected during or related to that relationship. If the individual subsequently establishes a new customer relationship with the licensee, the opt out direction that applied to the former relationship does not apply to the new relationship.

(8) Delivery. When a licensee is required to deliver an opt out notice by this rule, the licensee shall deliver it according to Rule 4ER01-31, F.A.C.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 9-29-01.

4ER01-30 Revised Privacy Notices.

(1) General rule. Except as otherwise authorized in these rules, a licensee shall not, directly or through an affiliate, disclose any nonpublic personal financial information about a consumer to a nonaffiliated third party other than as described in the initial notice that the licensee provided to that consumer under Rule 4ER01-26, F.A.C., unless:

(a) The licensee has provided to the consumer a clear and conspicuous revised notice that accurately describes its policies and practices;

(b) The licensee has provided to the consumer a new opt out notice;

(c) The licensee has given the consumer a reasonable opportunity, before the licensee discloses the information to the nonaffiliated third party, to opt out of the disclosure; and

(d) The consumer does not opt out.

(2) Examples.

(a) Except as otherwise permitted by Rules 4ER01-35, 36, and 37, F.A.C., a licensee shall provide a revised notice before it:

1. Discloses a new category of nonpublic personal financial information to any nonaffiliated third party;

2. Discloses nonpublic personal financial information to a new category of nonaffiliated third party; or

3. Discloses nonpublic personal financial information about a former customer to a nonaffiliated third party, if that former customer has not had the opportunity to exercise an opt out right regarding that disclosure.

(b) A revised notice is not required if the licensee discloses nonpublic personal financial information to a new nonaffiliated third party that the licensee adequately described in its prior notice.

(3) Delivery. When a licensee is required to deliver a revised privacy notice by this rule, the licensee shall deliver it according to Rule 4ER01-31, F.A.C.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 9-29-01.

4ER01-31 Delivery.

(1) How to provide notices. A licensee shall provide any notices that this rule requires so that each consumer can reasonably be expected to receive actual notice in writing or, if the consumer agrees, electronically.

(2)(a) Examples of reasonable expectation of actual notice. A licensee may reasonably expect that a consumer will receive actual notice if the licensee:

1. Hand-delivers a printed copy of the notice to the consumer;

2. Mails a printed copy of the notice to the last known address of the consumer separately, or in a policy, billing or other written communication;

3. For a consumer who conducts transactions electronically, posts the notice on the electronic site and requires the consumer to acknowledge receipt of the notice as a necessary step to obtaining a particular insurance product or service;

4. For an isolated transaction with a consumer, such as the licensee providing an insurance quote or selling the consumer travel insurance, posts the notice and requires the consumer to acknowledge receipt of the notice as a necessary step to obtaining the particular insurance product or service.

(b) Examples of unreasonable expectation of actual notice. A licensee may not, however, reasonably expect that a consumer will receive actual notice of its privacy policies and practices if it:

1. Only posts a sign in its office or generally publishes advertisements of its privacy policies and practices; or

2. Sends the notice via electronic mail to a consumer who does not obtain an insurance product or service from the licensee electronically.

(3) Annual notices only. A licensee may reasonably expect that a customer will receive actual notice of the licensee's annual privacy notice if:

(a) The customer uses the licensee's web site to access insurance products and services electronically and agrees to receive notices at the web site and the licensee posts its current privacy notice continuously in a clear and conspicuous manner on the web site; or

(b) The customer has requested that the licensee refrain from sending any information regarding the customer relationship, and the licensee's current privacy notice remains available to the customer upon request.

(4) Oral description of notice insufficient. A licensee may not provide any notice required by this rule solely by orally explaining the notice, either in person or over the telephone.

(5) Retention or accessibility of notices for customers.

(a) For customers only, a licensee shall provide the initial notice required by subsection 4ER01-26(1)(a), F.A.C., the annual notice required by subsection 4ER01-27(1), F.A.C., and the revised notice required by Rule 4ER01-30, F.A.C., so that the customer can retain them or obtain them later in writing or, if the customer agrees, electronically.

(b) Examples of retention or accessibility. A licensee provides a privacy notice to the customer so that the customer can retain it or obtain it later if the licensee:

1. Hand-delivers a printed copy of the notice to the customer;

2. Mails a printed copy of the notice to the last known address of the customer; or

3. Makes its current privacy notice available on a web site, or a link to another web site, for the customer who obtains an insurance product or service electronically and agrees to receive the notice at the web site.

(6) Joint notice with other financial institutions. A licensee may provide a joint notice from the licensee and one or more of its affiliates or other financial institutions, as identified in the notice, as long as the notice is accurate with respect to the licensee and the other institutions. A licensee also may provide a notice on behalf of another financial institution.

(7) Joint relationships. If 2 or more consumers jointly obtain an insurance product or service from a licensee, the licensee may satisfy the initial, annual and revised notice

requirements of subsections 4ER01-26(1), 27(1), and 30(1), F.A.C., respectively, by providing one notice to those consumers jointly.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 9-29-01.

PART III LIMITS ON DISCLOSURES OF FINANCIAL INFORMATION

4ER01-32 Limits on Disclosure of Nonpublic Personal Financial Information to Nonaffiliated Third Parties.

(1)(a) Conditions for disclosure. Except as otherwise authorized in these rules, a licensee may not, directly or through any affiliate, disclose any nonpublic personal financial information about a consumer to a nonaffiliated third party unless:

1. The licensee has provided to the consumer an initial notice as required under Rule 4ER01-26, F.A.C.;

2. The licensee has provided to the consumer an opt out notice as required in Rule 4ER01-29, F.A.C.;

3. The licensee has given the consumer a reasonable opportunity, before it discloses the information to the nonaffiliated third party, to opt out of the disclosure; and

4. The consumer does not opt out.

(b) Opt out definition. Opt out means a direction by the consumer that the licensee not disclose nonpublic personal financial information about that consumer to a nonaffiliated third party, other than as permitted by Rules 4ER01-35, 36, and 37, F.A.C.

(c) Examples of reasonable opportunity to opt out. A licensee provides a consumer with a reasonable opportunity to opt out if:

1. By mail. The licensee mails the notices required in paragraph (a) of this subsection to the consumer and allows the consumer a time period of at least 30 days from the date the licensee mailed the notices to opt out by mailing a form, calling a toll-free telephone number or any other reasonable means.

2. By electronic means. A customer opens an on-line account with a licensee and agrees to receive the notices required in paragraph (a) of this subsection electronically, and the licensee allows the customer to opt out by any reasonable means within 30 days after the date that the customer acknowledges receipt of the notices in conjunction with opening the account.

3. Isolated transaction with consumer. For an isolated transaction such as providing the consumer with an insurance quote, a licensee provides the consumer with a reasonable opportunity to opt out if the licensee provides the notices required in paragraph (a) of this subsection at the time of the transaction and requests that the consumer decide, as a necessary part of the transaction, whether to opt out before completing the transaction.

(2) Application of opt out to all consumers and all nonpublic personal financial information.

(a) A licensee shall comply with this rule, regardless of whether the licensee and the consumer have established a customer relationship.

(b) Unless a licensee complies with this rule, the licensee may not, directly or through any affiliate, disclose any nonpublic personal financial information about a consumer that the licensee has collected, regardless of whether the licensee collected it before or after receiving the direction to opt out from the consumer.

(3) Partial opt out. A licensee may allow a consumer to select certain nonpublic personal financial information or certain nonaffiliated third parties with respect to which the consumer wishes to opt out.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 9-29-01.

4ER01-33 Limits on Redislosure and Reuse of Nonpublic Personal Financial Information.

(1)(a) Information the licensee receives under an exception. If a licensee receives nonpublic personal financial information from a nonaffiliated financial institution under an exception in Rules 4ER01-36 or 37, F.A.C., the licensee's disclosure and use of that information is limited as follows:

1. The licensee may disclose the information to the affiliates of the financial institution from which the licensee received the information;

2. The licensee may disclose the information to its affiliates, but the licensee's affiliates may, in turn, disclose and use the information only to the extent that the licensee may disclose and use the information; and

3. The licensee may disclose and use the information pursuant to an exception in Rules 4ER01-36 or 37, F.A.C., in the ordinary course of business to carry out the activity covered by the exception under which the licensee received the information.

(b) Example. If a licensee receives information from a nonaffiliated financial institution for claims settlement purposes, the licensee may disclose the information for fraud prevention, or in response to a properly authorized subpoena. The licensee may not disclose that information to a third party for marketing purposes or use that information for its own marketing purposes.

(2)(a) Information a licensee receives outside of an exception. If a licensee receives nonpublic personal financial information from a nonaffiliated financial institution other than under an exception in Rules 4ER01-36 or 37, F.A.C., the licensee may disclose the information only:

1. To the affiliates of the financial institution from which the licensee received the information;

2. To its affiliates, but its affiliates may, in turn, disclose the information only to the extent that the licensee may disclose the information; and

3. To any other person, if the disclosure would be lawful if made directly to that person by the financial institution from which the licensee received the information.

(b) Example. If a licensee obtains a customer list from a nonaffiliated financial institution outside of the exceptions in Rules 4ER01-36 or 37, F.A.C.:

1. The licensee may use that list for its own purposes; and

2. The licensee may disclose that list to another nonaffiliated third party only if the financial institution from which the licensee purchased the list could have lawfully disclosed the list to that third party. That is, the licensee may disclose the list in accordance with the privacy policy of the financial institution from which the licensee received the list, as limited by the opt out direction of each consumer whose nonpublic personal financial information the licensee intends to disclose, and the licensee may disclose the list in accordance with an exception in Rules 4ER01-36 or 37, F.A.C., such as to the licensee's attorneys or accountants.

(3) Information a licensee discloses under an exception. If a licensee discloses nonpublic personal financial information to a nonaffiliated third party under an exception in Rules 4ER01-36 or 37, F.A.C., the third party may disclose and use that information only as follows:

(a) The third party may disclose the information to the licensee's affiliates;

(b) The third party may disclose the information to its affiliates, but its affiliates may, in turn, disclose and use the information only to the extent that the third party may disclose and use the information; and

(c) The third party may disclose and use the information pursuant to an exception in Rules 4ER01-36 or 37, F.A.C., in the ordinary course of business to carry out the activity covered by the exception under which it received the information.

(4) Information a licensee discloses outside of an exception. If a licensee discloses nonpublic personal financial information to a nonaffiliated third party other than under an exception in Rules 4ER01-36 or 37, F.A.C., the third party may disclose the information only:

(a) To the licensee's affiliates;

(b) To the third party's affiliates, but the third party's affiliates, in turn, may disclose the information only to the extent the third party can disclose the information; and

(c) To any other person, if the disclosure would be lawful if the licensee made it directly to that person.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 9-29-01.

4ER01-34 Limits on Sharing Account Number Information for Marketing Purposes.

(1) General prohibition on disclosure of account numbers. A licensee shall not, directly or through an affiliate, disclose, other than to a consumer reporting agency, a policy number or similar form of access number or access code for a consumer's policy or transaction account to any nonaffiliated third party for use in telemarketing, direct mail marketing or other marketing through electronic mail to the consumer.

(2) Exceptions. Subsection (1) of this rule does not apply if a licensee discloses a policy number or similar form of access number or access code:

(a) To the licensee's service provider solely in order to perform marketing for the licensee's own products or services, as long as the service provider is not authorized to directly initiate charges to the account;

(b) To a licensee who is a producer solely in order to perform marketing for the licensee's own products or services; or

(c) To a participant in an affinity or similar program where the participants in the program are identified to the customer when the customer enters into the program.

(3) Examples.

(a) Policy number. A policy number, or similar form of access number or access code, does not include a number or code in an encrypted form, as long as the licensee does not provide the recipient with a means to decode the number or code.

(b) Policy or transaction account. For the purposes of this rule, a policy or transaction account is an account other than a deposit account or a credit card account. A policy or transaction account does not include an account to which third parties cannot initiate charges.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 9-29-01.

PART IV EXCEPTIONS TO LIMITS ON DISCLOSURES OF FINANCIAL INFORMATION4ER01-35 Exception to Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Service Providers and Joint Marketing.(1) General rule.

(a) The opt out requirements in Rules 4ER01-29 and 32, F.A.C., do not apply when a licensee provides nonpublic personal financial information to a nonaffiliated third party to perform services for the licensee or functions on the licensee's behalf, if the licensee:

1. Provides the initial notice in accordance with Rule 4ER01-26, F.A.C.; and

2. Enters into a contractual agreement with the third party that prohibits the third party from disclosing or using the information other than to carry out the purposes for which the licensee disclosed the information, including use under an exception in Rules 4ER01-36 or 37, F.A.C., in the ordinary course of business to carry out those purposes.

(b) Example. If a licensee discloses nonpublic personal financial information under this rule to a financial institution with which the licensee performs joint marketing, the licensee's contractual agreement with that institution meets the requirements of subparagraph (a)2. of this subsection if it prohibits the institution from disclosing or using the nonpublic personal financial information except as necessary to carry out the joint marketing or under an exception in Rules 4ER01-36 or 37, F.A.C., in the ordinary course of business to carry out that joint marketing.

(2) Service may include joint marketing. The services a nonaffiliated third party performs for a licensee under subsection A of this rule may include marketing of the licensee's own products or services or marketing of financial products or services offered pursuant to joint agreements between the licensee and one or more financial institutions.

(3) Definition of "joint agreement." For purposes of this rule, "joint agreement" means a written contract pursuant to which a licensee and one or more financial institutions jointly offer, endorse or sponsor a financial product or service.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 9-29-01.

4ER01-36 Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Processing and Servicing Transactions.

(1) Exceptions for processing transactions at consumer's request. The requirements for initial notice in paragraph 4ER01-26(1)(b), F.A.C., the opt out in Rules 4ER01-29 and 32, F.A.C., and service providers and joint marketing in Rule 4ER01-35, F.A.C., do not apply if the licensee discloses nonpublic personal financial information as necessary to effect, administer or enforce a transaction that a consumer requests or authorizes, or in connection with:

(a) Servicing or processing an insurance product or service that a consumer requests or authorizes;

(b) Maintaining or servicing the consumer's account with a licensee, or with another entity as part of a private label credit card program or other extension of credit on behalf of such entity;

(c) A proposed or actual securitization, secondary market sale (including sales of servicing rights) or similar transaction related to a transaction of the consumer; or

(d) Reinsurance or stop loss or excess loss insurance.

(2) "Necessary to effect, administer or enforce a transaction" means that the disclosure is:

(a) Required, or is one of the lawful or appropriate methods, to enforce the licensee's rights or the rights of other persons engaged in carrying out the financial transaction or providing the product or service; or

(b) Required, or is a usual, appropriate or acceptable method:

1. To carry out the transaction or the product or service business of which the transaction is a part, and record, service or maintain the consumer's account in the ordinary course of providing the insurance product or service;

2. To administer or service benefits or claims relating to the transaction or the product or service business of which it is a part;

3. To provide a confirmation, statement or other record of the transaction, or information on the status or value of the insurance product or service to the consumer or the consumer's agent or broker;

4. To accrue or recognize incentives or bonuses associated with the transaction that are provided by a licensee or any other party;

5. To underwrite insurance at the consumer's request or for any of the following purposes as they relate to a consumer's insurance: account administration, reporting, investigating or preventing fraud or material misrepresentation, processing premium payments, processing insurance claims, administering insurance benefits (including utilization review activities), participating in research projects or as otherwise required or specifically permitted by federal or state law; or

6. In connection with:

a. The authorization, settlement, billing, processing, clearing, transferring, reconciling or collection of amounts charged, debited or otherwise paid using a debit, credit or other payment card, check or account number, or by other payment means;

b. The transfer of receivables, accounts or interests therein; or

c. The audit of debit, credit or other payment information.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS, Law Implemented 624.307(1), 626.9651 FS, History--New 9-29-01.

4ER01-37 Other Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information.

(1) Exceptions to opt out requirements. The requirements for initial notice to consumers in paragraph 4ER01-26(1)(b), F.A.C., the opt out in Rules 4ER01-29 and 32, F.A.C., and service providers and joint marketing in Rule 4ER01-35, F.A.C., do not apply when a licensee discloses nonpublic personal financial information:

(a) With the consent or at the direction of the consumer, provided that the consumer has not revoked the consent or direction;

(b)1. To protect the confidentiality or security of a licensee's records pertaining to the consumer, service, product or transaction;

2. To protect against or prevent actual or potential fraud or unauthorized transactions;

3. For required institutional risk control or for resolving consumer disputes or inquiries;

4. To persons holding a legal or beneficial interest relating to the consumer; or

5. To persons acting in a fiduciary or representative capacity on behalf of the consumer;

(c) To provide information to insurance rate advisory organizations, guaranty funds or agencies, agencies that are rating a licensee, persons that are assessing the licensee's compliance with industry standards, and the licensee's attorneys, accountants and auditors;

(d) To the extent specifically permitted or required under other provisions of law and in accordance with the federal Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.), to law enforcement agencies (including the Federal Reserve Board, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, Office of Thrift Supervision, National Credit Union Administration, the Securities and Exchange Commission, the Secretary of the Treasury, with respect to 31 U.S.C. Chapter 53, Subchapter II (Records and Reports on Monetary Instruments and Transactions) and 12 U.S.C. Chapter 21 (Financial Record Keeping), a state insurance authority, and the Federal Trade Commission), self-regulatory organizations or for an investigation on a matter related to public safety;

(e)1. To a consumer reporting agency in accordance with the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); or

2. From a consumer report reported by a consumer reporting agency;

(f) In connection with a proposed or actual sale, merger, transfer or exchange of all or a portion of a business or operating unit if the disclosure of nonpublic personal financial information concerns solely consumers of the business or unit;

(g)1. To comply with federal, state or local laws, rules and other applicable legal requirements;

2. To comply with a properly authorized civil, criminal or regulatory investigation, or subpoena or summons by federal, state or local authorities; or

3. To respond to judicial process or government regulatory authorities having jurisdiction over a licensee for examination, compliance or other purposes as authorized by law; or

(h) For purposes related to the replacement of a group benefit plan, a group health plan, a group welfare plan or a workers' compensation plan.

(2) Example of revocation of consent. A consumer may revoke consent by subsequently exercising the right to opt out of future disclosures of nonpublic personal information as permitted under subsection 4ER01-29(6), F.A.C.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 9-29-01.

PART V RULES FOR HEALTH INFORMATION

4ER01-38 When Authorization Required for Disclosure of Nonpublic Personal Health Information.

(1) A licensee shall not disclose nonpublic personal health information about a consumer or customer unless an authorization is obtained from the consumer or customer whose nonpublic personal health information is sought to be disclosed.

(2) Nothing in this rule shall prohibit, restrict, or require an authorization for the disclosure of nonpublic personal health information by a licensee for the performance of the following insurance functions by or on behalf of the licensee:

- (a) Claims administration;
- (b) Claims adjustment and management;
- (c) Detection, investigation or reporting of actual or potential fraud, misrepresentation or criminal activity;
- (d) Underwriting;
- (e) Policy placement or issuance;
- (f) Loss control;
- (g) Ratemaking and guaranty fund functions;
- (h) Reinsurance and excess loss insurance;
- (i) Risk management;
- (j) Case management;
- (k) Disease management;
- (l) Quality assurance;
- (m) Quality improvement;
- (n) Performance evaluation;
- (o) Provider credentialing verification;
- (p) Utilization review;
- (q) Peer review activities;
- (r) Actuarial, scientific, medical or public policy research;
- (s) Grievance procedures;
- (t) Internal administration of compliance, managerial, and information systems;
- (u) Policyholder service functions;
- (v) Auditing;
- (w) Reporting;
- (x) Database security;
- (y) Administration of consumer disputes and inquiries;
- (z) External accreditation standards;
- (aa) The replacement of a group benefit plan or workers compensation policy or program;

(bb) Activities in connection with a sale, merger, transfer or exchange of all or part of a business or operating unit;

(cc) Any activity that permits disclosure without authorization pursuant to the Federal Health Insurance Portability And Accountability Act privacy rules promulgated by the U.S. Department Of Health And Human Services;

(dd) Disclosure that is required, or is one of the lawful or appropriate methods, to enforce the licensee's rights or the rights of other persons engaged in carrying out a transaction or providing a product or service that a consumer requests or authorizes; and

(ee) Any activity otherwise permitted by law, required pursuant to governmental reporting authority, or to comply with legal process.

(ff) Additional insurance functions that the Department determines to be necessary for appropriate performance of insurance functions and that are fair and reasonable to the interest of consumers.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History—New 9-29-01.

4ER01-39 Authorizations.

(1) A valid authorization to disclose nonpublic personal health information pursuant to this Part shall be in written or electronic form and shall contain all of the following:

(a) The identity of the consumer or customer who is the subject of the nonpublic personal health information;

(b) A general description of the types of nonpublic personal health information to be disclosed;

(c) General descriptions of the parties to whom the licensee discloses nonpublic personal health information, the purpose of the disclosure and how the information will be used;

(d) The signature of the consumer or customer who is the subject of the nonpublic personal health information or the individual who is legally empowered to grant authority and the date signed; and

(e) Notice of the length of time for which the authorization is valid and that the consumer or customer may revoke the authorization at any time and the procedure for making a revocation.

(2) An authorization for the purposes of this Part shall specify a length of time for which the authorization shall remain valid, which in no event shall be for more than 24 months.

(3) A consumer or customer who is the subject of nonpublic personal health information may revoke an authorization provided pursuant to this Part at any time, subject to the rights of an individual who acted in reliance on the authorization prior to notice of the revocation.

(4) A licensee shall retain the authorization or a copy thereof in the record of the individual who is the subject of nonpublic personal health information.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 9-29-01.

4ER01-40 Authorization Request Delivery

A request for authorization and an authorization form may be delivered to a consumer or a customer as part of an opt-out notice pursuant to Rule 4ER01-31, F.A.C., provided that the request and the authorization form are clear and conspicuous. An authorization form is not required to be delivered to the consumer or customer or included in any other notices unless the licensee intends to disclose protected health information pursuant to subsection 4ER01-38(1), F.A.C.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 9-29-01.

4ER01-41 Relationship to Federal Rules.

If the Department determines that a health insurer or health maintenance organization licensed by the Department is in compliance with, or is actively undertaking compliance with, the consumer privacy protection rules adopted by the United States Department of Health and Human Services in conformance with the Health Insurance Portability and Affordability Act, (except for its effective date provision) the licensee shall be considered to be in compliance with this Part.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 9-29-01.

4ER01-42 Relationship to State Laws.

Nothing in this Part shall preempt or supercede existing state law related to medical records, health or insurance information privacy.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 9-29-01.

PART VI ADDITIONAL PROVISIONS

4ER01-43 Protection of Fair Credit Reporting Act.

Nothing in these rules shall be construed to modify, limit or supersede the operation of the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), and no inference shall be drawn on the basis of the provisions of these rules regarding whether information is transaction or experience information under Section 603 of that Act.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 9-29-01.

4ER01-44 Nondiscrimination.

(1) A licensee shall not unfairly discriminate against any consumer or customer because that consumer or customer has opted out from the disclosure of his or her nonpublic personal financial information pursuant to the provisions of these rules.

(2) A licensee shall not unfairly discriminate against a consumer or customer because that consumer or customer has not granted authorization for the disclosure of his or her nonpublic personal health information pursuant to the provisions of these rules.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 9-29-01.

4ER01-45 Effective Date.

(1)(a) Not later than 30 days following the effective date of these rules, each licensee shall provide an initial notice, as required by Rule 4ER01-26, F.A.C., to consumers who are the licensee's customers on July 1, 2001.

(b) Example. A licensee provides an initial notice to consumers who are its customers on July 1, 2001, if, by that date, the licensee has established a system for providing an initial notice to all new customers and has mailed the initial notice to all the licensee's existing customers.

(3) Until July 1, 2002, a contract that a licensee has entered into with a nonaffiliated third party to perform services for the licensee or functions on the licensee's behalf satisfies the provisions of subparagraph 4ER01-35(1)(a)2., F.A.C. of this rule, even if the contract does not include a requirement that the third party maintain the confidentiality of nonpublic personal information, as long as the licensee entered into the agreement on or before July 1, 2000.

This rule is effective September 29, 2001.

Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New 9-29-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 29, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agriculture Environmental Services

RULE TITLE: _____ RULE NO.:

Records of the Use of Aircraft for the

Application of Pesticides,

Fertilizers or Seed

5EER01-2

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Governor of the State of Florida has issued an Executive Order pursuant to the emergency powers granted to the Governor declaring an emergency in the State of Florida

stating that precautions need to be taken to protect the State and that a coordination of efforts be made by state agencies. Thus, the Department of Agriculture and Consumer Services (the Department) which regulates the aerial application of pesticides pursuant to Chapters 388 and 487, Florida Statutes, and in conjunction with the state of emergency declared by the Governor, hereby finds it is necessary to verify that operators of aerial application equipment have valid licences issued by the Federal Aviation Administration and the Department, and it is necessary to require flight schedules be provided to prevent the unauthorized use of aerial application equipment to the detriment of the public. The Department further finds these requirements are needed to prevent the operation of aerial application equipment in a manner that poses an immediate danger to the health, safety and welfare of the citizens of the State of Florida.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The aerial application industry addressed within this rule is a unique licensed resource of the State of Florida. Due to the speed and frequency with which aerial spraying can occur at a given time, an emergency rule is necessary to preserve the integrity, safety, and control of these aerial devices within the State of Florida.

SUMMARY OF RULE: This rule creates temporary records and reporting requirements for aerial application equipment used to apply pesticides, fertilizers, or seed anywhere in and out of the State of Florida until further notice.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Steve Rutz, Environmental and Agricultural Services, 130 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Phone 1(850)488-3731

THE FULL TEXT OF THE EMERGENCY RULE IS:

5EER01-2 Records of the Use of Aircraft for the Application of Pesticides, Fertilizers or Seed.

Anyone operating aircraft used for the application of any pesticide, fertilizer or seed shall at least one hour prior to the departure of any aircraft, first submit to the Florida Department of Agriculture and Consumer Services, at The Bureau of Compliance Monitoring, 3125 Conner Blvd., Bldg 8, Tallahassee, Florida 32399-1650, the following information:

(1) Initially provide and file proof with the Department of a valid and current State of Florida Department of Agriculture issued Restricted Use Pesticide Applicators License or a Public Health Aerial Applicator's license and maintain such information on a current status by immediately notifying the Department of any changes.

(2) Initially provide and file proof with the Department of a valid and current pilot's license and maintain such information on a current status by immediately notifying the Department of any changes.

(3) Initially provide and file with the Department a 24 hour contact phone number for every licensed pilot and co-pilot, if any, who will be involved in the application and their business and home addresses, and maintain such information on a current status by immediately notifying the Department of any changes.

(4) Provide and file with the Department at least one hour in advance a flight schedule for each application which designates the county of operation and destination to include the Section, Range, and Township of the area to be treated. The flight schedule shall also designate the originating airport location for the aircraft, the general start and stop times for the scheduled treatment, the name of each pesticide, fertilizer or seed to be applied, and the valid Federal Aviation Administration (FAA) registration number of the aircraft to be used.

(5) Provide and file with the Department at least one hour in advance for each application the name, address and phone numbers of all persons requesting treatment if a commercial pesticide, fertilizer or seed application is intended.

(6) The information contained in paragraphs 1 through 5 above shall also be provided upon request to the FAA if required. Copies of all flight plans required by the FAA to be filed shall also be provided to the Department upon request.

(7) Copies of all records shall be maintained by the licensee for a period of three (3) years, and shall be made immediately available for inspection to the Department or any law enforcement agency upon request

Specific Authority 388.487, 570 FS, Law Implemented 252.36(1)(5), 388.361, 388.45, 487.046, 487.048, 487.160, 570.191, 593.20 FS., and Executive Order dated September 11, 2001. History--New 9-26-01.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 26, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 390, YEAR

RULE NO.:

END BONUS 53ER01-63

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 390, "YEAR END BONUS" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners, and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-63 Instant Game Number 390, YEAR END BONUS.

(1) Name of Game. Instant Game Number 390, "YEAR END BONUS."

(2) Price. YEAR END BONUS tickets sell for \$2.00 per ticket.

(3) YEAR END BONUS lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning YEAR END BONUS lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any YEAR END BONUS lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten matching sets of numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$1,000, and \$25,000. A claimant who is entitled to a prize of a

"TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a YEAR END BONUS lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(b) A ticket having a "check" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to double the corresponding prize amount shown.

(9) Number and Size of Prizes. The value, number of prizes, and odds of winning in Instant Game Number 390 are as follows:

<u>GAME PLAY</u>	<u>WIN</u>	<u>NUMBER OF WINNERS IN 28 POOLS OF</u>	<u>ODDS</u>
<u>TICKET</u>	<u>\$2 TICKET</u>	<u>739,200</u>	<u>1 in 6.82</u>
<u>\$2</u>	<u>\$2</u>	<u>201,600</u>	<u>1 in 25.00</u>
<u>\$2 (D)</u>	<u>\$4</u>	<u>201,600</u>	<u>1 in 25.00</u>
<u>(\$1 x 3) + \$2</u>	<u>\$5</u>	<u>168,000</u>	<u>1 in 30.00</u>
<u>\$5</u>	<u>\$5</u>	<u>168,000</u>	<u>1 in 30.00</u>
<u>(\$1 x 6) + \$2 (D)</u>	<u>\$10</u>	<u>33,600</u>	<u>1 in 150.00</u>
<u>\$5 + \$5</u>	<u>\$10</u>	<u>33,600</u>	<u>1 in 150.00</u>
<u>\$10</u>	<u>\$10</u>	<u>33,600</u>	<u>1 in 150.00</u>
<u>(\$2 x 5) + \$5 + \$10</u>	<u>\$25</u>	<u>7,000</u>	<u>1 in 720.00</u>
<u>\$1 + (\$2 x 2) + (\$5 x 2) + \$10</u>	<u>\$25</u>	<u>6,300</u>	<u>1 in 800.00</u>
<u>\$25</u>	<u>\$25</u>	<u>5,600</u>	<u>1 in 900.00</u>
<u>\$5 x 10</u>	<u>\$50</u>	<u>3,500</u>	<u>1 in 1,440.00</u>
<u>(\$20 x 2) + \$5 (D)</u>	<u>\$50</u>	<u>2,800</u>	<u>1 in 1,800.00</u>
<u>\$25 (D)</u>	<u>\$50</u>	<u>2,408</u>	<u>1 in 2,093.02</u>
<u>\$20 x 5</u>	<u>\$100</u>	<u>280</u>	<u>1 in 18,000.00</u>
<u>(\$5 x 4) + \$10 (D) + (\$20 x 3)</u>	<u>\$100</u>	<u>420</u>	<u>1 in 12,000.00</u>
<u>\$100</u>	<u>\$100</u>	<u>420</u>	<u>1 in 12,000.00</u>
<u>\$50 x 4</u>	<u>\$200</u>	<u>112</u>	<u>1 in 45,000.00</u>
<u>\$100 x 10</u>	<u>\$1,000</u>	<u>5</u>	<u>1 in 1,008,000.00</u>
<u>\$1,000</u>	<u>\$1,000</u>	<u>5</u>	<u>1 in 1,008,000.00</u>
<u>\$25,000</u>	<u>\$25,000</u>	<u>2</u>	<u>1 in 2,520,000.00</u>

(10) The overall odds of winning any prize in Instant Game Number 390 are 1 in 3.13.

(11) For reorders of Instant Game Number 390, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(12) By purchasing a YEAR END BONUS lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for YEAR END BONUS lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a),(b),(c), 24.115(1) FS. History—New 9-28-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 28, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: FANTASY 5™ Retailer Bonus
 RULE NO.: 53ER01-66

Commission Promotion
 SUMMARY OF THE RULE: The FANTASY 5™ Retailer Bonus Commission Promotion will be conducted October 1, 2001 through October 28, 2001. The Florida Lottery will award on-line retailers a five percent bonus commission on each free FANTASY 5 quick pick ticket they issue as a prize.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-66 FANTASY 5™ Retailer Bonus Commission Promotion.

(1) Effective October 1, 2001, through October 28, 2001, the Florida Lottery will conduct a FANTASY 5 Retailer Bonus Commission Promotion for all on-line retailers. During the promotion period, on-line retailers will receive a five percent bonus commission (“Bonus Commission”), in addition to the regular five percent sales commission, on each free FANTASY 5 quick pick ticket they issue as a prize.

(2) The Bonus Commission shall be combined with the regular five percent sales commission and shall appear as an on-line adjustment on the retailer’s weekly Settlement Report.

(3) Bonus commissions will be considered compensation to the retailer for Internal Revenue Service purposes.

Specific Authority 24.105(10)(i), 24.109(1) FS. Law Implemented 24.105(10)(i), 24.112(1) FS. History—New 9-27-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 27, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Retailer Compensation
 RULE NO.: 53ER01-67

SUMMARY OF THE RULE: This emergency rule replaces 53ER01-48, Florida Administrative Code, and sets forth the manner of compensation to retailers.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-67 Retailer Compensation.

(1) Sales Commission.

(a) Retailers shall be paid a sales commission of five percent of the purchase price of each on-line ticket sold by them or issued as a prize in accordance with these rules and Chapter 24, Florida Statutes.

(b) Retailers shall be paid a sales commission of five percent of the retail value of each book (full or partial) of instant tickets settled by them. Free instant tickets issued as a prize shall be included in the retail value of a settled book.

(2) Cashing Bonus. Retailers shall be paid a one percent cashing bonus on the value of each lottery ticket cashed by them. The cashing bonus applies to instant and on-line tickets with a prize value less than \$600. As used herein, “cashing” shall mean a transaction wherein a retailer validates a ticket and pays a prize either by cash, check, money order, or by issuance of a free ticket, and the Lottery processes the paid ticket for credit to the retailer. Free tickets shall be valued at their retail sales price.

(3) Sales commissions and cashing bonuses earned by a retailer will be reflected on the retailer’s weekly Settlement Report.

(4) Sales commissions and cashing bonuses will be considered compensation to the retailer for Internal Revenue Service purposes.

(5) No retailer or employee of a retailer shall request or accept compensation for the performance of duties authorized pursuant to the retailer’s contract, other than the compensation provided for in the retailer’s contract and these rules. This prohibition includes, but is not limited to, the redemption of winning tickets. A retailer shall not charge a fee for payment of a prize by money order when that is the only method of prize payment made available by the retailer.

(6) The Lottery is authorized to conduct retailer incentive promotions in which additional compensation is provided to retailers.

(7) This emergency rule replaces Emergency Rule 53ER01-48, Florida Administrative Code.

Specific Authority 24.105(10)(i), 24.109(1), 24.112(1) FS. Law Implemented 24.105(10)(i), 24.112(1) FS. History—New 9-27-01. Replaces 53ER01-48, F.A.C.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 27, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 410, GOLD RUSH
RULE NO.: 53ER01-68

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 410, "GOLD RUSH" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-68 Instant Game Number 410, GOLD RUSH.

(1) Name of Game. Instant Game Number 410, "GOLD RUSH."

(2) Price. GOLD RUSH tickets sell for \$5.00 per ticket.

(3) GOLD RUSH lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN (Void If Removed Number) under the latex area on the ticket. To be a valid winning GOLD RUSH lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any GOLD RUSH lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) Design of Ticket. There are 5 different games in Instant Game Number 410, GOLD RUSH. Game 1 is entitled "BEAT THE DEALER." Game 2 is entitled "LUCKY 7'S." Game 3 is entitled "MATCH UP." Game 4 is entitled "FAST \$10." Game 5 is entitled "DOUBLE UP."

(5) The "YOURS" play symbols and play symbol captions in game 1, BEAT THE DEALER, are as follows:

INSERT SYMBOLS

(6) The "DEALER'S" play symbols and play symbol captions in game 1, BEAT THE DEALER, are as follows:

INSERT SYMBOLS

(7) The "PRIZE" symbols and "PRIZE" symbol captions in game 1, BEAT THE DEALER, are as follows:

INSERT SYMBOLS

(8) The legends in game 1, BEAT THE DEALER, are as follows:

INSERT SYMBOLS

(9) The play symbols and play symbol captions in game 2, LUCKY 7'S, are as follows:

INSERT SYMBOLS

(10) The "PRIZE" symbols and "PRIZE" symbol captions in game 2, LUCKY 7'S, are as follows:

INSERT SYMBOLS

(11) The legend in game 2, LUCKY 7'S, is as follows:

INSERT SYMBOLS

(12) The play symbols and play symbol captions in game 3, MATCH UP, are as follows:

INSERT SYMBOLS

(13) The legends in game 3, MATCHUP, are as follows:

INSERT SYMBOLS

(14) The play symbols and play symbol captions in game 4, FAST \$10, are as follows:

INSERT SYMBOLS

(15) The play symbols and play symbol captions in game 5, DOUBLE UP, are as follows:

INSERT SYMBOLS

(16) Determination of Prize Winners. Each of the 5 games within Instant Game Number 410, GOLD RUSH, uses a different play methodology. The determination of prizewinners for each game is as follows:

(a) Game 1, BEAT THE DEALER.

1. In game 1, BEAT THE DEALER, there are four hands. A ticket having a card in the "YOURS" play area of one hand, that is greater than the card in the "DEALER'S" play area of the same hand shall entitle the claimant to the corresponding prize shown for that hand. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$100, \$250, \$1,000, \$10,000, and \$50,000.

2. In game 1, BEAT THE DEALER, a claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of one \$5.00 instant ticket or any combination of instant and on-line tickets that totals \$5.00, except as provided in paragraph (16)(f), below.

3. In game 1, BEAT THE DEALER, the point value assigned to Kings, Queens and Jacks is 10, and the point value assigned to Aces is 11.

(b) Game 2, LUCKY 7'S.

1. In game 2, LUCKY 7'S, a ticket having three "7's" in the play area in any one row, column or diagonal shall entitle the claimant to the prize shown in the "PRIZE" play area. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$15.00, \$25.00, \$100, \$250, \$1,000, \$10,000, \$100,000.

2. In game 2, LUCKY 7'S, a claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of one \$5.00 instant ticket or any combination of instant and on-line tickets that totals \$5.00, except as provided in paragraph (16)(f), below.

(c) Game 3, MATCH UP.

In game 3, MATCH UP, there are four games. A ticket having three like symbols in the play area of one game shall entitle the claimant to the corresponding prize shown for that symbol in the "PRIZE LEGEND." The prizes are \$5, \$10, \$25, \$50, \$500, \$5,000, \$50,000.

(d) Game 4, FAST \$10.

In game 4, FAST \$10, a ticket having two like symbols in the play area shall entitle the claimant to a prize of \$10.

(e) Game 5, DOUBLE UP.

In game 5, DOUBLE UP, a ticket having the word "DOUBLE" in the play area shall entitle the claimant to double the total amount of winnings on the GOLD RUSH ticket.

(f) A person who submits by mail a GOLD RUSH lottery ticket which entitles the claimant to a prize of a \$5.00 ticket and whose mailing address is outside of the state of Florida will receive a check for \$5.00 in lieu of an actual ticket.

(17) Number and Size of Prizes: The value, number of prizes, and odds of winning in Instant Game Number 410 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 42 POOLS OF 120,000 TICKETS PER POOL	ODDS
TICKET (Games 1 and 2)	\$5 TICKET	672,000	1 in 7.50
G1-(\$1 x 3) + G2-\$2	\$5	84,000	1 in 60.00
G1-(\$1 x 4) + G2-\$1	\$5	168,000	1 in 30.00
G1-(\$1 x 2) + \$2 + G2-\$1	\$5	168,000	1 in 30.00
G3-\$5	\$5	252,000	1 in 20.00
G1-(\$1 x 2) + \$2 + G2-\$1 + G3-\$5	\$10	168,000	1 in 30.00
G2-\$5 + G5-(Double)	\$10	42,000	1 in 120.00
G1-(\$2 x 2) + G2-\$1 + G3-\$5	\$10	42,000	1 in 120.00
G4-\$10	\$10	42,000	1 in 120.00
G1-(\$1 x 3) + G2-\$2 + G3-\$5	\$10	42,000	1 in 120.00
G1-\$5 + G2-\$5 + G3-\$5	\$15	84,000	1 in 60.00
G1-\$2 + \$2 + \$5 + G2-\$1 + G3-\$5	\$15	42,000	1 in 120.00
G1-(\$2 x 4) + G2-\$2 + G3-\$5	\$15	42,000	1 in 120.00
G1-\$1 + (\$2 x 2) + G2-\$5 + G3-\$5 + G4-\$10	\$25	39,900	1 in 126.32
G1-\$1 + (\$2 x 2) + G2-\$10 + G3-\$10	\$25	12,600	1 in 400.00
G1-(\$1 x 4) + G2-\$1 + G3-(\$5 x 2) + G4-\$10	\$25	21,000	1 in 240.00
G1-(\$5 x 4) + G3-\$5	\$25	12,600	1 in 400.00
G2-\$10 + G3-\$5 + G4-\$10	\$25	9,492	1 in 530.97
G1-(\$5 x 2) + G2-\$5 + G3-\$10	\$25	9,450	1 in 533.33
G2-\$5 + G3-(\$5 x 4) + G5-(Double)	\$50	21,924	1 in 229.89
G2-\$25 + G3-(\$10 x 4) + G4-\$10	\$75	504	1 in 10,000.00
G1-(\$5 x 4) + G2-\$15 + G3-\$5 + \$10 + \$25	\$75	504	1 in 10,000.00
G1-(\$5 x 3) + \$10 + G2-\$25 + G3-(\$5 x 3) + \$10	\$75	504	1 in 10,000.00
G1-(\$5 x 3) + G2-\$25 + G3-\$25 + G4-\$10	\$75	504	1 in 10,000.00
G1-(\$5 x 3) + \$10 + G2-\$10 + G3-\$5 + \$25 + G4-\$10	\$75	504	1 in 10,000.00
G1-x 4) + G2-\$2 + G3-(\$5 x 2) + (\$10 x 2) + G4-\$10 + G5-(Double)	\$100	420	1 in 12,000.00
G1-\$5 + G2-\$5 + G3-\$5 + \$10 + \$25 + G5-(Double)	\$100	420	1 in 12,000.00
G1-\$5 + (\$10 x 3) + G2-\$15 + G3-\$50	\$100	420	1 in 12,000.00
G1-(\$5 x 2) + \$15 + \$25 + G2-\$10 + G3-(\$5 x 2) + (\$10 x 2) + G4-\$10	\$100	420	1 in 12,000.00
G1-(\$10 x 2) + (\$15 x 2) + G2-\$10 + G3-(\$10 x 4)	\$100	420	1 in 12,000.00
G1-(\$10 x 2) + (\$15 x 2) + G2-\$100 + G3-(\$25 x 4) + G5-(Double)	\$500	25	1 in 201,600.00
G1-(\$50 x 4) + G2-\$100 + G3-(\$50 x 4)	\$500	25	1 in 201,600.00
G1-\$15 + (\$100 x 3) + G2-\$100 + G3-\$10 + \$25 + \$50	\$500	25	1 in 201,600.00
G1-\$1,000	\$1,000	5	1 in 1,008,000.00
G2-\$1,000	\$1,000	5	1 in 1,008,000.00

G1-(\$100 x 4) +			
G2-\$100 + G3-\$500	\$1,000	5	1 in 1,008,000.00
G3-(\$500 x 2)	\$1,000	5	1 in 1,008,000.00
G1-\$250 + G2-\$250 +			
G3-\$500	\$1,000	10	1 in 504,000.00
G3-\$5,000	\$5,000	4	1 in 1,260,000.00
G1-\$10,000	\$10,000	2	1 in 2,520,000.00
G2-\$10,000	\$10,000	2	1 in 2,520,000.00
G3-\$5,000 + G5-(Double)	\$10,000	2	1 in 2,520,000.00
G3-\$50,000	\$50,000	1	1 in 5,040,000.00
G1-\$50,000 + G5-(Double)	\$100,000	1	1 in 5,040,000.00
G2-\$100,000	\$100,000	1	1 in 5,040,000.00

(18) The overall odds of winning any prize in Instant Game Number 410 are 1 in 2.55.

(19) For reorders of Instant Game Number 410, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

(20) By purchasing a GOLD RUSH lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(21) Payment of prizes for GOLD RUSH lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(10)(a),(b),(c), 24.115(1) FS. History—New 9-28-01.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 28, 2001

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that on September 24, 2001, the Florida Department of Transportation issued an Order Granting Request for Variance for the Petition of Flint Ink North America Corporation, seeking a variance from the provisions of Rule 14-57.003(5)(b)1., Florida Administrative Code. The Petition for Variance was received by the Department on June 20, 2001. The Department published its notice of receipt of the petition in the July 6, 2001, edition of the Florida Administrative Weekly. Rule 14-57.003(5)(b)1., Florida Administrative Code, establishes a minimum side clearance of eight (8) feet from the center line of standard gauge railroad tracks to adjacent structures and obstructions above the top of the rail. The Department's Order, issued in DOT Case No. 01-096, granted the Petition because Flint Ink North America Corporation demonstrated a substantial hardship to justify the

need for the variance and how the variance requested would serve the purposes of the underlying statute, Section 341.302(7), Florida Statutes.

A copy of the Department's Order Granting Request for Variance may be obtained from the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458.

For additional information, contact: James C. Myers, (850)414-5393.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on September 21, 2001, a petition from Waste Management (Payless #6), for a waiver pursuant to subsection 376.307(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition has been assigned OGC case number 01-0957.

Copies may be received from, and written comments submitted to: Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Attn: Rebecca Grace. Comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on September 24, 2001, a petition from the Sunshine Gasoline Distributors, Inc. for the Sunshine Citgo #21 facility in Miami, Florida, seeking a waiver from the interstitial monitoring release detection requirements of Rules 62-761.600(1)(h)1., and 62-761.640(3)(a), F.A.C., because the underground storage tanks were installed prior to the requirement mandating the interstitial monitoring for all secondarily contained tanks. The petition has been assigned OGC case number 01-1574.

Copies may be received from, and written comments submitted to: Ms. Rebecca Grace, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Comments must be received no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT ON September 19, 2001, the Board of Orthotists and Prosthetists received a Petition for Waiver from Rule 64B14-4.110(1)(b), FAC., from Haydee Quirantes. The Petitioner requests a permanent waiver from the rule that specifies the requirements for licensure as an orthotic fitter.

Comments on this Petition should be filed with: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

A copy of the petition may be obtained from: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, Department of Health, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

NOTICE IS HEREBY GIVEN THAT ON October 2, 2001, the Department of Health received a Petition for Variance from 64E-5.217, F.A.C., from MDS Nordion. The Petitioner requests a variance from the requirement for a Florida establishment to issue a bond.

Comments on this Petition should be filed with: Theodore Henderson, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin A-02, Tallahassee, FL 32399-1703.

A copy of the petition may be obtained from: Theodore Henderson, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin #A-02, Tallahassee, FL 32399-1703.

NOTICE IS HEREBY GIVEN that on September 24, 2001, the Florida Department of Health received a Petition for Waiver of 64E-15.004(5) and 64E-15.005(2) of the Florida Administrative Code. The Petitioner seeking the waiver of rules is Ft. Gates Ferry & Fish Camp, Inc. The Petitioner seeks permanent waiver from the sanitary dump requirement of the Florida Administrative Code. Since the recreational vehicle park was constructed before May of 1966, there is no need to seek a waiver of 64E-15.005(2). Comments on the petition should be mailed to the Agency Clerk, Theodore Henderson; 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1710, within 14 days of the publication of this notice.

A copy of the Petition may be obtained from: Ken Widergren, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4444, Extension 2453.

Section VI

Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission

Florida Land and Water Adjudicatory Commission
Board of Trustees of the Internal Improvement Trust Fund
Department of Environmental Protection

DATE AND TIME: October 30, 2001, 9:00 a.m.

PLACE: Room 212, Knott Building, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental

budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Main Court Room, Supreme Court Building, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Southeast Florida Preservation, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 1, 2001, 11:00 a.m.

PLACE: Palm Beach County Regional Office, Florida Division of Historical Resources, 20 N. Swinton Avenue, Delray Beach, FL 33344

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Palm Beach County Regional Office, Florida Division of Historical Resources, P. O. Box 1221, Delray Beach, Florida 33447-1221. Should any person wish to appeal any decision made with respect to the above referenced meeting, s/he may need to ensure a verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance, (561)279-1475.

The Florida **Secretary of State's Select Task Force on Voting Accessibility** will hold a workshop and public hearing on:

DATE AND TIME: October 29, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Supervisor of Elections Office, 240 South Military Trail, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation to task force members regarding voting reforms and technology, voter accessibility and to consider public testimony from others regarding elections laws, building and construction requirements for Americans with Disabilities under both federal and state laws, possible uses of alternative technologies to benefit disabled voters, and to discuss possible recommended statutory and rule changes.

Special presentations will be made by James Dickson, American Association of Disabled Persons, Washington, D.C., and by several voting systems manufacturers. A draft report to the Secretary of State will be presented and discussed for changes, additions or modifications.

If you need an accommodation because of disability in order to participate, please notify Ginger Simmons, Staff Secretary, in writing at least five days in advance at Suite #200, 301 S. Bronough Street, Tallahassee, FL 32301.

The **Department of State, Division of Elections** announces a public meeting, to which all persons are invited.

A joint meeting of: Voter Registration Advisory Board of the Florida State Association of Supervisors of Elections, Voter Registration Technical Advisory Group of the Florida State Association of Supervisors of Elections, Representatives of the Voter Registration Project Management, Oversight and Budget Team of the Florida Department of State.

DATE AND TIME: October 30, 2001, 9:00 a.m. – 12:00 Noon
PLACE: Orange County Supervisor of Elections Office, 119 West Kaley Street, Orlando, FL 32806

GENERAL SUBJECT MATTER TO BE CONSIDERED: Design of a Statewide Voter Registration Database.

The agenda will be a further discussion of technical and procedural issues which were not resolved at the September 19, 2001 meeting. Questions about this agenda may be directed to: Paul Craft, Division of Elections, Room 1801, The Capitol, Tallahassee, FL 32399-0250, pcraft@mail.dos.state.fl.us, (850)921-4110.

Pursuant to Chapter 286.26, Florida Statutes, any person requiring special accommodations to participate in this meeting is asked to advise the agency as soon as possible and at least 48 hours before the meeting by contacting Paul Craft, Division of Elections, Room 1801, The Capitol, Tallahassee, FL 32399-0250, pcraft@mail.dos.state.fl.us, (850)921-4110.

DEPARTMENT OF LEGAL AFFAIRS

The Research Committee of the **Florida Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: November 1, 2001, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The **Florida Elections Commission** announces a meeting. Parts of the meeting are confidential.

DATES AND TIMES: Wednesday, November 7, 2001, 8:30 a.m. – 5:00 p.m.; Thursday, November 8, 2001, 8:30 a.m. – 5:00 p.m.

PLACE: The Governor's Large Conference Room, Room PL03, The Capitol, 402 South Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes, and to the late filing of campaign treasurer's reports.

For a copy of the agenda call Patsy Rushing, (850)922-4539.

If you need an accommodation because of disability in order to participate, please call Patsy Rushing at least 48 hours before the meeting.

If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a regular business meeting of the Florida Coordinating Council on Mosquito Control to which all persons are invited.

DATE AND TIME: October 30, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Doyle Conner Building, Conference Room, 1911 Southwest 34th Street, Gainesville, Florida 32614-7100, (352)372-3505

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Welcome and Introductions

Approval of Minutes from Previous Meeting

General Comments and Business Items, to include:

- Report from the Subcommittee on Managed Marshes
- Other items to be announced

Questions and Comments may be directed to: T. Wayne Gale, Chairman, (850)922-6877 or email galet@doac.state.fl.us.

The **Citrus Budwood Technical Advisory Committee** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, October 18, 2001, 9:30 a.m.

PLACE: Shaw Building Training Room, 3027 Lake Alfred Road, Winter Haven, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the following agenda items:

1. Update on Citrus Germplasm Introduction Program
2. New Citrus Varieties for Introduction
3. Update on Citrus Budwood Protection Program
4. USDA CTV Test of New Scion and R/S Material

If you need a special accommodation in order to attend this meeting because of a disability, please let us know by October 14, 2001.

A copy of the agenda may be obtained by writing: Mr. Michael Kesinger, Chief, Bureau of Citrus Budwood Registration, Division of Plant Industry, 3027 Lake Alfred Road, Winter Haven, Florida 33881, (941)294-4267.

DEPARTMENT OF EDUCATION

The Florida **Department of Education**, Charter School Review Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 5, 2001, 1:00 p.m. – 5:00 p.m.

PLACE: Hyatt Orlando, 6375 West Irlo Bronson Memorial Highway, Kissimmee, Florida 34747, (407)396-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the Charter School Review Panel will be briefed on charter school enrollment and budget requests for Charter Schools Capital Outlay Funding, establishing internal procedures for handling inquiries submitted by outside parties, and examine the imposition of impact fees upon charter schools.

An agenda will be available one week prior to the meeting. To obtain a copy of the agenda, please call or write: The Choice Office, 522 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)414-0780 or Suncom 994-0780.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact Karen L. Hines-Henry, at the above address or telephone numbers.

NOTICE OF CHANGE – The Board of Trustees of the **Florida School for the Deaf and the Blind** hereby gives notice of a change to the date of a public meeting to which all persons are invited.

DATE AND TIME: Saturday, November 10, 2001, 9:00 a.m.

PLACE: FSDB Campus, Auditorium, Wilson Music Building, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799 or by calling (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned address.

The Division of Colleges and Universities of the Florida **Board of Education** (FBOE) announces a meeting to which the public is invited.

DATE AND TIME: October 16, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Florida Education Center, Room 1706, 325 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to negotiate the 2002-2003 Re-Opener Agreement between the FBOE and the Florida Police Benevolent Association, Inc. The FBOE welcomes participation from any interested members of the public.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The Division of Colleges and Universities of the Florida **Board of Education** announces a meeting to which the public is invited.

DATE AND TIME: Monday, October 22, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Florida Education Center, Room 1706, 325 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to negotiate the 2002-2003 Re-Opener bargaining agreement between the Florida Board of Education and the United Faculty of Florida. The Board welcomes participation from any interested members of the public.

Persons with disabilities who require assistance to participate are requested to notify the Office of Equal Opportunity Programs, (850)201-7160 (Voice) or (850)201-7164 (TDD), at least seven (7) days in advance so that their needs may be accommodated.

The public is invited to a meeting of the Florida **Board of Education**.

DATES AND TIMES: October 22, 2001, 10:00 a.m.; October 23, 2001, 8:00 a.m.

PLACE: Timber Creek High School, 101 Avalon Blvd., Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Strategic Plan, Reorganization of the Department of Education, School Code Revision and other matters pertaining to the Florida Board of Education. Public testimony will be taken at the conclusion of the regular business agenda on October 22, 2001.

A copy of the agenda may be obtained from the Secretary of Education's website at <http://www.flboe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Building Construction Permitting and Inspection Task Force** announces the following meeting to which all persons are invited.

DATE AND TIME: October 24, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Jacksonville City Hall, Committee Room B, St. James Building, 117 West Duval Street, Jacksonville, Florida 32202, (904)630-1100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Building Construction Permitting and Inspection Task Force.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The Criminal Justice Professionalism Program announces the following meeting dates and times for the **Criminal Justice Standards and Training Commission** and Commission-related meetings: The Quarterly Criminal Justice Standards and Training Commission meeting, Training Center Directors' Committee and Business meetings, Probable Cause Determination Hearings, and presentation of Officer Discipline Cases for final disposition. These meetings are held to discuss issues relating to standards, training, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers, and issues concerning certification and recertification of Commission-certified criminal justice training schools. All parties are invited to attend.

DATE AND TIME: Training Center Directors' Committee Meetings, Tuesday, October 30, 2001, 4:00 p.m.

DATE AND TIME: Training Center Directors' Business Meeting, Wednesday, October 31, 2001, 8:30 a.m.

DATE AND TIME: Probable Cause Determination Hearings, Wednesday, October 31, 2001, 8:30 a.m.

DATE AND TIME: CJS&T Commission meeting business agenda, Thursday, November 1, 2001, 8:30 a.m. – 1:00 p.m.

DATE AND TIME: Officer Discipline Case Proceedings, Thursday, November 1, 2001, 1:00 p.m. – Open

PLACE: Sheraton West Palm Beach Hotel, 630 Clearwater Park Road, West Palm Beach, FL 33401

TELEPHONE NUMBER FOR HOTEL RESERVATIONS: (561)833-1234, Fax (561)833-4689

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss standards and training for criminal justice officers, certification and decertification of criminal justice officers,

final agency action on officer discipline cases, and certification and re-certification of Commission-certified criminal justice training schools.

COMMISSION MEETING AGENDAS: A copy of the November 2001, Commission Meeting agenda may be obtained by contacting: Donna Hunt, (850)410-8615, and a copy of the Officer Discipline Agenda may be obtained by contacting Brenda Presnell, (850)410-8648. If you wish to write the Commission for a copy of the above agendas, please write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Donna Hunt or Brenda Presnell. If you wish to call or write for a copy of the Training Center Directors' Association agenda, please write or call Training Center Director Association Chairman, Ray Newman, (863)297-1030, Polk Community College, 999 Avenue H, Northeast, Winter Haven, FL 33881-4299.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Donna Hunt, (850)410-8615, at least two (2) weeks prior to the meeting.

The Florida **Department of Law Enforcement**, Criminal Justice Professionalism Program announces a public meeting for an officer discipline Penalty Guidelines Task Force meeting to which all persons are invited to attend.

DATE AND TIME: Wednesday, October 31, 2001, 1:30 p.m. – Open

PLACE: Sheraton West Palm Beach, 630 Clearwater Park Road, West Palm Beach, Florida 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine penalty guidelines for officer discipline cases.

For further information, please contact: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Attn: Terry Baker, Post Office Box 1489, Tallahassee, Florida 32302-1489, (850)410-8688.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District 5 announces a public hearing to which all persons are invited.

DATE AND TIMES: Wednesday, November 7, 2001, 5:30 p.m. – 8:30 p.m.; Formal Presentation, 7:00 p.m.

PLACE: Palm Bay Community Center, 1502 Port Malabar Boulevard, N. E., Palm Bay, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects

of Financial Project Number 237650-1, Federal Aid Project Number 4225 031 C; the Project Development and Environment (P D & E) Study for Babcock Street (SR 507). The limits of the project corridor are from Valkaria Road in Malabar to NASA Boulevard in Melbourne, Brevard County, Florida, a distance of approximately 9.92 miles. The study has shown the need to widen Babcock Street (SR 507) from two or four lanes to four or six lanes in certain sections; therefore, it will be necessary to acquire additional right-of-way in selected areas.

This project is being developed in compliance with Titles VI and VIII of the Civil Rights Act. Public participation is solicited without regard to race, color, religion, sex, age, national origin, handicap or family status.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Mr. Steven G. Godfrey, P. E., Consultant Project Manager, (407)898-1511. Special accommodation requests under the Americans With Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Godfrey, c/o Kimley-Horn and Associates, Suite 108, 1080 Woodcock Road, Orlando, Florida 32802.

The **Florida Highway Beautification Council** announces a meeting to which all persons are invited.

DATES AND TIMES: Tuesday, November 13, 2001, 1:00 p.m. – 5:00 p.m.; Wednesday, November 14, 2001, 8:30 a.m. – 12:00 Noon

PLACE: Florida Department of Transportation, Hayden Burns Building, Secretary's Conference Room, 5th Floor, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to conduct general business of the Highway Beautification Council.

For information please contact: Mr. Jeff Caster, State Transportation Landscape Architect, Florida Department of Transportation, 605 Suwannee Street, MS #37, Tallahassee, Florida 32399-0450, (850)922-7205, jeff.caster@dot.state.fl.us.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jeff Caster, (850)922-7205, at least 2 weeks prior to the meeting.

The **Florida High Speed Rail Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 24, 2001, 9:00 a.m. – conclusion

PLACE: Orange County Convention Center, Room 300, 9800 International Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Florida High Speed Rail Authority business.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Authority at least 48 hours before the meetings by contacting Betty Sizemore, (850)414-5244.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the School Marketing Program Advisory Council to which all persons are invited.

DATE AND TIME: Monday, October 22, 2001, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review School Marketing proposed program and budget for January 2002 – June 2002, and make recommendation to the Florida Citrus Commission.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Telecommunications Access System Act (TASA) Advisory Committee to the Florida **Public Service Commission** will hold a committee meeting to which all parties and other interested persons are invited.

DOCKET NO: 991222-TP

DATE AND TIME: Monday, October 29, 2001, 1:00 p.m.

PLACE: Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss the pros and cons of having a Florida Account Manager, advisory committee feedback on 711, caller ID or Turbocode and other relevant issues.

Further information regarding this meeting may be obtained from: Beth Salak, Division of Competitive Services at the Florida Public Service Commission, (850)413-6408.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any

person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a Special Commission Conference in the following docket to which all interested persons are invited.

Docket No.: 000824-EI – Review of Florida Power Corporation’s earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

Docket No.: 001148-EI – Review of Florida Power & Light Company’s proposed merger with Entergy Corporation, the formation of a Florida transmission company (“Florida transco”), and their effect on FPL’s retail rates.

Docket No. 010577-EI – Review of Tampa Electric Company and impact of its participation in GridFlorida, a Florida Transmission Company, on TECO’s retail ratepayers.

DATE AND TIME: October 30, 2001, 9:30 a.m.

PLACE: Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and make a decision regarding the Review of Florida Power Corporation’s earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light; review of Florida Power & Light Company’s proposed merger with Entergy Corporation, the formation of a Florida transmission company (“Florida transco”), and their effect on FPL’s retail rates; review of Tampa Electric Company and impact of its participation in GridFlorida, a Florida Transmission Company, on TECO’s retail ratepayers.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350 and 367, F.S.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy, (\$1.00 per copy, Rule 25-22.002, F.A.C.) by writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida. The agenda and recommendation are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any

person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990362-TI – Initiation of show cause proceedings against GTE Communications Corporation (n/k/a Verizon Select Services Inc.) for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection.

DATE AND TIME: October 31, 2001, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the initiation of show cause proceedings against GTE Communications Corporation (n/k/a Verizon Select Services Inc.) for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on May 15, 2001. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: October 25, 2001, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Regional Planning Committee

DATE AND TIME: October 25, 2001, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Planning Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: October 25, 2001, 6:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: October 25, 2001, 8:00 p.m.
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Holiday Inn Restaurant, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal any decision of the Council or its committees with respect to any matter considered at the meeting, may need to ensure that a verbatim record of the proceedings is made.

A copy of any of these agendas may be obtained by writing: NCFRPC, Suite A, 2009 N.W. 67th Place, Gainesville, Florida 32653.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Withlacoochee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2001, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 Southwest 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Treasure Coast Regional Planning Council** announces a meeting of the Regional Issues Committee to which all persons are invited:

DATE AND TIME: October 19, 2001, 1:00 p.m.

PLACE: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Regional Issues Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: October 25, 2001, 10:30 a.m. (Eastern Time), 9:30 a.m. (Central Time)

PLACE: Chipola Jr. College, 3094 Indian Circle Road, Marianna, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

METROPOLITAN PLANNING ORGANIZATIONS

The Florida **Metropolitan Planning Organization Advisory Council** (MPOAC) announces a meeting of the Staff Directors' Advisory Committee to which all persons are invited:

DATE AND TIME: October 25, 2001, 1:00 p.m. – 3:00 p.m.

PLACE: Radisson Hotel Orlando Airport, 5555 Hazeltine National Drive, Orlando, FL, (407)856-0100

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state and federal agencies.

A copy of the agenda may be obtained by contacting: Patti Brannon, MPOAC, 605 Suwannee Street, MS #28B, Tallahassee, FL 32399-0450, 1(800)399-5524 or e-mail: patti.brannon@dot.state.fl.us.

The Florida **Metropolitan Planning Organization Advisory Council** (MPOAC) announces a meeting of the Governing Board to which all persons are invited:

DATE AND TIME: October 25, 2001, 4:00 p.m. – 7:00 p.m.

PLACE: Radisson Hotel Orlando Airport, 5555 Hazeltine National Drive, Orlando, FL, (407)856-0100

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state and federal agencies.

A copy of the agenda may be obtained by contacting: Patti Brannon, MPOAC, 605 Suwannee Street, MS #28B, Tallahassee, FL 32399-0450, 1(800)399-5524 or e-mail: patti.brannon@dot.state.fl.us.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: October 25, 2001, 12:00 Noon (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee meetings to discuss District issues.

DATE AND TIME: October 25, 2001, 1:00 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting - to consider District business.

DATE AND TIME: October 25, 2001, 1:15 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Regulatory Matters – to consider regulatory matters.

DATE AND TIME: October 25, 2001, 1:30 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Land Acquisition Matters – to discuss land acquisition matters.

PLACE: District Headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, FL

A copy of the agendas may be obtained by contacting: Carolyn Wise, NWFWM, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at www.state.fl.us/nwfwmd).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright, at the District, at least 72 hours in advance of these meetings to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following Facilities/Planning/Construction Committee telephone conference call:

DATE AND TIME: Thursday, October 25, 2001, 10:00 a.m.

PLACE: St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss project construction and contractual matters of the District.

A copy of the agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Mrs. Sharon Whitener, Administrative Support Coordinator, Department of Operations and Land Resources, (904)329-4281.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

NOTE: If any person decides to appeal any decision with respect to any matter considered by the St. Johns River Water Management District's Governing Board, such person may need to ensure that a verbatim record of the meeting is made to include the testimony and evidence upon which appeal is to be based.

The **St. Johns River Water Management District** announces the following public meetings to which all persons are invited:

DATE AND TIME: Thursday, October 25, 2001, 5:00 p.m.

PLACE: Radisson Resort and Convention Center, 8701 Astronaut Boulevard, Cape Canaveral, Florida 32920

GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of water supply facilities for the City of Cocoa.

DATE AND TIME: Friday, October 26, 2001, 8:30 a.m.

PLACE: Tour departing from the Radisson Resort and Convention Center touring the water supply facilities for the City of Cocoa, including the Taylor Creek Reservoir, Dyal Water Treatment Plant the Bracco Reservoir.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of water supply facilities for the City of Cocoa.

For information only. For a copy of the itinerary write: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or call Linda Driggers, Business Resource Specialist IV, Department of Resource Management, (386)329-4255.

Anyone requiring a special accommodation to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Linda Driggers, (386)329-4255 or (904)329-4450 (TDD).

NOTE: If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearing(s), such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

LAKE PANASOFFKEE RESTORATION COUNCIL

DATE AND TIME: Monday, October 22, 2001, 5:00 p.m.

PLACE: Sumter County Commission Chambers, 209 North Florida Street, Bushnell, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Council business.

GOVERNING BOARD MEETING, PUBLIC HEARING AND COMMITTEE MEETINGS

DATE AND TIME: Tuesday, October 30, 2001, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting, public hearing and committee meetings.

GOVERNING BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, October 31, 2001, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

JOINT GOVERNING/BASIN BOARDS' WORKSHOP

DATE AND TIME: Friday, November 9, 2001, 9:00 a.m.

PLACE: Energy Technology Resource Center, 3650 Spectrum Boulevard, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of water management issues. An optional canoe trip on the Hillsborough River is planned following the workshop.

A copy of the agenda may be obtained by writing: SWFWMD, 2379 Broad Street, Brooksville, FL 34604 or by calling the SWFWMD, (352)796-7211 or 1(800)231-6103, Suncom 628-4150.

Any person deciding to appeal any decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding, and for such purpose that person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TTD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Finance, Auditing, and Program Performance (FAPP) Committee to which all persons are invited.

DATE AND TIME: Friday, October 19, 2001, 9:30 a.m. – completion

PLACE: 2740 Centerview Drive, Room 308, Rhyne Building, Tallahassee, Florida, (850)410-5700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To approve minutes from the previous meeting, review and approve the APR, receive the procedures subcommittee report, TDTF funding formula history/direction, and receive updates on the rate structure and payment of services studies.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Medicaid Sub-Committee Meeting of the Finance, Audit and Performance Committee to which all persons are invited.

DATE AND TIME: Friday, October 19, 2001, 1:00 p.m. – adjournment

PLACE: 2740 Centerview Drive, Room 308, Rhyne Building, Tallahassee, Florida, (850)410-5700

GENERAL SUBJECT MATTER TO BE CONSIDERED: Status and development of the Medicaid Best Practices handbook and hear other Medicaid non-emergency transportation issues.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

SPACEPORT FLORIDA AUTHORITY

The Florida **Seaport Transportation and Economic Development Council** (FSTED) announces a public meeting in which all interested persons are invited to participate.

DATE AND TIME: October 22, 2001, 10:00 a.m. – 12:30 p.m.

PLACE: Room 117, Knott Building, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting Rose Santurri, Florida Ports Council, Suite 712, 315 South Calhoun Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Rose Santurri, (850)222-8028.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public workshop to which all persons are invited.

DATE AND TIME: Thursday, October 25, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Stetson University, College of Law, Great Hall, 1401 61st Street, South, St. Petersburg, FL 33707

For information regarding the location of the meeting contact (727)562-7800.

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This public workshop is to gather information and insight from professionals, advocates and other interested citizens concerned with the potential use of video cameras and other electronic recording devices in Florida's nursing homes. Section 3 of Senate Bill 1202 directs the Agency For Health Care Administration and the Attorney General's Office to jointly review the issues of protection of patients' privacy and dignity; appropriate consent for the use of electronic monitoring devices; the cost of maintaining the devices; legal issues regarding access to videotapes or other electronic records; and issues related to the impact of electronic monitoring devices on the nursing homes as a workplace. A final report of the findings of this joint review will be submitted to the Governor by January 1, 2002.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting CaraLee Starnes, (850)410-3400. If you are hearing or speech impaired, please contact the agency by calling the Florida Relay Service at 1(800)955-8770.

The **Agency for Health Care Administration** announces a meeting of the Medicaid Pharmaceutical and Therapeutics Committee to which all interested parties are invited.

DATE AND TIME: Thursday, October 25, 2001, 10:00 a.m. – 4:00 p.m.

PLACE: Marriott Hotel, Tampa International Airport, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review Medicaid Preferred Drug List.

Any attendee requiring special accommodation because of a disability or physical impairment should contact the Marriott Hotel, (813)874-6084, at least five days prior to the meeting.

The **Agency for Health Care Administration** announces a meeting of the Pharmaceutical and Therapeutics Committee to which all interested parties are invited.

DATE AND TIME: Thursday, October 25, 2001, 10:00 a.m. – 4:00 p.m.

PLACE: Marriott Hotel, Tampa International Airport, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of scheduled therapeutic classes for preferred drug list.

Any attendee requiring special accommodation because of a disability or physical impairment should contact the Marriott, (813)874-6084, at least five days prior to the meeting.

DEPARTMENT OF MANAGEMENT SERVICES

The **State Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: October 15-16, 2001, 8:30 a.m.

PLACE: Fort Lauderdale Airport Hilton, 1870 Griffin Road, Dania, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by writing: State Retirement Commission, Suite 230, 2424 Allen Road, Tallahassee, Florida 32312 or by telephoning (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Barbers' Board** announces a Board Meeting via Telephone Conference Call open to the public and all persons are invited to participate.

DATE AND TIME: Monday, October 22, 2001, 9:00 a.m. (EST)

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0790, via Telephone Conference. To Connect Dial (850)488-5776 or Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business and Disciplinary Matters.

A copy of the agenda may be obtained by writing: Florida Barbers' Board, Suite 60, 1940 North Monroe Street, Tallahassee, Florida 32399-0790

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or Speech impaired please contact the Area of Critical State Concern Using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** (DEP) announces a public meeting of the Environmental Regulation Commission (ERC) to which all interested persons are invited and a site visit to the Everglades for ERC members.

DATE AND TIME: October 25, 2001, 9:00 a.m.

PLACE: DEP, Southeast District Office, 400 N. Congress Avenue, West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regularly scheduled meeting of the ERC will include briefings on rules under development and a general overview of the Everglades, the Everglades Forever Act and the Comprehensive Everglades Restoration Plan. ERC members will be participating in a site visit to the Everglades on October 24, 2001, 8:00 a.m. Time will be allotted at the end of the meeting for public comment.

A copy of the agenda may be obtained by contacting: Jacqueline McGorty, Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)921-9660.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey (850)488-2996, 1(800)955-8771 (TDD), at least seven days prior to the event.

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2001, 7:00 p.m.

PLACE: Conference Room A & B, Suite B-200, 7825 Baymeadows Way, Jacksonville, Florida 32256-7590

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on an application for a 5-year sovereignty submerged land lease and public easement to the City of Jacksonville Department of Parks, Recreation and Entertainment, located in Section 29, Township 3 South, Range 27 East, in Goodby's Creek, Class III Waters within the local jurisdiction of the City of Jacksonville. The proposed project is for the construction of a public boat ramp facility that includes a parking lot and stormwater treatment system, a concrete boat ramp and accessory docks and a dredged access channel. The proposed lease area for the ramp and accessory docks will preempt 0.27 acres of sovereign lands and the public easement is for the 0.52 acre dredged access channel.

A copy of the proposed lease and public easement application may be obtained by contacting: Jeremy Tyler, Department of Environmental Protection, Submerged Lands and Environmental Resources Program, Suite B-200, 7825 Baymeadows Way, Jacksonville, FL 32256-7590.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Jeremy Tyler, Submerged Lands and Environmental Resources Program, (904)807-3352. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection** announces a public meeting on rule development for the establishment of a phosphorus water quality criterion for the Everglades Protection Area pursuant to the Everglades Forever Act to which all persons are invited:

DATES AND TIME: November 1-2, 2001, 9:00 a.m.

PLACE: The Sheraton West Palm Beach, 630 Clearwater Park Road, West Palm Beach, FL, (561)833-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss revisions to Rules 62-302.530 and 62-302.540, F.A.C., pertaining to the establishment of a phosphorus water quality criterion for the Everglades Protection Area pursuant to the Everglades Forever Act.

A copy of the agenda may be obtained by contacting: Kristi Mader, Department of Environmental Protection, Everglades Technical Support Section, 2600 Blair Stone Road, MS #3560, Tallahassee, Florida 32399-2400, (850)921-5213.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Gloria Almada, (561)681-6600. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Monday, October 22, 2001, 7:00 p.m. (EDT)

PLACE: Florida Marine Research Institute, Room 1005, 100 Eighth Avenue, S. E., St. Petersburg, Florida 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the proposed land management plan Skyway Fishing Pier State Park to the public.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station #525, Tallahassee, Florida 32399-3000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by calling Perry Smith, Park Manager, Honeymoon Island State Park, (727)469-5942. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Tuesday, October 23, 2001, 7:00 p.m. (EDT)

PLACE: Judah P. Benjamin Confederate Memorial, Gamble Plantation Historic State Park, Visitor Center, 3708 Patten Avenue, Ellenton, Florida 34222

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the proposed land management plans for Madira Bickel Mound State Archaeological Site and Skyway Fishing Pier State Park to the public.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station #525, Tallahassee, Florida 32399-3000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by calling Robert Perry, Park

Manager, Madira Bickel Mound State Archaeological Site, (941)741-3028. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a DEP Advisory Group Meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 24, 2001, 9:00 a.m. (EDT)

PLACE: Gamble Plantation State Historic Site, Visitor Center, 3708 Patten Avenue, Ellenton, Florida 34222

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present and review the proposed land management plan for Madira Bickel Mound State Archaeological Site with the park Advisory Group.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station #525, Tallahassee, Florida 32399-3000 or by calling the Office of Park Planning, (850)488-2200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Robert Perry, Park Manager, Madira Bickel Mound State Archaeological Site, (941)741-3028. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

DEPARTMENT OF HEALTH

The **Department of Health, Division of Medical Quality Assurance** announces a meeting to which all persons are invited.

DATE AND TIME: October 16, 2001, 10:00 a.m. or soon thereafter – 4:00 p.m.

PLACE: Tallahassee Regional Airport, McDonnell Room, Tallahassee, Florida, (850)891-7800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long Range Planning Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C00, Tallahassee, Florida 32399-3255 or by calling (850)245-4224.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting (850)245-4224. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Department with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Acupuncture** announces a meeting to be held by way of conference telephone hookup:

DATE AND TIME: October 19, 2001, 9:00 a.m.

PLACE: Call: (850)921-2470, Suncom 291-2470, Room 345K, 4042 Bald Cypress Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Ms. Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)245-4161.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Audie B. Wilson, (850)245-4586, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Audie B. Wilson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Tuesday, October 30, 2001, – 12:30 p.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, at Meet Me Number (850)921-5320

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Chiropractic Medicine, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda may be obtained by writing: Sherra Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATES AND TIME: October 25-26, 2001, 9:00 a.m.

PLACE: Jacksonville Hilton, 1201 Riverplace Dr., Jacksonville, FL 32207, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, by October 18, 2001.

The **Department of Health, Board of Dentistry** announces a schedule of official Board meetings to be held via telephone conference call. All interested parties are invited to attend the telephone conference calls, which are open to the public. It is anticipated that the Board will not hold meetings on each and every date, but only on those dates when there is a need for discussion.

DATES AND TIME: Monday, October 22, 29, 2001; Monday, November 5, 13, 19, 26, 2001; Monday, December 3, 10, 17, 24, 31, 2001; Monday, January 7, 14, 22, 28, 2002; Monday, February 4, 11, 18, 25, 2002; Monday, March 4, 11, 18, 25, 2002, 12:00 Noon

PLACE: Telephone Number: Call the Board office at (850)245-4474 to obtain the phone number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To Discuss Proposed Legislation for the Privatization of the Board of Dentistry and other general business matters.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster.

The Florida **Board of Medicine**, Legislative Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, October 25, 2001, 9:00 a.m.

PLACE: Tampa, Florida, Call: (850)245-4131 for more information

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The Florida **Board of Medicine**, Quality Assurance Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, October 25, 2001, after the conclusion of the Legislative Committee meeting or soon there after

PLACE: Tampa, FL, Call: (850)245-4131 for more information

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the regular business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a Meeting.

DATE AND TIME: October 12, 2001, 2:00 p.m.

PLACE: Miami International Airport Hotel, N. W. 20th Street and LeJeune Road, Miami, Florida 33122, (305)871-4100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency For Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a Meeting.

DATE AND TIME: October 26, 2001, 2:00 p.m.

PLACE: 6100 Kennerly Road, Jacksonville, Florida 32811, (904)739-9500

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency For Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section

no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Board of Orthotists and Prosthetists**, Probable Cause Panel will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Monday, October 29, 2001, – 9:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL, at Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Orthotists and Prosthetists, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda may be obtained by writing: Sherra Causey, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATE AND TIME: October 29, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this study is to develop a methodology to assess the costs of providing trauma care to be specifically used for reporting to the Florida Legislature.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency before October 15, 2001, by contacting Charlotte Sorrell, (850)245-4440. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Correctional Medical Authority** announces a Budget and Personnel Committee meeting to which all persons are invited to participate.

DATE AND TIME: October 25, 2001, 10:00 a.m. – 1:00 p.m.

PLACE: Suite 120, Prather Building, 2585 Merchants Row Boulevard, Tallahassee, Florida 32399-1732, (850)245-4044

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of correctional health care budget and personnel issues.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff, at least 48 hours prior to the meeting in order to request any special assistance.

The **Department of Health** announces a public teleconference meeting of the Onsite Sewage Programs Technical Review and Advisory Panel to which all persons are invited.

DATE AND TIME: November 1, 2001, 9:00 a.m.

PLACE: Call: (850)487-8587 or Suncom 277-8587

GENERAL SUBJECT MATTER TO BE CONSIDERED: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1713.

The Florida **Department of Children and Family Services** announces a meeting of the Lake County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, October 17, 2001, 12:00 Noon

PLACE: Department of Children and Family Services, 1300 Duncan Dr., Tavares, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785.

Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Sumter County Community Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Wednesday, October 24, 2001, 12:00 Noon

PLACE: Wildwood City Hall, 100 N. Main St., Wildwood, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Suncoast Region, **DeSoto County Community Alliance** will meet on:

DATE AND TIME: Tuesday, October 23, 2001, 11:00 a.m.

PLACE: The DeSoto County Courthouse, 3rd Floor Courtroom, 115 East Oak St., Arcadia, Florida

The public is welcome to attend. For information call (941)741-3682.

NAVIGATION DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, October 27, 2001, 8:30 a.m.

PLACE: The Fort Lauderdale Marriot North, 6650 N. Andrews Avenue, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Personnel, Manatee and Land Acquisition and Management Committees will meet.

Please contact the District Office: 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386 for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FLORIDA HOUSING FINANCE CORPORATION

Notice of Second Rule Development Workshop for the 2002 MMRB/SAIL/HOME Rental/HC CYCLES. Notice is hereby given that the **Florida Housing Finance Corporation** (the "Corporation") will conduct a development workshop, to which all persons interested in the 2002 Rules and Applications for the Multifamily Mortgage Revenue Bond

Program (MMRB), State Apartment Incentive Loan (SAIL) Program, HOME Investment Partnerships (HOME Rental) Program, and Housing Credit (HC) Program are invited.

DATE AND TIME: Friday, October 26, 2001, 10:00 a.m.

PLACE: Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments and suggestions from interested persons relative to the development of the 2002 Applications and program requirements for the MMRB, SAIL, HOME Rental, and HC Programs, as specified in Rule Chapters 67-21 and 67-48, Florida Administrative Code (F.A.C.); and amendments to the Corporation's Qualified Allocation Plan (the "QAP").

The MMRB Program provides below market-rate loans to non-profit and for-profit developers for the rehabilitation and new construction of multifamily rental housing through the sale of tax-exempt and taxable bonds. The SAIL and HOME Programs offer low interest rate mortgage loans to eligible housing providers to develop the rehabilitation or new construction of very low and low-income rental housing. The QAP sets forth the method of distribution of housing credits in exchange for the new construction or acquisition and substantial rehabilitation of HC developments. The HC Program gives developers credit toward federal tax liability in exchange for the acquisition and substantial rehabilitation or construction of rental housing developments that set aside at least 20 percent of their units for low-income households.

All interested parties are invited to submit written comments and/or to present oral comments at the workshop.

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Housing Finance Corporation**, Predevelopment Loan Program announces a Review Committee meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, October 30, 2001, 2:00 p.m. (Prior to the meeting, interested parties are advised to confirm the meeting date and time by calling Florida Housing, (850)488-4197 or checking Florida Housing's website at www.floridahousing.org.)

PLACE: Florida Housing Finance Corporation, Formal Conference Room, 5th Floor, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct discussions and reviews and make decisions in reference to the confirmation, rejection, approval or request for revision of PLP 2000 Applications and/or Development Plans.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Debbie L. Moran, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION

The **First Florida Governmental Financing Commission** announces the following special public meetings, where all interested parties are invited, regarding the authorization and sale of the FFGFC Refunding Revenue Bonds, Series 2001B:

DATE AND TIME: Tuesday, October 16, 2001, 11:00 a.m.

PLACE: Council Chambers, Second Floor, City Hall, City of St. Petersburg, 175 Fifth Street, North, St. Petersburg, Florida

DATE AND TIME: Friday, October 19, 2001, 11:00 a.m.

PLACE: Conference Room 800, MSC Building, 8th Floor, Administrative Offices, City of St. Petersburg, One Fourth Street, North, St. Petersburg, Florida

DATE AND TIME: Friday, October 26, 2001, 11:00 a.m.

PLACE: Council Chambers, Second Floor, City Hall, City of St. Petersburg, 175 Fifth Street, North, St. Petersburg, Florida

A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, Post Office Box 14923, Tallahassee, FL 32317-4923, (850)878-1874.

DEPARTMENT OF MILITARY AFFAIRS

The **Department of Military Affairs**, St. Francis Barracks, St. Augustine, Florida announces a meeting.

DATE AND TIME: Saturday, October 20, 2001, 1:00 p.m.

PLACE: Adjutant General's Conference Room, St. Francis Barracks, 82 Marine Street, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Armory Board Meeting. The Armory Board will consider action on contracts, leases, agreements and other business relative to real property and facility management issues under its control.

If a person decides to appeal any decision made by the Armory Board with respect to any matter considered at this meeting, that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

IN ACCORDANCE WITH FLORIDA STATUTE 286.0105

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office** announces three meetings of its Board of Governors' via teleconference, to which all interested parties are invited:

DATES AND TIME: Tuesday, October 23, 2001; Wednesday, November 28, 2001; Tuesday, December 18, 2001, 10:00 a.m.

PLACE: Florida Surplus Lines Service Office, 114 S. Duval Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Property/Building Issues.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting, (850)224-7676, Ext. 19.

The **Florida Surplus Lines Service Office**, Board of Governors' announces two public meetings to which all interested parties are invited:

EXECUTIVE COMMITTEE

DATE AND TIME: Tuesday, December 11, 2001, 9:30 a.m.

PLACE: Florida Surplus Lines Service Office, 114 S. Duval Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of Proposals for Legal Counsel.

BOARD OF GOVERNORS'

DATE AND TIME: Wednesday, January 9, 2002, 9:00 a.m.

PLACE: Florida Surplus Lines Service Office, 114 S. Duval Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Matters.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting, (850)224-7676, Ext. 19.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces a public meeting to which all persons are invited:

Claim Review Committee Meeting

DATE AND TIME: October 25, 2001, 10:00 a.m.

PLACE: Tampa Airport Marriott, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To finalize claim committee report.

Additional information may be obtained from: Lisa Blackwell Stoutamire, FAJUA, Suite 401, 1113 East Tennessee Street, Tallahassee, FL 32308.

ABLE TRUST

The **Able Trust** (Florida Endowment Foundation for Vocational Rehabilitation) will hold a board meeting on:

DATE AND TIME: Saturday, October 27, 2001, 9:00 a.m.

PLACE: Chesterfield, 363 Coconut Row, Palm Beach, FL 33480

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include approval of recommended grants to assist citizens with disabilities in achieving employment.

For more information, special accommodations or alternative format request, please call The Able Trust, (850)224-4493 or 1(888)838-2253.

FLORIDA TELECOMMUNICATIONS RELAY

The **Florida Telecommunications Relay**, Inc. announces a regular meeting of the Board of Directors.

DATE AND TIME: Monday, October 29, 2001, 10:30 a.m.

PLACE: 1311A Paul Russell Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Board of Directors.

A copy of the agenda may be obtained by phoning (850)656-1414 or by writing: Mr. James Forstall, Executive Director, Suite 101B, 1311B Paul Russell Road, Tallahassee, FL 32301-4860. The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION

The Region XV Training Advisory Council of the Florida **Criminal Justice Standards and Training Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: November 7, 2001, 8:30 a.m.

PLACE: Pat Thomas Law Enforcement Academy, U.S. Highway 90, 14 miles west of Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Region XV Training Advisory Council of the Florida Criminal Justice Standards and Training Commission. The primary business of the meeting will be to discuss training issues.

A copy of the agenda for the above meeting may be obtained by writing: Robert Anderson, Office of the Attorney General, Medicaid Fraud Control Unit, PL-01, The Capitol, Tallahassee, FL 32399-1050.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance, Division of State Fire Marshal has received a Petition for Declaratory Statement filed September 14, 2001, by David P. Rose. The Petition is seeking the Department's interpretation of Sections 633.021, Florida Statutes, as it relates to Petitioner's circumstances regarding the licensure of Class IV Fire Sprinkler Contractors. Petitioner specifically requests a declaratory statement on the following question: Is a Class IV Fire Sprinkler Contractor permitted to install fire sprinkler systems in town homes consisting of five units with a four hour wall between each unit which is of combustible construction and, due to the four hour wall, each of which is designated as single family occupancy, with the installation under National Fire Protection Association (NFPA) 13D?

A copy of the Petition for Declaratory Statement may be obtained by writing: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has disposed of the petition for declaratory statement filed by BellSouth Telecommunications, Inc. The petitioner is not constrained by Section 364.24, Florida Statutes, or confidentiality concerns from reporting information to counties concerning the identities and amounts of 911 fees collected of ALEC's who have contracted with petitioner to collect and remit their 911 fees.

DOCKET NO. 010988-TL.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT the Agency For Workforce Innovation, Office of General Counsel, received a Petition for Declaratory Statement (AWI/OGC Case No.: 2000/01-0075), on September 26, 2001, seeking clarification of the applicable administrative and judicial appeal procedures for contesting the failure of Miami-Dade Training and Employment Council ("TEC") to provide the petitioner with an automobile to enable her to get to work and classes as needed to maintain and sustain employment and educational opportunities, as part the Temporary Assistance for Needy Families ("TANF" or "welfare") program.

A copy of the petition may be obtained by writing: Veronica Moss, Administrative Assistant II, Agency for Workforce Innovation, Office of General Counsel, The Atkins Building, Suite 300, 1320 Executive Center Drive, Tallahassee, Florida 32399-2250.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection received a petition to initiate rulemaking on September 17, 2001, from the Citizens Preservation Council of Washington County. The petition requests that Holmes Creek from the 276-A bridge in Washington County to the Choctawhatchee River be designated as Outstanding Florida Waters pursuant to Rule 62-302.700, Florida Administrative Code.

A copy of the petition and further information may be obtained from: Ms. Janet Klemm, Bureau of Watershed Management, Department of Environmental Protection, 2600 Blair Stone Road, MS #3570, Tallahassee, Florida 32399-2400, (850)921-9928.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Psychology, State of Florida, has received a Petition for Declaratory Statement from Ralph Mora, Ph.D., in which the Petitioner requests a declaratory statement as to the following:

Petitioner seeks the Department's opinion as to the applicability of Section 490.009(1)(r), Florida Statutes. Petitioner was previous an "in-hospital-therapist" for an adolescent patient in Tennessee in 1985. Two years later, the Petitioner was asked by the adolescent patient to address the courts in Missouri with regard to his petition for parole. Petitioner reviewed the relevant paperwork and wrote to the courts involved. Approximately six years later, the Petitioner interviewed the former patient at the maximum security prison in Jeffersonville, Missouri and provided him information about his mental condition and the likelihood that he would pose a continued danger to others if free.

At this point, Petitioner is considering writing a book on sexual homicide and is contemplating asking the former patient to be the subject of the book. This would require his collaboration by post mail and possibly on tape. The Petitioner asks whether this would constitute a dual relationship under the Florida Statutes.

A copy of the petition for Declaratory Statement may be obtained by writing: Kay Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

Professional Asset Recovery Association, Inc. vs. Department of Banking and Finance, Division of Finance; Case No.: 01-3776RP; Rule Nos.: 3D-20.0021, 3D-20.0022, 3D-20.030(11)

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Marvin Vaun Frandsden vs. Department of Environmental Protection; Case No.: 01-0527RX; Rule No.: 62D-2.014(18); Dismissed

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

The University of South Florida announces: construction management services will be required for the project listed below:

Project No.: BR-559

Project and Location: Chemistry Building Remodeling, University of South Florida, Tampa Campus, Tampa, Florida

The Chemistry Building Remodeling shall consist of a total building systems replacement, including asbestos abatement and renovation of the teaching, research and administrative

spaces. The current facility is a 3-story above grade cast-in-concrete structure with a full below grade basement, consisting of approximately 78,000 gross square feet. The Building houses the Chemistry Department's Introduction to Chemistry Laboratories, Organic Laboratories, Geology Department's Laboratories, teaching classrooms and administrative offices. Two large lecture halls are located on the first level, immediately north of the three-story building; renovation of these lecture halls shall be limited to replacement of the HVAC units. The estimated construction cost is \$8,000,000.00.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating and the development of a Guaranteed Maximum Price (GMP) at the 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. Early bid packages for site work are anticipated. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications including experience and ability, past experience, bonding capacity, record-keeping/administrative ability, critical path scheduling expertise, conceptual cost estimating and cost control ability, quality control capability, qualification of the firm's personnel, staff and consultants, and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements, and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed State University System "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered

consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The State University System Construction Manager Qualifications Supplement form and the Project Fact Sheet may be obtained by contacting: Vanessa Poole, Program Assistant/Contracts Administrator, Facilities Planning and Construction, University of South Florida, FPC-110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, (813)974-0891, (813)974-2625 or Fax (813)974-3542.

Interest firms are invited to attend a Pre-submittal Meeting at the University of South Florida, Tampa Campus, to be held at 9:00 a.m. (Eastern Time), Monday, October 29, 2001, in the FPC Conference Room FPC109, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meeting by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the shortlisted applicants and the State University System. Requests for any project information must be in writing to the above address.

Six (6) bound copies of the above required proposal data shall be submitted to: Steven P. Warren, Project Manager, Facilities Planning and Construction, University of South Florida, FPC-110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550.

Submittals must be received at the above campus address (FPC 110) by 2:00 p.m. (Eastern Time), Tuesday, November 13, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

Florida Atlantic University, for and on behalf of the Florida Atlantic University Board of Trustees, State of Florida announces that Construction Management Services will be required for the project listed below:

Project No. BR-649

Project and Location: The project consists of site development and construction of 9,000 square feet addition to the existing Library Building. The proposed addition consists of an all-night study area, meeting rooms, and library stacks and carrels. The building will be located on Florida Atlantic University's Boca Raton Campus.

The total Construction Budget is approximately \$1,223,500.00. The contract for Construction Management Services will consist of two phases. Phase one is pre-construction services, for which the Construction Manager will be paid a fixed fee. Phase one services include value engineering, constructability analysis, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 100% Construction Document phase. If the GMP is accepted, Phase two, the construction phase, will be implemented. In phase two of the contract, the Construction Manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBE's). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the Construction Manager's contract.

Selection of finalists for interviews will be made on the basis of Construction Manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping, administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's Construction Management Agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The Construction Manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide Construction Management Services for the project shall submit a letter of application and a completed Board of Trustees Construction Manager Qualifications Supplement. Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133,

Florida Statutes, a Construction Management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Construction Management firm must warrant that it will either utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Trustees Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Carla Capeletti, Office of the Associate Vice President to the University Architect, Florida Atlantic University, Room 16, Building T-10, 777 Glades Road, Boca Raton, Florida 33431, (561)297-2663, (561)297-0224 Fax or e-mail ccapelet@fau.edu.

Five (5) bound copies of the required proposal data shall be submitted to: Mr. Tom Donaudy, Associate Vice President to the University Architect, Florida Atlantic University, Room 16, Building T-10, 777 Glades Road, Boca Raton, Florida 33431. Submittals must be received and addressed to Mr. Tom Donaudy, Associate Vice President at the above address, by 5:00 p.m. (Local Time), Monday, November 12, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

A/E ADVERTISEMENT – BR-673

College of Nursing/Education and Research (Louis and Anne Green Alzheimer's Research Center and Care Facility)

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of Florida Atlantic University, Board of Trustees announces that Professional Services in the discipline of Architecture, will be required for the project listed below:

Project No. BR- 673

Project and Location: Located on Florida Atlantic University's Boca Raton Campus, the Louis and Anne Green Alzheimer's Research Center and Care Facility consists of site development and construction of an approximately 17,000 gross square feet facility to provide care for individuals with Alzheimer's disease within a research and educational facility.

The total Construction Budget is approximately \$2,300,000. The selected firm will provide master planning, design development, construction documents and construction administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$250,000, and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Education "Professional Qualifications Supplement" dated 9/99. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 5 (five) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained by contacting: Carla C. Capeletti, Office of the Associate Vice President to the University Architect, Florida Atlantic University, 777 Glades Road, Building T-10, Room 16, Boca Raton, Florida 33431, (561)297-2663, (561)297-0224 Fax and e-mail ccapelet@fau.edu.

Submittals must be received in the Office of the Associate Vice President, Attn: Mr. Tom Donaudy, at the above address, by 5:00 p.m. (Local Time), November 14, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Gulf Coast University, on behalf of the State of Florida, Florida Board of Education announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project and Location: Student Support Center, Fort Myers, Florida BR-1029

DESCRIPTION OF PROJECT

The Student Support Center is intended to be a facility that will welcome prospective students and their families to the FGCU campus, in as pleasant and informative way as possible. In addition, the Center will provide a location suitable for student orientations, displays and general campus/community interface uses. The building will become a focal point from which tours

will be originated, kiosks housing audio/visual displays will be available, and computer links to the FGCU website can be accessed.

The Center would consist of: (1) A large reception area, housing the audio/visual display kiosks, computer terminals, literature racks, vending machines and comfortable seating for up to twenty people. (2) Offices, for the admissions staff, large enough to hold meetings with individual families. (3) A large theatre style orientation room, to be used for group meetings and student orientation sessions. (4) Bathroom facilities, a kitchen/breakroom, and a storage room.

The Student Support Center will be located in a complex with the Health Education Center and the Environmental Demonstration Lab. The complex is situated on a 13 1/2 parcel south of the main entrance road, and will share access road, parking lot and utilities.

The project will utilize the Public Bid Delivery method. The selected firm will provide design, construction documents and administration for the referenced project. The estimated construction cost is approximately \$1,758,350 and project budget is \$2,190,000.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated September 1999. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An application must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontract or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained by contacting:

Mr. Jack Fenwick, Director of Facility Planning, 10501 FGCU Blvd., South, Fort Myers, Florida 33965-6565, (941)590-1500, Fax (941)590-1505

Submittals must be received in the Facilities Planning Office, by 3:00 p.m. (Local Time), November 13, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

WATER MANAGEMENT DISTRICTS

REQUEST FOR PROPOSAL # 01/02-001WR

Mapping Oyster Habitat in the Suwannee Estuary
Suwannee River Water Management District (District) is requesting proposals to conduct photo ground-truthing, photo-interpretation, mapping and GIS data development of oyster reef habitat in the Suwannee estuary as part of the District's Minimum Flows and Levels Program for the lower Suwannee River. The RFP document will be released October 12, 2001.

The area to be mapped encompasses about 185 square miles and includes the Suwannee Sound area (around the mouth of the Suwannee River) and extending north to Horseshoe Cove and south to Cedar Key. The District will provide the selected contractor with natural color, 1:24,000 scale aerial photography for use. The contractor will be responsible for all field and in-office related tasks to produce high-quality ARC/Info coverages of oyster habitats in the study area.

Responses to this Request for Proposals will be due to District no later than 4:00 p.m. (Local Time), November 30, 2001.

To request a copy of the RFP #01/02-001WR, contact: To request a copy of the RFP #01/02-001WR, contact:

Suzanne Richardson, Administrative Assistant
Suwannee River Water Management District
9225 County Road 49
Live Oak, FL 32060
Phone (386)362-1001 or 1(800)226-1066 (Florida only)
Email: richardson_s@srwmd.state.fl.us

REGIONAL UTILITY AUTHORITIES

REQUEST FOR STATEMENT OF QUALIFICATIONS FOR WATER AND WASTEWATER PROFESSIONAL ENGINEERING SERVICES

In accordance with the Consultants' Competitive Negotiation Act ("CCNA"), Section 287.055, Florida Statutes, the Florida Governmental Utility Authority, a legal entity and public body created by interlocal agreement pursuant to Section 163.01, Florida Statutes, ("FGUA"), is seeking the services of qualified firms or individuals to provide continuing professional engineering services for the FGUA's water and wastewater utility systems and potential future acquisitions. The scope of professional services includes the following:

- (1) Construction Feasibility Reviews – Provide an independent and detailed review of design drawings and construction documents related to the rehabilitation, modification, expansion and/or repair of existing and proposed FGUA owned or operated buildings, facilities, wastewater treatment plants, water treatment plants, pumping facilities, water storage facilities, water distribution facilities and wastewater collection facilities.
- (2) Construction Scheduling – Evaluate scheduling requirements related to rehabilitation, modification, expansion and/or repair of the above referenced facilities.
- (3) Value Analysis – Provide an independent review of design drawings and/or construction cost estimates of projects at various stages of design related to rehabilitation, modification, expansion and/or repair of the above referenced facilities.
- (4) Training – Provide training sessions, workshops, meeting and reports related to rehabilitation, modification, expansion and/or repair of the above referenced facilities when said service is not provided by the project lead design firm.
- (5) Architectural Services – Perform preliminary design, final design, specifications, bid documents, bid analysis, services during construction, permitting, regulatory agency liaison services, and inspection services related to rehabilitation, modification, expansion and/or repair of the above referenced facilities.
- (6) General Engineering Studies and Acquisition Services – Develop master plans, capacity studies, rate studies, acquisition studies, operations reports, financial analysis and revenue studies and other studies pertaining to any utility facility operation or acquisition required by the FGUA and perform any needed acquisition engineering due diligence requested by the FGUA.
- (7) Construction Services – Construction and inspection/management services as requested by the FGUA.
- (8) Other – Attend various FGUA Board of Director, community, regulatory agency and staff meetings on issues related to the above work.

The FGUA anticipates selecting at least three firms that will be required to execute the FGUA's standard consulting services agreement for professional services within thirty (30) days of selection. It is intended that this agreement will be for a term of three (3) years with optional renewal periods and subject to an annual performance review. Task assignments will be subject to scope definition and fee negotiation on a case-by-case basis. The FGUA may choose to select another firm or use in-house staff to perform any of the above services in whole or in part. No minimum amount of professional services or compensation is guaranteed to the selected firms.

Proposals must be mailed or delivered in a sealed envelope marked "Continuing Professional Engineering Services RFQ" to the FGUA's office, 614 North Wymore Road, Winter Park,

Florida 32789, by 2:00 p.m. (EST), October 24, 2001. Interested parties should submit an original and six (6) copies of a letter of interest and qualifications package for consideration. Any proposal received after this advertised deadline will not be considered.

Proposals must include:

- (1) Letter of interest;
- (2) Name and address of applicant and location of the office from which the work is to be performed;
- (3) Detailed listing and examples of relevant experience and qualifications for the requested services;
- (4) Listing of key personnel to be assigned for these services. Resumes for individual team members must indicate position, number of years with the submitting firm, amount of relevant experience, education, and professional qualifications;
- (5) Information on three (3) similar projects completed within the past five (5) years, including a project description, location, name of project manager, project time line, scheduled and actual completion date, cost of the project and a client reference;
- (6) Proof of professional liability insurance and business insurance coverage;
- (7) Recent, current and projected workload of the submitting firm;
- (8) Supporting statements indicating that the firm has an Affirmative Action Program and a completed Drug Free Workplace form and Public Entity Crime Statement;
- (9) Statement of litigation that the firm or staff is currently involved in or has been involved in as a plaintiff or defendant in the past five (5) years; and
- (10) Any other information that the applicant believes is essential to performance of the above services.

Failure to provide the required copies and information shall result in the proposal being deemed nonresponsive. The FGUA reserves the right to reject all proposals, waive any informalities and to request additional information from the applicant is necessary. The evaluation of all proposals and awarding of contracts will be done in accordance with the CCNA. The FGUA anticipates issuing invitations to negotiate at its October Board of Director's meeting, which will be held at 10:00 a.m., October 29, 2001, 330 West Church Street, Polk County Administration Building, 4th Floor, Conference Room, Bartow, Florida.

Proposers may contact Mr. Charles Sweat, at the address below, to receive a copy of the FGUA's evaluation criteria, a copy of the proposed standard contract and a copy of the FGUA procurement policy. Questions regarding this RFQ must be in writing and submitted to:

Charles Sweat
 FGUA Director of Operations
 614 North Wymore Road
 Winter Park, Florida 32789
 (407)629-6900, Telephone
 (407)629-6963, Facsimile
 csweat@govserv.com

THE FLORIDA GOVERNMENTAL
 UTILITY AUTHORITY

AGENCY FOR HEALTH CARE ADMINISTRATION

REQUEST FOR PROPOSALS

Medicaid Drug Rebate Administration RFP AHCA 02-01
 The Division of Medicaid of the Agency For Health Care Administration invites qualified parties wishing to provide Medicaid drug rebate administration services to submit proposals for consideration. Written, sealed proposals will be accepted until 3:30 p.m. (Eastern Time), November 16, 2001, to the attention of George Kitchens, Chief, Bureau of Medicaid Pharmacy Services, Agency for Health Care Administration, 2727 Mahan Drive, MS #32, Tallahassee, FL 32308.

For questions or additional information, contact: George Kitchens, (850)487-4441 or at kitchensg@fdhc.state.fl.us.

To obtain a copy of the request for proposals, which outlines required services, selection criteria and offeror's responsibilities, contact George Kitchens.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INVITATION TO BID

BID NO. BDRS 45-01/02

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

PROJECT NAME: St. Lucie Inlet/Seabranh Preserve State Park

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to demolish existing water desalinization plant and replace with new/larger plant. Construct a new shop maintenance building with access road, stabilized yard and associated utilities.

PARK LOCATION: St. Lucie Inlet Preserve State Park
 16450 S. E. Federal Hwy.
 Hobe Sound (Martin County), Florida

PROJECT

MANAGER: Jim Ross
 Bureau of Design and Recreation Services
 Telephone Number (850)488-5372

Fax Number (850)488-1141

MINORITY BUSINESS

REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PRE-

QUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, October 12, 2001 at:

St. Lucie Inlet Preserve State Park
16450 S. E. Federal Highway
Hobe Sound, FL 33455
Attention: John Griner, Park Manager
Telephone Number (561)744-7603

ADA

REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-5372, at least five (5) workdays prior to openings.

BID SUBMITTAL

DUE DATE: No later than 3:30 p.m., Wednesday, November 14, 2001, to the below address: Florida Department of Environmental Protection

Bureau of Design and Recreation Services

3540 Thomasville Road

Tallahassee, Florida 32309

The Department reserves the right to reject any or all bids. Michael Renard, Contracts Manager, Bureau of Design and Recreation Services

NOTICE OF INVITATION TO BID

BID NO. BDRS 46-01/02

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

PROJECT NAME: John D. MacArthur Beach State Park Munyon Island Improvements Project

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to construct picnic shelters, boardwalks, replace existing service area boat docks and install composting restrooms. Note: Part of the proposed work is accessible by boat only.

PARK LOCATION: John D. MacArthur Beach State Park On Singer Island North Palm Beach (Palm Beach County), FL

PROJECT

MANAGER: Jim Ross
Bureau of Design and Recreation Services
Telephone Number (850)488-5372
Fax Number (850)488-1141

MINORITY BUSINESS

REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PRE-

QUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489 and 633 of the Florida

Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, October 12, 2001 at:

John D. MacArthur Beach State Park
 10900 State Road 703
 North Palm Beach, FL 33408
 Attention: Patrick Rash,
 Assistant Park Manager
 Telephone Number (561)624-6950

ADA

REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-5372, at least five (5) workdays prior to openings.

BID SUBMITTAL

DUE DATE: No later than 4:00 p.m., Wednesday, November 14, 2001, to the below address:
 Florida Department of Environmental Protection
 Bureau of Design and Recreation Services
 3540 Thomasville Road
 Tallahassee, Florida 32309

The Department reserves the right to reject any or all bids.
 Michael Renard, Contracts Manager, Bureau of Design and Recreation Services.

PALM BEACH COUNTY WORKFORCE DEVELOPMENT BOARD

REQUEST FOR PROPOSALS FOR

FIRST IMPRESSIONS IMAGE CONSULTING SERVICES
 The Palm Beach County Workforce Development Board, Inc. (WDB) is accepting proposals for image consulting services including but not limited to counseling customers on the appropriate appearance for job interviews and the workplace, selection and provision of clothing for the interview and referrals for other needed services. The deadline for receipt of RFP responses is 5:00 p.m. (Eastern Daylight Time) as determined by WDB, November 5, 2001 at WDB's

Administrative Office, 2051 Martin Luther King, Jr. Blvd., Suite 302, Riviera Beach, FL 33404 ATTN: Kenneth E. Montgomery without exception.

The RFP is available for pickup between the hours of 8:00 a.m. and 5:00 p.m., October 3, 2001 through November 5, 2001 at the WDB administrative office address stated above for a non-refundable service charge of \$20.00 per RFP application. Please make checks payable to the "Palm Beach County Workforce Development Board, Inc.". The RFP is also available free of charge on WDB's website at www.pbcworks.com. WDB may change scheduled dates if it is to the advantage of WDB to do so. WDB will notify applicants of all RFP changes via posting on the WDB website, www.pbcworks.com, at the same location as the RFP. A pre-bid conference to answer specific questions regarding the RFP will be held at WDB's administrative office on October 15, 2001, 9:00 a.m. and October 25, 2001, 2:00 p.m. The WDB complies with the provisions of the Americans With Disabilities Act. If you are a disabled person requiring any accommodations or assistance, please notify the WDB, Kenneth E. Montgomery, at least 72 hours (3 days) in advance. WDB encourages women and minority businesses to submit proposals. WDB reserves the right to reject any or all proposals.

**Section XII
 Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Section 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., November 2, 2001):

APPLICATION WITHDRAWN

Application and Plan for the Purchase of Certain Assets and Assumption of Certain Liabilities
 Acquiring Entity: Prosperity Bank, St. Augustine, Florida
 Selling Entity: BankAtlantic, a Federal Savings Bank, Ft. Lauderdale, Florida
 Withdrawn: September 27, 2001

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: PowerNet Credit Union, 5621 Harney Road, Tampa, Florida 33610

Expansion Includes: The International Union of Bricklayers and Allied Craftworkers of America Local No. 1, Pembroke Park, Florida.

Received: September 28, 2001

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF CONCEPTUAL APPROVAL

The Florida Communities Trust (Trust) has conceptually approved funding applications submitted under the Florida Communities Trust Preservation 2000 Program, Series P10 funding cycle. On October 5-6, 2000, applications were scored, ranked and selected for funding according to the criteria and procedures set forth in Rule Chapter 9K-4, F.A.C. The Board authorized Florida Communities Trust to fund additional projects as funds became available. Funds are now available and the Trust approved the grant contracts that impose all conditions on the project awards. In accordance with Rule 9K-4.010, F.A.C., the projects are considered to have received conceptual approval for funding. The funds awarded derive from the sale of Preservation 2000 bonds.

Those applications conceptually approved for funding and the amount of funding conceptually approved are listed below. The conceptual approval is subject to appeal and may change following the appeals process. For this reason, final conceptual approval of awards cannot be made until any appeals have been resolved.

The following projects were approved for funding with funds currently already available:

Selected/Funded Project No.	Project Name	Applicant	Amount
00-022-P10	Tree Island Park	Miami-Dade County	\$2,200,000.00
00-032-P10	Riverhills Park Addition Phase II (West River Drive)	City of Temple Terrace	\$694,350.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Hino Diesel Trucks (USA), Inc., intends to allow the establishment of Asbell Truck Center, Inc., as a dealership for the sale of Hino trucks, at 8700 New Kings Road, Jacksonville (Duval County), Florida 32219 on or after October 20, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Asbell Truck Center, Inc. are: dealer operator(s) and principal investor(s): Robert J. Asbell, 2481 Begonia Dr., Middleburg, FL 32068.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Gary F. Brown, National Dealer Development Manager, Hino Diesel Trucks (USA), Inc., 25 Corporate Drive, Orangeburg, NY 10962-2626.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Harley-Davidson Motor Company, intends to allow the relocation of Harley-Davidson of Palm Beach, Inc., as a dealership for the sale of Harley-Davidson motorcycles, from its present location at 420 Park Place, West Palm Beach, FL 33401, to a proposed location at the Vicinity of 2907 45th Street, West Palm Beach (Palm Beach County), Florida 33407, on or after November 30, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Harley-Davidson of Palm Beach, Inc. are: dealer operator and principal investor(s): Michael Lehman, 270 Ridgewood Road, Key Biscayne, FL 33149.

The notice indicates an intent to relocate the franchise in a county of More than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Carolyn Mijokovic, Regional Dealer Relations Representative, Harley-Davidson Motor Company, 3700 West Juneau Ave., P. O. Box 653, Milwaukee, WI 53201.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED EXEMPTIONS

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Pasco	District: 5
ID #: 0100021	Decision: A
Issue Date: 9/21/2001	
Facility/Project: Regional Medical Center of Bayonet Point	
Applicant: HCA Health Services of Florida, Inc.	
Project Description: Convert 12 hospital-based skilled nursing unit beds to 12 acute care beds	
Proposed Project Cost: \$0	Equipment Cost:
County: Bay	District: 2
ID #: 0100022	Decision: A
Issue Date: 9/28/2001	

Facility/Project: Gulf Coast Medical Center
 Applicant: Bay Hospital, Inc.
 Project Description: Convert 11 hospital-based skilled nursing unit beds to 11 acute care beds
 Proposed Project Cost: \$0 Equipment Cost:
 AHCA Purchase Order Number S5900I00310.

**NOTICE OF FIXED NEED POOL
 FOR CHAPTER 395 SKILLED NURSING BEDS**

The Agency for Health Care Administration has established projected net bed need figures for skilled nursing beds licensed under Chapter 395, F.S., for July 2004 by subdistrict pursuant to the provisions of Rule 59C-1.036, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Office, 2727 Mahan Drive, Building 1, Tallahassee, Florida 32308, on or before 5:00 p.m. October 29, 2001.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this time period will result in no adjustment to the fixed need pool number for this cycle. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, F.S., your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3 Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Hospital Based Nursing Home Bed Need Projections

District	Subdistrict	Net Need
1	1 Escambia, Santa Rosa	0
1	2 Okaloosa, Walton	0
2	1 Bay, Calhoun, Franklin, Gulf, Holmes, Jackson, Washington	
2	2 Gadsden, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla	
3	1 Columbia, Hamilton, Suwannee	11
3	2 Alachua, Bradford, Dixie, Gilchrist, Lafayette, Levy, Union	2
3	3 Putnam	0
3	4 Marion	0
3	5 Citrus	21
3	6 Hernando	21

3	7 Lake, Sumter	1	8	2 Collier	7
4	1 Nassau, North Duval	5	8	3 DeSoto	2
4	2 Baker, Clay, Southwest Duval	0	8	4 Glades, Hendry	1
4	3 St. Johns, Southeast Duval	45	8	5 Lee	13
4	4 Flagler, East Volusia	0	8	6 Sarasota	0
4	5 West Volusia	13	9	1 Indian River	0
5	1 West Pasco	0	9	2 Martin, St. Lucie	0
5	2 East Pasco	0	9	3 Okeechobee	7
5	3 North Pinellas	3	9	4 North Palm Beach	0
5	4 South Pinellas	1	9	5 South Palm Beach	0
6	1 Hillsborough	0	10	Broward	0
6	2 Polk	0	11	1 Dade	0
6	3 Manatee	8	11	2 Monroe	0
6	4 Hardee	0	STATE TOTAL		265
6	5 Highlands	18	The person to be contacted concerning this notice is: Laura MacLafferty, Certificate of Need Office, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)922-7760.		
7	1 Brevard	56	Purchase Order Number: S 5900 J00496		
7	2 Orange	0			
7	3 Osceola	12			
7	4 Seminole	10			
8	1 Charlotte	0			

DEPARTMENT OF MANAGEMENT SERVICES

CONVICTED VENDOR LIST

Section 287.133(3)(d), Florida Statutes, provides that the Department of Management Services shall maintain a list of the names and addresses of those who have been disqualified from participating in the public contracting process under this section.

The list includes:

NAME	PLACED ON LIST
Gary Benkovitz Bay Drum & Steel Company P. O. Box 879 Coleman, Florida 33521-0849	May 17, 2001
Mr. & Mrs. Paul Barcia PAS Consultants, Inc. Rt. 2, Box 8484 Fort White, Florida 33308	May 17, 2001
Mr. Stephan Kasper Cone Constructors of Miami, Inc.	May 17, 2001

For additional information, call: Office of the General Counsel, (850)487-1082.

**PUBLIC ANNOUNCEMENT OF
A/E SELECTION RESULTS**

The Department of Management Services, Division of Building Construction announces that on the date listed below, authority was issued to negotiate and enter into a contract for Professional Services in accordance with the Consultants Competitive Negotiation Act with the two firms listed below as Number 1 and Number 2:

DATE: October 1, 2001

PROJECT NAME: Mechanical, Electrical & Plumbing Services, Continuing Area Contracts, Area 2

1. TECO BGA, Inc. – Tallahassee
2. McGinniss & Fleming Engineering, Inc. – Tallahassee
3. Tilden Lobnitz Cooper Inc. – Tallahassee

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN September 24, 2001
 and September 28, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF INSURANCE

4-184.004	9/28/01	10/18/01	27/27	
4-184.011	9/28/01	10/18/01	27/27	

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

5L-1.003	9/24/01	10/14/01	27/26	
5L-1.003	9/24/01	10/14/01	27/26	
5L-1.007	9/24/01	10/14/01	27/26	

DEPARTMENT OF EDUCATION

State Board of Education

6A-1.001	9/25/01	10/15/01	27/32	
6A-1.09412	9/25/01	10/15/01	27/32	
6A-1.09441	9/25/01	10/15/01	27/32	
6A-4.001	9/25/01	10/15/01	27/32	
6A-4.002	9/25/01	10/15/01	27/32	
6A-4.003	9/25/01	10/15/01	27/32	
6A-4.004	9/25/01	10/15/01	27/32	
6A-4.0051	9/25/01	10/15/01	27/32	
6A-4.006	9/25/01	10/15/01	27/32	
6A-4.050	9/25/01	10/15/01	27/32	
6A-4.052	9/25/01	10/15/01	27/32	
6A-4.066	9/25/01	10/15/01	27/32	
6A-4.068	9/25/01	10/15/01	27/32	
6A-4.072	9/25/01	10/15/01	27/32	
6A-10.024	9/25/01	10/15/01	27/32	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

9B-70.001	9/24/01	10/14/01	27/31	
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DEPARTMENT OF REVENUE

Miscellaneous Tax

12B-8.001	9/25/01	10/15/01	27/27	27/34
12B-8.003	9/25/01	10/15/01	27/27	
12B-8.016	9/25/01	10/15/01	27/27	

DEPARTMENT OF TRANSPORTATION

14-57.003	9/26/01	10/16/01	27/26	27/35
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DEPARTMENT OF CORRECTIONS

33-503.001	9/28/01	10/18/01	27/32	
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COMMISSION ON ETHICS

34-7.010	9/24/01	10/14/01	27/31	
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METROPOLITAN PLANNING ORGANIZATIONS

Orlando Urban Area

35I-1.001	9/26/01	10/16/01	27/24	
35I-1.002	9/26/01	10/16/01	27/24	
35I-1.003	9/26/01	10/16/01	27/24	
35I-1.004	9/26/01	10/16/01	27/24	
35I-1.007	9/26/01	10/16/01	27/24	
35I-1.009	9/26/01	10/16/01	27/24	
35I-1.011	9/26/01	10/16/01	27/24	
35I-1.012	9/26/01	10/16/01	27/24	27/35
35I-2.001	9/26/01	10/16/01	27/24	
35I-2.002	9/26/01	10/16/01	27/24	
35I-2.003	9/26/01	10/16/01	27/24	
35I-2.004	9/26/01	10/16/01	27/24	
35I-2.005	9/26/01	10/16/01	27/24	
35I-2.006	9/26/01	10/16/01	27/24	
35I-2.007	9/26/01	10/16/01	27/24	
35I-2.008	9/26/01	10/16/01	27/24	
35I-2.009	9/26/01	10/16/01	27/24	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION					Board of Pharmacy				
Board of Funeral Directors and Embalmers					64B16-26.101	9/25/01	10/15/01	27/29	
61G8-32.007	9/27/01	10/17/01	27/31		64B16-26.103	9/25/01	10/15/01	27/29	
DEPARTMENT OF HEALTH					64B16-26.203	9/25/01	10/15/01	27/29	
Board of Occupational Therapy					64B16-26.600	9/25/01	10/15/01	27/29	
64B11-5.001	9/28/01	10/18/01	27/9	27/23	64B16-27.103	9/25/01	10/15/01	27/29	
64B11-5.003	9/28/01	10/18/01	27/9	27/23	64B16-27.410	9/25/01	10/15/01	27/29	
Board of Osteopathic Medicine					64B16-28.140	9/25/01	10/15/01	27/29	
64B15-6.0035	9/26/01	10/16/01	27/31		64B16-28.702	9/25/01	10/15/01	27/29	
64B15-14.006	9/26/01	10/16/01	27/31		64B16-28.800	9/25/01	10/15/01	27/29	
64B15-14.008	9/26/01	10/16/01	27/31		School Psychology				
64B15-18.003	9/26/01	10/16/01	27/31		64B21-502.001	9/26/01	10/16/01	27/21	27/31
64B15-18.004	9/26/01	10/16/01	27/31		64B21-502.004	9/26/01	10/16/01	27/21	27/31
					64B21-502.005	9/26/01	10/16/01	27/21	27/31

Section XIV
List of Rules Affected

				Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.				3C-560.503	27/36		
w – Signifies Withdrawal of Proposed Rule(s)				3C-560.601	27/36		
c – Rule Challenge Filed				3C-560.602	27/36		
v – Rule Declared Valid				3C-560.603	27/36		
x – Rule Declared Invalid				3C-560.604	27/36		
d – Rule Challenge Dismissed				3C-560.605	27/36		
dw – Dismissed Upon Withdrawal				3C-560.606	27/36		
Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	3C-560.607	27/36		
				3C-560.704	27/36		
				3C-560.706	27/36		
				3C-560.707	27/39		
				3C-560.801	27/39		
				3C-560.802	27/39		
				3C-560.803	27/18c		27/39d
				3C-560.804	27/39		
STATE				3C-560.805	27/19c		
				3C-560.901	27/39		
1-1	27/34c			3C-560.902	27/39		
1B-2.011	27/22	27/38		3C-560.903	27/39		
1B-24.002	26/43			3C-560.904	27/39		
1S-2.027	27/40			3C-560.905	27/39		
1S-2.031	27/40			3C-560.906	27/39		
				3D-20.0021	27/41c		
LEGAL AFFAIRS				3D-20.0022	27/41c		
				3D-20.030(11)	27/41c		
2-37	27/15			3D-40.026	27/40		
2AER01-1			27/32	3D-40.027	27/40		
2A-2.002	27/35			3D-40.0271	27/40		
2B-1.0025	27/35			3D-40.028	27/40		
2B-1.003	27/35			3D-40.0281	27/40		
2B-1.004	27/35			3D-40.029	27/40		
2B-1.0052	27/35			3D-40.030	27/40		
				3D-40.033	27/40		
BANKING AND FINANCE				3D-40.043	27/40		
3-1	26/43c			3D-40.051	27/40		
	27/2c			3D-40.100	27/40		
	27/33c			3D-40.150	27/40		
3C-1.022	21/25			3D-40.160	27/40		
3C-100.600	27/37			3D-40.165	27/40		
3C-560.101	27/36			3D-40.200	27/40		
3C-560.102	27/36			3D-40.220	27/40		
3C-560.103	27/36			3D-40.242	27/40		
3C-560.104	27/36			3E-500.017	27/29		
3C-560.105	27/36			3F-5.0021	27/25		27/37
3C-560.106	27/36			3F-5.006	27/30		27/37
3C-560.107	27/36			3F-10.003	27/10c		
3C-560.108	27/36						
3C-560.201	27/36			INSURANCE			
3C-560.202	27/36			4ER01-1			27/28
3C-560.301	27/36			4ER01-2			27/28
3C-560.302	27/36			4ER01-3			27/28
3C-560.303	27/36			4ER01-4			27/28
3C-560.304	27/36			4ER01-5			27/28
3C-560.402	27/36			4ER01-6			27/28
3C-560.502	27/36			4ER01-7			27/28

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4ER01-8			27/28	4-128.018	27/30		
4ER01-9			27/28		27/38c		
4ER01-10			27/28		27/40c		
4ER01-11			27/28	4-128.019	27/30		
4ER01-12			27/28		27/38c		
4ER01-13			27/28		27/40c		
4ER01-14			27/28	4-128.020	27/30	27/36	
4ER01-15			27/28		27/38c		
4ER01-16			27/28		27/40c		
4ER01-17			27/28	4-128.021	27/30		
4ER01-18			27/28		27/38c		
4ER01-19			27/28		27/40c		
4ER01-20			27/28	4-128.022	27/30		
4ER01-21			27/28		27/38c		
4ER01-22			27/28		27/40c		
4-1	26/44c			4-128.023	27/30		
	27/16c				27/38c		
	27/18c				27/40c		
	27/35c			4-128.024	27/30	27/36	
4-5.074	27/15				27/40c		
4-128.001	27/30			4-137.001	27/39		
	27/38c			4-141.0016	21/2c		
4-128.002	27/30	27/36		4-144.002	27/35		
	27/38c			4-144.005	27/35		
4-128.005	27/30			4-144.010	27/35		
	27/38c			4-149	24/3c		
4-128.006	27/30				24/3c		
	27/38c			4-149.001	23/45	26/22	
4-128.007	27/30				24/46	26/22	
	27/38c			4-149.002	23/45	26/22	
4-128.008	27/30				24/46	26/22	
	27/38c			4-149.003	23/45	26/22	
4-128.009	27/30				24/46	26/22	
	27/38c			4-149.004	23/45	26/22	
4-128.010	27/30				24/46	26/22	
	27/38c			4-149.005	23/45	26/22	
4-128.011	27/30	27/36			24/46	26/22	
	27/38c			4-149.006	23/45	26/22	
4-128.012	27/30				24/46	26/22	
	27/38c			4-149.007	23/45	26/22	
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	27/38c			4-149.008	23/45	26/22	
4-128.014	27/30	27/36			24/46	26/22	
	27/38c			4-149.009	23/45	26/22	
4-128.015	27/30	27/36			24/46	26/22	
	27/38c			4-149.010	23/45	26/22	
	27/40c				24/46	26/22	
4-128.016	27/30			4-149.020	23/45	26/22	
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	27/40c			4-149.021	23/45	26/22	
4-128.017	27/30	27/36			24/46	26/22	
	27/38c			4-149.022	23/45	26/22	
	27/40c				24/46	26/22	
				4-149.023	23/45	26/22	
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4-149.101	23/45 24/3c 24/3c 24/46	24/31			24/3c 24/46	26/22	
4-149.102	23/45	26/22 24/31 26/12 26/22		4-149.1105	23/45 24/3c	24/31	
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4-149.103	23/45	26/22 24/31 26/12 26/22		4-149.112	23/45	24/31 26/12 26/22	
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4-149.104	23/45	26/22 24/31 26/12 26/22		4-149.113	24/3c 24/3c		
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4-149.105	23/45	26/22 24/31 26/12 26/22		4-149.115	24/3c		
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				4-149.117	24/3c		
				4-149.118	24/3c		
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4-149.130	24/3c			4-186.008	27/21		
	24/3c				27/34		
4-149.131	24/3c			4-186.012	27/21		
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4-149.132	24/3c			4-186.014	27/21		
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4-154.407	26/25			4A-21.102	27/14	27/26	
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4-154.408	26/25			4A-21.103	27/14	27/26	
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4-167.002	27/14			4A-21.249	27/14		
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4A-37.064	27/26			4C-4.004	27/15	27/30	27/36
4A-37.065	27/26			4C-4.0045	27/15		27/36
4A-39.005	27/26			4C-4.009	27/15		27/36
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4A-43.014	27/12		27/35	5E-3.003	27/38		
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4A-54.004	27/12			5F-11.013	27/20	27/27	27/35
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6C7-4.020	Newspaper		27/36	9B-72.120	27/31		
6C7-4.0211	Newspaper		27/36	9B-72.130	27/31		
6C7-4.025	Newspaper		27/36	9B-72.160	27/31		
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12D-13.028	27/37				27/24	27/36	
12D-13.037	27/37			18-21.004(1)(d)	27/31c		27/40d
12D-13.061	27/37			18-21.007	27/24		
12D-13.062	27/37			18-21.008	27/24		
12D-13.063	27/37			18-21.009	27/24		
12D-16.002	27/37			18-21.010	27/24		
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				19-10.002	27/21	27/27	27/37
				19-10.003	27/21	27/27	27/37
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				19B-5.003	27/32	27/38	
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				19B-8.001	27/32		27/40
				19B-9.002	27/32		27/40
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20-9.004	27/24	27/40		28-106.106	27/16c		
20-9.005	27/24	27/40		28-106.107	27/16c		
20-9.006	27/24	27/40		REGIONAL TRANSPORTATION AUTHORITIES			
20-9.007	27/24			30-1	27/13c		
20-9.008	27/24	27/40		CORRECTIONS			
20-40.005	27/24	27/31	27/37	33-1	27/10c		
20-49.001	27/24		27/36		27/33c		
20-49.002	27/24		27/36	33-2.001	23/25		
20-49.004	27/24		27/36	33-3.0081	25/35	25/43	
20-49.0041	27/24		27/36	33-3.0082	25/35	25/43	
20-49.005	27/24		27/36	33-3.0084	25/35	25/43	
20-49.0051	27/24		27/36	33-3.0085	25/35	25/43	
20-49.006	27/24		27/36	33-3.015	21/43		
20-49.0061	27/24		27/36	33-3.018	17/14		
20-49.007	27/24		27/36	33-8.0142	19/43		
20-49.0071	27/24		27/36	33-22.003	17/12		
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21M-49.002	19/6c			33-22.011	17/12		
21M-50.002	19/6c			33-25.031	20/11c		
21M-50.003	19/6c			33-32.021	19/5		
21M-50.007	19/6c			33-32.022	19/5		
21M-50.009	19/6c			33-38.001	25/35	25/43	
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25-17.0832	27/38			33-38.005	25/35	25/43	
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27E-4.002	20/11			33-38.010	25/35	25/43	
27E-4.003	20/11			33-38.011	25/35	25/43	
27E-4.004	20/11			33-38.012	25/35	25/43	
27E-4.005	20/11			33-102.101	27/3	27/36	
27E-4.006	20/11			33-103.015(3)	27/34c		27/34d
27E-4.007	20/11			33-204.002	27/29		27/39
27E-4.008	20/11			33-204.003	27/29		27/39
27M-1.001	27/39			33-204.111	27/29		
27M-1.002	27/39			33-208.506	26/43		
27M-1.003	27/39			33-208.507	26/16		
27M-1.004	27/39			33-210.104	27/40		
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27M-1.006	27/39			33-302.104	27/40		
27M-1.006	27/39			33-302.105	26/46	26/52	27/39
27M-1.007	27/39				26/46	27/29	27/39
27M-1.008	27/39			33-302.106	27/31		27/39
27M-1.009	27/39			33-302.107	27/21	27/26	27/34
27M-1.010	27/39			33-302.108	27/34		
27M-1.011	27/39			33-302.111	27/29	27/39	
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33-507.002	27/35			34-5.026	24/19		
33-601.105	27/24		27/34	34-7.010	27/31		27/41
33-601.502	27/25		27/34		27/37		
33-601.602	27/21	27/27	27/35	34-8.001	27/31	27/38	
33-601.606	27/21	27/27	27/35	34-8.002	27/31		
33-601.701	26/48	27/38		34-8.007	27/31		
33-601.702	26/48	27/38		34-8.008	27/31		
33-601.703	26/48	27/38		34-8.009	27/31		
33-601.704	26/48	27/38		34-8.010	27/31	27/38	
33-601.705	26/48	27/38		34-8.015	27/31		
33-601.706	26/48	27/38		34-8.202	27/31		
33-601.707	26/48	27/38		34-8.208	27/31		
33-601.708	26/48	27/38		34-8.209	27/31		
33-601.708(12)(e)	27/35c			34-8.210	27/31	27/38	
33-601.709	26/48	27/38		34-8.215	27/31		
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33-601.714	26/48	27/38		35I-1.002	27/24		27/41
33-601.714(3)	27/10c			35I-1.003	27/24		27/41
33-601.715	26/48	27/38		35I-1.004	27/24		27/41
33-601.716	26/48	27/38		35I-1.007	27/24		27/41
33-601.717	26/48	27/38		35I-1.009	27/24		27/41
33-601.718	26/48	27/38		35I-1.011	27/24		27/41
33-601.719	26/48	27/38		35I-1.012	27/24	27/35	27/41
33-601.720	26/48	27/38		35I-2.001	27/24		27/41
33-601.721	26/48	27/38		35I-2.002	27/24		27/41
33-601.722	26/48	27/38		35I-2.003	27/24		27/41
33-601.723	26/48	27/38		35I-2.004	27/24		27/41
33-601.724	26/48	27/38		35I-2.005	27/24		27/41
33-601.725	26/48	27/38		35I-2.006	27/24		27/41
33-601.726	26/48	27/38		35I-2.007	27/24		27/41
33-601.727	26/48	27/38		35I-2.008	27/24		27/41
33-601.728	26/48	27/38		35I-2.009	27/24		27/41
33-601.729	26/48	27/38		LABOR AND EMPLOYMENT SECURITY			
33-601.730	26/48			38-1	26/43c		
33-601.731	26/48	27/38		38E-106.401	24/1		
33-601.732	26/48	27/38		38F-6.012	27/27		27/35
33-601.733	26/48	27/38		38F-7.020	27/28		27/39
33-601.734	26/48	27/38		38F-7.522	27/16c		
33-601.735	26/48	27/38		38F-7.523	27/16c		
33-601.736	26/48	27/38		38F-7.900	27/28		27/39
33-601.737	26/48	27/38		38F-8.055	22/4		
33-601.738	26/48	27/38		38F-24.0231	27/40		
33-602.201	27/24		27/36	38F-68.001	27/40		
33-602.205	27/34			38F-68.006	27/40		
33-602.220	27/39			38I-60.200	20/7		
33-602.222	27/39			38K-1.0045	23/27		
33-602.223	27/40						
33-602.401(2)(b)	26/39c						
33-602.403(2)(a)2.	26/39c						
33-603.201	27/15	27/21	27/34				
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40C-1.181	20/18			40D-8.6240	23/38	24/48	
40C-1.603	27/35	27/35	27/40	40D-45.011	27/26		27/40
40C-3.035	27/27		27/35	40D-45.021	27/26		27/40
40C-4.021	27/3	27/35	27/40	40D-45.031	27/26		27/40
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40C-4.051	27/3	27/35	27/40	40D-45.051	27/26		27/40
40C-4.051(12)(b)	25/12c			40D-45.053	27/26		27/40
40C-4.091	25/12c			40D-45.054	27/26		27/40
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40C-4.301	27/35	27/35	27/40	40D-45.101	27/26		27/40
40C-4.302	27/35	27/35	27/40	40D-45.301	27/26		27/40
40C-4.331	27/3	27/35	27/40	40D-45.321	27/26		27/40
40C-40.011	27/35	27/35	27/40	40D-45.331	27/26		27/40
40C-40.031	27/35	27/35	27/40	40D-45.341	19/42	20/3	
40C-40.042	27/35	27/35	27/40	40D-45.351	27/26		27/40
40C-40.112	27/35	27/35	27/40	40D-45.381	27/26		27/40
40C-40.302	27/3	27/35	27/40	40D-45.461	27/26		27/40
40C-40.321	27/35	27/35	27/40	40D-45.471	27/26		27/40
40C-40.351	27/35	27/35	27/40	40D-45.481	27/26		27/40
40C-40.381	27/3	27/35	27/40	40E-1.510	20/18	21/36	
40C-41.063	27/3	27/35	27/40	40E-1.603	19/4c		
40C-42.022	27/3	27/35	27/40	40E-1.606	19/4c		
40C-42.0225	27/3	27/35	27/40	40E-1.607	19/43		
40C-42.026	27/3	27/35	27/40	40E-1.612	20/18	21/36	
40C-42.029	27/3	27/35	27/40	40E-1.614	20/18	21/36	
40C-42.091	27/35	27/35	27/40	40E-1.659	19/4c		
40C-42.900	27/35	27/35	27/40		25/18		
40C-400.201	21/48	21/48		40E-2	26/38c		
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40D-2.031	20/48			40E-2.381	27/13		27/36
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40D-2.381	20/48			40E-7.623	27/23	27/32	
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40E-7.664	27/23	27/32		40E-63.402	27/23		
40E-7.6645	27/23	27/32		40E-63.404	27/23		
40E-7.665	27/23	27/32		40E-63.406	27/23		
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40E-8.221	27/13	27/29	27/36	40E-63.430	27/23		
40E-8.231	27/13	27/29	27/36	40E-63.432	27/23		
40E-8.321	27/13	27/29	27/36	40E-63.434	27/23		
40E-8.331	27/13	27/29	27/36	40E-63.436	27/23		
40E-8.421	27/13	27/29	27/36	40E-63.440	27/23		
40E-8.431	27/13	27/29	27/36	40E-63.442	27/23		
40E-8.441	27/13		27/36	40E-63.444	27/23		
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40E-20.112	27/13			40E-63.452	27/23		
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40E-21.521	27/13	27/29	27/36	40E-601.314	26/9		
40E-21.531	27/13	27/29	27/36		26/9		
40E-21.541	27/13	27/29	27/36		26/9		
40E-22.312	27/13	27/29	27/36	FLORIDA LAND AND WATER ADJUDICATORY COMMISSION			
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40E-41.320	27/27	27/28		MARINE FISHERIES COMMISSION			
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40E-41.343	27/27	27/28		46-37.001	20/18		
40E-41.360	27/27	27/28		46-37.002	20/18	20/25	
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53ER01-44			27/28	59B-7.021	19/30		
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53ER01-47			27/30	59B-7.024	19/30		
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53ER01-62			27/39	59C-1.005	27/31		
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53-30.001	27/27		27/36		27/7c		
53-30.004	27/27		27/36		27/10c		
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58A-6.003	27/34			59C-1.033(7)(b),(c)	27/21c		
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58A-6.007	27/34				27/23c		
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59A-3.170	21/20			59E-1.005	20/27		
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59A-7.020	20/25			59E-5.102	27/32		
59A-12.020	26/32	26/36		59E-5.103	27/32		
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59G-4.070	27/6	27/18		61B-37.002	27/36		
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64E-5.432	27/18	27/30	27/36	67-29.0065	27/30		27/40
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64E-5.435	27/18	27/30	27/36	67-29.0072	27/30		27/40
64E-5.436	27/18		27/36	67-29.0073	27/30		27/40
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68B-21.004	27/39			68D-23.108	27/4		
68B-21.006	27/39			68D-23.109	27/31		
68B-27.015	27/31		27/40	68D-23.110	27/4		
68B-35.003	27/16	27/23		68D-23.111	27/31		
	27/25c			68D-23.112	27/4	27/19	
68B-35.004	27/16	27/23		68D-24.146	27/31		
	27/25c			68D-24.155	27/34		
68B-35.005	27/16	27/23					
	27/25c						
68B-39.002	27/31		27/40				
68B-42.001	27/31		27/40				
68C-22.005(2)(d)8.	26/13c						
68C-22.005(2)(i)	26/13c						
68C-22.006	27/16	27/24					
	27/25c						
	27/25c						
	27/25c						
	27/25c						
68C-22.018	27/16						
68C-22.021	27/16						
68D-1.001	27/4						
68D-23.003	27/4	27/19					