

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

**DEPARTMENT OF INSURANCE**

**RULE TITLE:** Workers Compensation: Application and Audit Procedures  
**RULE NO.:** 4-189.003

**PURPOSE AND EFFECT:** To update Rule 4-189.003, F.A.C., due to changes required by SB 108. SB 108 requires that the application that insurers use be changed by including a sworn statement by the agent attesting that the agent explained to the employer or officer the classification codes that are used for the premium calculations. SB 108 also requires that the audit procedures insurers use be changed by mandating at the completion of an audit, the employer or officer of the corporation and the auditor must print and sign their names on the audit document and attach proof of identification to the audit document.

**SUBJECT AREA TO BE ADDRESSED:** Workers' Compensation applications and procedures.

**SPECIFIC AUTHORITY:** 440.381 FS.

**LAW IMPLEMENTED:** 440.381, 624.307, 624.308(1) 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:** 2:00 p.m., June 18, 2002

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Theresa Eaton, (850)413-3821.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Theresa Eaton, Property & Casualty Forms and Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-3821

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

**DEPARTMENT OF INSURANCE**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Managing General Agents	4-221.003
Actively Engaged in Business; Place Suitably Designated; Accessible to Public	4-221.051
Permanent Office Records Required	4-221.055
Notice of Change of Address	4-221.060
Build-up Funds; Reporting	4-221.070

Soliciting Business	4-221.095
Terms and Conditions of Contract; Forms	4-221.100
Premium Charge Only Permitted	4-221.105
Premium Shall Be Term Charge;	
Premium Refund, When	4-221.110
Pre-numbered Receipt as Evidence of Payment	4-221.115
Pre-numbered Receipt as Evidence of Collateral	4-221.120
Use of Credit Cards and Cash Advance Facilities in Conjunction With Issuing Bail Bonds	4-221.145
Department May Request Information	4-221.150

**PURPOSE AND EFFECT:** The purpose and effect of the rule development is to conform existing rules with statutory changes to Chapter 648, Florida Statutes, adopted in CS/SB 1916, effective July 1, 2002, and to clarify and update the rule chapter.

**SUBJECT AREA TO BE ADDRESSED:** Reporting and filing requirements for bail bond agents, and other regulatory requirements.

**SPECIFIC AUTHORITY:** 648.26, 648.26(1)(a) FS.

**LAW IMPLEMENTED:** 624.307(1), 626.601, 626.744, 648.25, 648.25(9), 648.27, 648.29, 648.295, 648.33, 648.34, 648.355, 648.36, 648.387, 648.388, 648.421, 648.44, 648.44(1)(i), 648.44(6), 648.442, 648.442(2), 648.4425, 648.48 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:** 11:00 a.m. – 2:00 p.m., June 19, 2002

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

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Glenda Ostreich, Bail Bond Section, Bureau of Agent and Agency Investigations, Division of Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0320, (850)413-5660

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

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Uniform Firesafety Standards for Transient Public Lodging Establishments	4A-43

**RULE TITLE:** Standards of the National Fire Protection Association Adopted  
**RULE NO.:** 4A-43.019  
**PURPOSE AND EFFECT:** To adopt standards of the National Fire Protection Association for transient public lodging establishments.  
**SUBJECT AREA TO BE ADDRESSED:** standards of the National Fire Protection Association for transient public lodging establishments.  
**SPECIFIC AUTHORITY:** 509.215(5) FS.  
**LAW IMPLEMENTED:** 509.215 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:** 8:30 a.m., June 17, 2002  
**PLACE:** Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Millicent King, (850)413-3619.  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)922-3171

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

4A-43.019 Standards of the National Fire Protection Association Adopted.

(1) Except as modified by Section 509.215, Florida Statutes, the standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, the edition as adopted in Rule 4A-3.012, F.A.C., are hereby adopted and incorporated by reference and shall be the uniform firesafety standards for “public lodging establishments,” as defined in Section 509.013(4)(a), Florida Statutes, which are “transient establishments,” as defined in Section 509.013(10), Florida Statutes.

(2) The codes and standards published by the National Fire Protection Association may be obtained by writing to the National Fire Protection Association at 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All codes and standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

Specific Authority 509.215(5) FS. Law Implemented 509.215 FS. History–New

**FLORIDA PAROLE COMMISSION**

**RULE TITLES:** General  
 Definitions  
 Addiction Recovery Release  
 Evaluation Procedure  
 Addiction Recovery Supervision  
 Revocation of Addiction Recovery Release  
**RULE NOS.:** 23-25.001  
 23-25.002  
 23-25.003  
 23-25.004  
 23-25.005  
**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to set forth procedures for implementation of the Addiction Recovery Supervision Program pursuant to Sections 944.4731 and 947.141, Florida Statutes (2001), for inmates eligible for post-prison supervision in the Program.  
**SUBJECT AREA TO BE ADDRESSED:** Post-prison Addiction Recovery Supervision.

**SPECIFIC AUTHORITY:** 944.4731(8) FS.  
**LAW IMPLEMENTED:** 944.4731, 947.141 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:** Bradley R. Bischoff, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

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

**ADDICTION RECOVERY SUPERVISION PROGRAM**

23-25.001 General.

The Parole Commission is charged with establishing the term and conditions of supervision for offenders released from incarceration who are subject to the addiction-recovery supervision as provided under Section 944.4731, F.S. The Parole Commission has the authority to issue warrants and revoke such supervision upon a finding of a violation of a condition of addiction-recovery supervision.

Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History–New

23-25.002 Definitions.

- (1) Chair – means the Chair of the Parole Commission.
- (2) Addiction Recovery Supervisor – means the person assigned to provide supervision for the Releasee.
- (3) Commission – means the Parole Commission.
- (4) Controlled Substance – means a “controlled substance” as defined in Section 893.02, F.S.
- (5) Conviction – means a “conviction” as defined in Section 921.0021, F.S.
- (6) Department – means the Department of Corrections.

(7) Eligible Offender- means any offender who meets the criteria of Section 944.4731(2)(a), F.S.

(8) History of substance abuse or addiction – means: (1) a score of 4 or more on the Department of Corrections Drug Simple Screening Instrument; (2) two or more prior convictions for an offense for which an element of that offense relates to a controlled substance, alcohol, or drug paraphernalia; or (3) one prior conviction for any offense for which an element of that offense relates to a controlled substance, alcohol, or drug paraphernalia and the current offense has as an element of the offense a controlled substance, alcohol or drug paraphernalia.

(9) Participated in any drug treatment – means prior community supervision drug treatment, prison drug treatment, mandated or voluntary substance abuse treatment, or acknowledgement by the offender that he or she has sought help for alcohol or substance abuse.

(10) Releasee – means an offender placed on addiction recovery supervision pursuant to Section 944.4731, F.S.

(11) Revocation – means the order of the Commission entered after a Releasee has been found to have violated one or more conditions of the addiction recovery release, and requires the Releasee’s return to prison to resume service of sentence.

(12) Standard Conditions of Supervision – include the following:

(a) Promptly upon being released on addiction recovery release, you will proceed to (address) \_\_\_\_\_, where you will reside. Immediately upon your arrival, you will report by personal visit to the Addiction Recovery Supervisor under whose supervision you are to be released.

(b) You shall secure the permission of your Addiction Recovery Supervisor before:

1. You change your residence or employment,
2. You leave the county of your residence or the state,
3. You post bail or accept pretrial release if you are arrested for a felony.

(c) You shall submit a full and truthful report to your Addiction Recovery Supervisor before the fifth day of each month in writing on the forms provided or in person.

(d) You shall not:

1. Use alcohol or intoxicants of any kind,
2. Use or possess narcotics, drugs or marijuana unless prescribed by a physician.

(e) You shall not knowingly associate with any person who is engaging in any criminal activity.

(f) You shall secure the permission of your Addiction Recovery Supervisor before you own, carry, or have in your constructive possession a knife or any other weapon.

(g) You shall obey all laws, ordinances and statutory conditions of addiction recovery release.

(h) You shall:

1. Submit to a reasonable search by an Addiction Recovery Supervisor, of your person, residence or automobile,

2. Waive extradition back to the state of Florida if you are wanted for return as an alleged addiction recovery release violator,

3. Permit your Addiction Recovery Supervisor to visit you at your residence, employment or elsewhere,

4. Promptly and truthfully answer all questions and follow instructions asked or given to you by your Addiction Recovery Supervisor or the Commission.

(i) You understand that you are to remain on addiction recovery release until released therefrom by expiration or by Commission order.

(j) During your addiction recovery release term, you shall submit to random testing as directed by your supervising officer or the professional staff of any treatment center or residential program where treatment is being received to determine the presence or use of alcohol or controlled substances pursuant to Section 877.111 or Chapter 893, Florida Statutes.

(k) During your addiction recovery release term, you shall submit and pay for urinalysis testing to identify alcohol and/or drug usage and understand that your failure to make such payment or participate as defined under this condition of your addiction recovery release will be considered grounds for revocation of addiction recovery release by the Parole Commission.

(l) You shall pay cost of supervision and rehabilitation as calculated and assessed by the Department of Corrections as provided and required in Section 948.09, Florida Statutes, and court ordered payments.

(m) You shall participate and be supervised under drug offender probation pursuant to Section 948.001(4), Florida Statutes.

(n) You shall not enter any business establishment whose primary purpose is the sale/consumption of alcoholic beverages.

(o) You shall execute and present to your Addiction Recovery Supervisor all necessary authorizations to release records to your Addiction Recovery Supervisor and the Commission so that your progress and participation in required programs can be monitored and documented. Such records shall include medical and psychological records.

(p) During the term of your addiction recovery supervision, you shall support your dependent children as required by court order and you shall provide evidence of required payments under such order to your Addiction Recovery Supervisor.

(q) If you are accepted into a substance-abuse-transition housing program, you shall comply with the terms and conditions of that program, including payment of fees to defray the cost of your participation.

(13) Transition-Assistance Specialist – means a representative of the Department of Corrections.

(14) Tentative Release Date – means the projected release date computed by the Department of Corrections based upon length of sentence reduced by applicable gain-time.

(15) Violation Hearing – means a hearing provided to a Releasee under warrant and conducted by the Commission, a Commissioner, or a duly authorized representative of the Commission, to determine whether the Releasee has violated any condition(s) of his/her release.

(16) Warrant – means a document executed by any member of the Commission which will cause the arrest and detention of a Releasee pending further action by the Commission.

Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History–New

#### 23-25.003 Addiction Recovery Release Evaluation Procedure.

Within 180 days prior to an Eligible Offender's Tentative Release Date, a Transition Assistance Specialist will interview the offender and review the offender's program participation, disciplinary record, psychological and medical records, release plan, court ordered payments including, but not limited to, costs of supervision and restitution, and any other information pertinent to the pending release. The Transition Assistance Specialist will forward the results of said interview and review to the Commission.

A panel of no fewer than two Commissioners shall review the results of the interview and review, and establish the term and conditions of such release.

Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History–New

#### 23-25.004 Addiction Recovery Supervision.

(1) Prior to an Eligible Offender being released from incarceration, the Commission shall determine the term and conditions of supervision.

(2) If an Eligible Offender has received a term of probation or community control to be served after release from incarceration, the period of probation or community control shall not be substituted for addiction recovery supervision, but shall follow the term of addiction recovery supervision.

(3) If an Eligible Offender is subject to both conditional release supervision and addiction recovery supervision, the offender shall be subject to the type of supervision that will result in the longest term of supervision. If the terms of supervision are equal, the offender shall be subject to addiction recovery supervision.

(4) All Eligible Offenders placed on addiction recovery supervision shall be initially subject to Standard Conditions of Supervision upon their release from incarceration. In addition to the Standard Conditions of Supervision, the Commission

shall be subject to such special conditions of supervision as it deems necessary from its review of the record, which may include restitution.

(5) Offenders shall have no right to administrative review of the term and conditions of addiction recovery release as determined by the Commission.

Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History–New

#### 23-25.005 Revocation of Addiction Recovery Release.

##### (1) Warrants.

(a) A warrant for the arrest of a Releasee shall only be executed by a Commissioner except in the case of an emergency warrant as provided in (2) herein. The decision to issue a warrant shall be based on evidence which indicates reasonable grounds to believe a Releasee has violated a condition of addiction recovery release. The issuance of a warrant is discretionary.

(b) Warrant requests will be reviewed by Commission staff for sufficiency of information and if found sufficient, staff shall submit a warrant request to a Commissioner for review.

(c) The reviewing Commissioner will execute a warrant, deny the warrant request, or have the warrant request placed before a panel of no fewer than two Commissioners for a decision.

(d) Should a warrant be issued, such will be transmitted to the requesting agency for appropriate service or filing. Alleged violators of addiction recovery release will be entered into the Florida Crime Information Center and the National Crime Information Center, unless in custody. The Commission has authority to pursue extradition of alleged violators from other jurisdictions.

(e) Should a warrant be issued and a dismissal of the warrant is requested, the signing Commissioner or Chair is authorized to dismiss the warrant for good cause.

##### (2) Emergency Warrants.

(a) Commission representative duly authorized by the Chair, when the Commission receives notification from an arresting agency that a Releasee has been arrested and charged with a new felony offense and there is no outstanding Commission warrant for the Releasee.

(b) The decision to issue an emergency warrant shall be based on evidence which indicates reasonable grounds to believe a Releasee violated the conditions of addiction recovery release.

(c) Should an emergency warrant be issued, Commission staff will transmit the warrant to the detaining agency for appropriate service or filing and enter information regarding the Releasee into the Florida Crime Information Center and National Crime Information Center, unless the Releasee is in custody. The Commission has authority to pursue extradition of alleged violators from other jurisdictions.

##### (3) Release on Recognizance.

(a) The Commission or a Commissioner may at any time during the violation process release a Releasee on recognizance. Such release will be conditioned upon the releasee's appearance at any hearings noticed by the Commission or until further order of the Commission and may include any other condition deemed warranted from the Commission's review of the record.

(b) A review regarding release on recognizance for alleged addiction recovery release violators who are in custody shall be conducted before or at the time of the initial service of the notice of the Violation Hearing.

(c) The alleged violator must be informed that by accepting release on recognizance, he is waiving any and all time constraints related to the Violation Hearing.

(d) Any Releasee who has been arrested pursuant to a Commission warrant may request and shall be provided a hearing on the matter of release on recognizance regarding the Commission warrant. Such hearing shall be held by a Commissioner or a duly authorized representative of the Commission, who shall provide the Commission with a written summary of the hearing, after which a panel of no fewer than two Commissioners shall make a decision and inform the Releasee. Should the Commission or an authorized representative receive reliable information that the Releasee has violated the conditions of the release on recognizance, a Commissioner can enter an order revoking the release on recognizance. Such order shall be sufficient to cause the arrest and return of the Releasee to custody.

#### (4) Addiction Recovery Release Violation Hearing.

(a) A Commissioner or a duly authorized representative of the Commission shall convene a Violation Hearing within 45 days after notification of the arrest in the State of Florida of a Releasee charged with violation(s), unless waived by the Releasee, or within 45 days of receipt of written notification from the Department of Corrections that the alleged violator has been returned to the custody of the Department from another jurisdiction.

(b) The Releasee shall be informed, in writing, at least 14 days prior to the Violation Hearing of the date, time and location of the hearing. The notice of the hearing shall contain the charges of violation and a list of the Releasee's rights, as follows:

1. The opportunity to be present for the Violation Hearing.
2. The opportunity to present evidence in his or her own behalf, including witnesses and evidence secured by subpoena or subpoena duces tecum.
3. The opportunity to receive, prior to the Violation Hearing, the disclosure of evidence that will be presented at the Violation Hearing.
4. The opportunity to confront and cross-examine any adverse witness.

5. The opportunity to be represented by counsel, either retained or appointed, provided that such appointment is made consistent with the guidelines of the United States Supreme Court case of Gagnon v. Scarpelli, 411 U.S. 778 (1973).

(c) Any Violation Hearing may be waived by the Releasee after an explanation of the consequences of a waiver. The waiver shall be in writing and shall be executed before a Commissioner or duly authorized representative of the Commission. The Releasee may withdraw the waiver by submitting a written request which waives all time constraints. The waiver withdrawal request must be appropriately witnessed, and postmarked within 14 days after the execution of the waiver. Upon receipt of the waiver withdrawal request, a Violation Hearing shall be convened after appropriate notice.

(d) The Releasee may request that the Violation Hearing be postponed until such time as any pending criminal charges that are listed on the Commission's warrant or notice of hearing have been resolved. The granting of a postponement on behalf of the Releasee constitutes a waiver by the Releasee of all time constraints and any requirements for a local hearing. If there are also pending technical violations, the granting of the postponement also postpones disposition of the technical charges until such time as the criminal charges are resolved.

(e) The Releasee may request that the Violation Hearing be continued upon showing of good cause. The request for continuance may be submitted to the person conducting the hearing in writing prior to convening the hearing, provided that the reasons for the request are outlined with specificity. The granting of a continuance on behalf of the Releasee constitutes a waiver by the Releasee of all time constraints, and any requirements for a local hearing. If a Violation Hearing has been convened, such may be continued beyond 45 days on the motion of the Releasee, the Commission or duly authorized representative of the Commission, provided the record reflects a good cause for such continuance.

(f) Subpoenas and subpoenas duces tecum for the Releasee and the Commission shall be issued by a Commissioner or a duly authorized representative of the Commission on behalf of the State or the Releasee. The Commission, a Commissioner or a duly authorized representative of the Commission will decline a request to subpoena a witness whose testimony is found to be cumulative, irrelevant or non-probative. The party requesting the subpoenas shall furnish to the Commission, a Commissioner or a duly authorized representative of the Commission the names and addresses of his proposed witnesses at least 14 days prior to the hearing date.

(g) At the hearing, the Releasee may waive representation by an attorney, provided the waiver is reflected clearly in writing or in the record of the proceeding. Should the Releasee desire, retained counsel may represent the Releasee at the hearing. If the Releasee desires counsel and has not retained one, the following procedure shall apply:

1. The person conducting the hearing shall determine the Releasee's financial ability to retain private counsel. When the person conducting the hearing determines a Releasee has the ability to retain private counsel, reasonable time shall be permitted for the Releasee to secure counsel, if the Releasee so desires.

2. If the person conducting the hearing concludes the Releasee is unable to secure counsel by reason of indigence, the person conducting the hearing shall then proceed to determine if the Releasee is eligible for appointed counsel as provided in the guidelines outlined in Gagnon v. Scarpelli, 411 U.S. 778 (1973). If a request for counsel is denied, the grounds for the denial shall be stated in the record.

(h) During the Violation Hearing, the person conducting the hearing has authority to entertain arguments of counsel or the Releasee. The person conducting the hearing has authority to elect to rule on such matters during the course of the Violation Hearing or may elect to withhold ruling pending consultation with counsel or staff. Arguments of counsel of a legal nature must be reduced to writing, and, if possible, presented prior to the Violation Hearing.

(i) Based on evidence presented at the Violation Hearing, or received by stipulation, the person conducting the hearing shall make findings of fact regarding the alleged violations, with a written recommendation to the Commission. When the Commission finds that the Releasee has committed one or more violations, the Commission shall enter an order revoking the addiction recovery release, restoring the Releasee to supervision or such an order as deemed appropriate. Notification by copy of the Commission order shall be provided to the Releasee. If the decision of the Commission is to revoke, the order entered shall contain the condition(s) that have been violated and the evidence relied upon.

(j) The person conducting the hearing has authority to elect to receive information following the Violation Hearing if the Releasee stipulates to the receipt of such information and such stipulation is reflected in the record.

(k) When a panel of no fewer than two Commissioners revokes addiction recovery release, the Releasee shall be entitled to credit for time spent in custody on the Commission's warrant prior to the Violation Hearing. Time spent in another jurisdiction as a result of intervening sentences shall be considered. Credit for time in custody as decided by the panel shall be reflected in the order of revocation of addiction recovery release.

Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History-New \_\_\_\_\_.

**PUBLIC SERVICE COMMISSION**

DOCKET NO: UNDOCKETED

RULE TITLE:

Line Information Database Maintenance

RULE NO.:

25-4.119

PURPOSE AND EFFECT: This rule will make available sufficient information to properly complete and bill collect and third party calls to ALEC customers. This rule will result in more complete and properly billed calls which will reduce the unbillable costs to the originating company and enable customers to reach more called parties.

SUBJECT AREA TO BE ADDRESSED: Completion and billing of collect and third party calls.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.115, 364.03 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, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rick Moses, Division of Competitive Markets and Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.119 Line Information Database Maintenance.

Within 6 months of the effective date of this rule, each local exchange telecommunications company shall:

(1) Update the Line Information Database (LIDB) with the account ownership code of the Alternative Local Exchange Company claiming the customer, provided the ALEC has contracted with the local exchange company to provide such information or has purchased the line directly from the local exchange company; and

(2) Provide ALECs access to LIDB, or provide updates on a contractual basis for each ALEC that enters into a contract.

Specific Authority 350.127(2) FS. Law Implemented 350.115, 364.03 FS. History-New \_\_\_\_\_.

**PUBLIC SERVICE COMMISSION**

DOCKET NO: UNDOCKETED

RULE TITLES:

Consumer Information

Service Standards

RULE NOS.:

25-24.830

25-24.840

PURPOSE AND EFFECT: These rules will make available sufficient information to properly complete and bill collect and third party calls to ALEC customers. These rules will result in more complete and properly billed calls which will reduce the unbillable costs to the originating company and enable customers to reach more called parties.

SUBJECT AREA TO BE ADDRESSED: Completion and billing of collect and third party calls.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.03, 364.337(5), 364.035, 364.337, 364.345 FS., Ch. 95-403, Section 32, L.O.F.

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, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rick Moses, Division of Competitive Markets and Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.830 Consumer Information.

(1) The quality of service information in paragraph (1)(d) of Rule 25-24.825, F.A.C., shall be provided, verbally or in writing, upon request to any person inquiring about the company's basic local exchange telecommunications service. In addition, the above information shall be provided in writing before or in the basic local exchange telecommunications customer's first bill for service. The above information shall be expressed in simple words, sentences, and paragraphs. Unnecessarily long, complicated, or obscure phrases or acronyms must be avoided.

(2) If an ALEC elects not to provide any third-party billing or collect call services to its customers, the ALEC shall so state in its price list and notify customers of such prior to a customer agreeing to obtain local service from the ALEC.

Specific Authority 350.127(2) FS. Law Implemented 364.337(5) FS., Ch. 95-403, §32, L.O.F. History—New 12-26-95, Amended.

25-24.840 Service Standards.

(1) Each provider of alternative local exchange telecommunications service shall make access to 9-1-1 emergency services available to each of its basic telecommunications service customers at a level at least equivalent to the service provided by the incumbent local exchange company.

(2) ~~By July 1, 1997,~~ Access to 911 services shall be maintained for the duration of any temporary disconnection for non-payment of a residential subscriber's local service.

(3) Within 6 months of the effective date of this rule, each Alternative Local Exchange Company shall:

(a) Provide billing name and address information at a reasonable cost and in a timely manner, to any telecommunications company that requests the information unless the ALEC has an active billing and collection agreement.

(b) Populate LIDB with appropriate toll restrictions if the ALEC has not entered into a billing and collection agreement with a company capable of billing telecommunications services.

(c) Update account ownership information and appropriate toll restriction information directly into LIDB or contract with the appropriate local exchange company for daily updates.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.337, 364.345 FS. History—New 5-6-97, Amended.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**State Center for Health Statistics**

RULE TITLES:	RULE NOS.:
Reporting and Audit Procedures	59E-7.012
General Provisions	59E-7.016

PURPOSE AND EFFECT: The proposed rule amendments require hospitals with rehabilitation therapy units to report discharge data for inpatient care provided in rehabilitation therapy units in the same manner and format as that required for acute care inpatient discharges beginning with discharges occurring on or after January 1, 2004. The proposed rule amendments delete the general provision restricting the reporting of rehabilitation care data.

SUBJECT AREA TO BE ADDRESSED: The agency is proposing amendments to Rule 59E-7.012, F.A.C., that require the reporting of data for rehabilitation therapy unit discharges. The general provision in Rule 59E-7.016, F.A.C., regarding rehabilitation is deleted.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.15(11) FS.

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

TIME AND DATE: 10:00 a.m., June 21, 2002

PLACE: Agency for Health Care Administration, First Floor Conference Room, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elizabeth Dye, Bureau Chief, State Center for Health Statistics, Agency for Health Care Administration, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59E-7.012 Reporting and Audit Procedures.

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

(c) All acute, intensive, rehabilitative therapy unit, and short term psychiatric live discharges and deaths including newborn live discharges and deaths shall be reported.

(d) No change.

(9) through (12) No change.

(13) Reporting of rehabilitation discharges shall commence with discharges occurring January 1, 2004 and thereafter.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.08(1), 408.08(2), 408.15(11) FS. History--New 12-15-96, Amended 1-4-20, 7-11-01,\_\_\_\_\_.

59E-7.016 General Provisions.

Hospitals submitting inpatient data pursuant to the provisions contained in these rules shall be directed by the following specific general provisions for inpatient data reporting:

~~(1) Hospitals are not required nor expected to submit inpatient discharge data on inpatients undergoing rehabilitative therapy if the therapy is not directly related to specific acute care reasons for the hospitalization being reported, (e.g., conduct of initial rehabilitative therapy during the period of the acute care phase of treatment for a broken leg to facilitate inpatient post discharge mobility). Any inpatient who is transferred or discharged from the acute care setting into a strictly rehabilitative therapy mode of treatment, must be dropped from acute care accountability regardless of the category of administrative movement of the inpatient's records. Any rehabilitation other than acute care cause specific treatment of short term duration will be questioned, and will be dropped from the AHCA data base if not acute care therapy in the strictest sense. This definition is applicable regardless of whether an inpatient transfers into a hospital internal rehabilitation therapy unit licensed for that purpose, or into a freestanding unit for continued therapy. A "rule of thumb" definition for application is that if it is not in conjunction with the acute care phase of inpatient treatment in the hospital, it is not applicable as reportable treatment reported as Inpatient Discharge Data as established and required by this rule. See also separate rules regarding Comprehensive Rehabilitation Discharge Inpatient Data Reporting.~~

(1)(2) If inpatients are administratively transferred or formally discharged from the acute care setting or from a rehabilitation therapy unit into a distinct-part Medicare certified skilled nursing unit of a hospital, the acute care provided in the skilled nursing unit shall not be included as part of the inpatient discharge data reported accountability ceases at the time of discharge/transfer, and the inpatient must be carried

~~as a sub-acute care inpatient in other reporting modes. Sub-acute care is not reported as a part of inpatient discharge data.~~

(2)(3) Hospital data processing/MIS personnel must assure that the ~~tape or disk~~ data conforms to specifications in format from subsections 59E-7.014(1), (2) and (3), F.A.C., without any breaks or blocking or other failure in the data processing cycle.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History--New 12-15-96, Amended 7-11-01,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Antiepileptic Drug Program 64F-19

RULE TITLES: RULE NOS.:

Definitions 64F-19.001

Procedure 64F-19.002

PURPOSE AND EFFECT: The purpose and effect of the rule development is to revise eligibility criteria for the Antiepileptic Drug Program.

SUBJECT AREA TO BE ADDRESSED: The rule establishes eligibility requirements and a form for the distribution of antiepileptic medication to Florida residents who could not otherwise obtain medication for the control of their seizures.

SPECIFIC AUTHORITY: 385.207 FS.

LAW IMPLEMENTED: 385.207 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., June 17, 2002

PLACE: Florida Department of Health, 4025 Esplanade Way, Room 220 P, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Paula DeBoles-Johnson, Epilepsy Program, HSFCD Bin #A-18, 4052 Bald Cypress Way, Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-19.001 Definitions.

(1) "Bona fide resident" means a person living in Florida with the intent to remain as evidenced by self-declaration. This definition does not exclude migrant farm workers as defined in Section 381.008(4), F.S., from participation in the Antiepileptic Drug Program.

(2) "Client" refers to a person who has been determined eligible for the Antiepileptic Drug Program and is receiving medications to control seizures through the program.



(3) “Epilepsy Services Program provider” is an agency that under contract with the Department of Health provides services to persons with epilepsy as outlined in Section 385.207, F.S.

(4) “Poverty guidelines” mean the guidelines defined by subsection 64F-16.001(7), F.A.C.

(5) “Self declaration” means a statement regarding assets, income, family size, medical diagnosis, or residency made by a person applying for services. Self-declaration does not include any documentation other than the signature of the person making the statement.

(6) “Valid prescription” means a prescription written by a licensed health care practitioner who is authorized by law to prescribe medicine and is presented within 12 months of the date the prescription was written, except for controlled substances which must be presented within six months of the date written.

Specific Authority 385.204 FS. Law Implemented 385.204 FS. History—New

#### 64F-19.002 Procedure.

(1) A person wishing to participate in the Antiepileptic Drug Program may apply at any county health department. The applicant will submit to the county health department a valid prescription or a completed Epilepsy Medication Request DH2007 (dated 6/01), incorporated herein by reference. An Epilepsy Medication Request may be obtained from any county health department or Epilepsy Services Program provider. In accordance to the eligibility criteria set forth in this rule, form DH2007 must be completed in its entirety prior to the Department’s acceptance of the applicant into the program.

(2) Clients of Children’s Medical Services who are diagnosed as having epilepsy are automatically eligible for the program.

(3) Additionally, the county health department will accept into the program persons who meet all the following eligibility criteria:

(a) Have a diagnosis of epilepsy;

(b) Are a bona fide Florida resident;

(c) Have no coverage for medication through Medicaid or other health insurance;

(d) Have a gross family income at or below 110 percent of the current federal poverty level guidelines, as defined in subsection 64F-16.001(7), F.A.C.; and

(e) Have no more than \$2,500 per family in private funds, bank accounts or liquid assets not including their homestead or personal vehicle.

(4) The department may establish a limited access program to provide antiepileptic medications not available through the Antiepileptic Drug Program. Persons who are eligible for the Antiepileptic Drug Program and who have a valid prescription may apply to participate in this program as provided in paragraph one. Antiepileptic medications available

through this limited access program may vary and are determined by the Department’s Health State Health Officer or designee. A list of available medications are available through the limited access program is available from the DOH Central Pharmacy. Availability of these medications is limited and is based on need as evidenced by a valid prescription and the availability of funds.

(5) A person who does not meet the eligibility criteria as defined above who is temporarily without financial resources to purchase antiepileptic medication may receive a one month supply of medication once annually.

(6) Every 12 months a client must be determined eligible for the program.

(7) If at any time the client experiences a change in status which could affect his or her eligibility, the client must report this change to the county health department within 30 days.

(8) If a client is determined ineligible for the Antiepileptic Drug Program, the county health department will continue to provide medication through the Antiepileptic Drug Program to the client for up to six months after the determination of ineligibility unless another source for medication is found.

Specific Authority 385.207 FS. Law Implemented 385.207 FS. History—New

## Section II Proposed Rules

### DEPARTMENT OF BANKING AND FINANCE

#### Division of Finance

RULE TITLE:

RULE NO.:

Proof of Ownership and Entitlement to

Unclaimed Property

3D-20.0022

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to specify what must be filed with the Department when filing a claim for unclaimed property owned by a dissolved corporation.

SUMMARY: The proposed amendment provides that as an alternative to filing a certified copy of the last corporate filing reflecting the officers and directors of the corporation, the claimant may provide the Department with a state’s web site address if the same information is available on the Internet site. As an alternative to a bankruptcy search, the claimant may provide the Department with the results of either a Case Management/Electronic Case Files (CM/ECF) search, if available, or a Public Access to Court Electronic Records (PACER) search in the bankruptcy court of the state and district of incorporation and where the main office is located, if different. The rule amendments also require bankruptcy information to be provided if the dissolved corporation has been a debtor in bankruptcy. If the bankruptcy estate is open or if the bankruptcy estate is reopened, the unclaimed property will be remitted to the bankruptcy estate.

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

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

SPECIFIC AUTHORITY: 717.138 FS.

LAW IMPLEMENTED: 92.525, 717.124, 717.126 FS.

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

TIME AND DATE: 9:00 a.m., June 26, 2002

PLACE: Suite 547, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Banking and Finance, Suite 526, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida 32399-0350, (850)410-9896

THE FULL TEXT OF THE PROPOSED RULE IS:

3D-20.0022 Proof of Ownership and Entitlement to Unclaimed Property.

(1) through (5)(b) No change.

(c)1. If the unclaimed business account is for a dissolved corporation, the claimant shall specify the corporation's state of incorporation and last principal place of business address. The claimant shall provide a certified copy of the last corporate filing reflecting the officers and directors of the corporation, which shall be obtained ~~If the unclaimed business account is for a dissolved corporation, then certification from an appropriate state official of the state of incorporation, certified within one (1) year of the filing of the claim, shall be provided to the Department to reflect the last corporate filing. The certified copy of the last corporate filing shall not be required if:~~

a. The officers and directors of the dissolved corporation are identified in the last corporate filing on the Internet site for the Florida Department of State, or

b. The claimant has provided the web address of a free Internet site operated by the state of incorporation of the dissolved corporation that maintains the last corporate filing identifying the officers and directors of the dissolved corporation.

c. If a. or b. is applicable, the claimant shall provide a printout from the Internet site which identifies the officers and directors of the dissolved corporation.

2. Appropriate evidence shall be provided to reflect that the dissolved corporation is the same corporation as on the Department's records and appropriate evidence shall be

provided to reflect the claimant is entitled to all or a proportional share of the dissolved corporation or that the claimant is an officer or director of the corporation.

3. A claim for an unclaimed business account for a dissolved corporation shall include the personal identification of the officer, director or shareholder filing the claim.

4. A claim for an unclaimed business account for a dissolved corporation shall state if the dissolved corporation has ever been a debtor in bankruptcy. If the dissolved corporation has ever been a debtor in bankruptcy, the claimant shall identify the bankruptcy chapter that the case proceeded under. The claimant shall also state the location of the bankruptcy court, the case number, and the address and telephone number of the Office of the U.S. Trustee in that jurisdiction. If no bankruptcy proceedings of the dissolved corporation are known, the claimant shall so state and shall either provide the results of a bankruptcy court web site Case Management/Electronic Case Files (CM/ECF) search, if available, or a Public Access to Court Electronic Records (PACER) search. The CM/ECF or PACER search shall be conducted in the bankruptcy court of the state and district of incorporation and where the main office is located, if different. As an alternative to the CM/ECF or PACER search, the claimant may provide a completed United States Bankruptcy Court Application for Search of Bankruptcy Records ~~shall be provided to the Department from the state and district of incorporation, and from the district where the main office is located, if different. Personal identification shall be provided as specified in subsection (2) of this rule.~~

5. The Office of the U.S. Trustee will be contacted by the Department if the dissolved corporation was a debtor in a closed Chapter 7 bankruptcy case if the aggregate value of the unclaimed property is greater than \$500.00. If the bankruptcy case is reopened, the unclaimed property shall be remitted to the bankruptcy trustee.

6. The unclaimed property shall be remitted to the bankruptcy trustee if one has been appointed and the dissolved corporation is a debtor in a pending bankruptcy case.

Specific Authority 717.138 FS. Law Implemented 92.525, 717.124, 717.126 FS. History--New 3-20-91, Amended 3-13-96, 8-18-96, 1-28-97, 1-18-99, 4-16-02, \_\_\_\_\_, cf. 11 U.S.C. s. 542.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Clay, Senior Mgt. Analyst II, Unclaimed Property

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pete DeVries, Chief, Unclaimed Property

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 21, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF BANKING AND FINANCE**  
**Board of Funeral and Cemetery Services**

RULE TITLE: Inactive Certificates of Authority  
RULE NO.: 3F-5.0025

PURPOSE AND EFFECT: The Board proposes to adopt this rule to set forth the criteria for inactive certificates of authority, setting forth what is considered an inactive certificate and what must be done when a licensee becomes inactive.

SUMMARY: When a certificateholder becomes inactive either by surrender of its certificate of authority to the Board, or failure to submit renewal application and/or fees, or upon final expiration or denial of renewal by the Board, the inactive certificateholder must meet specific requirements in order to fulfill its obligations prior to being placed on inactive status. Additionally, an inactive certificateholder continues to be subject to examination by the Department until such time as all outstanding preneed contracts are fulfilled or assigned to another certificateholder.

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: 497.103, 497.437 FS.

LAW IMPLEMENTED: 497.437 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-5.0025 Inactive Certificates of Authority.

(1) A certificateholder shall be considered inactive upon acceptance by the Board of the surrender of the certificate of authority, if the certificateholder fails to submit a renewal application and fees or upon the final expiration of the certificate of authority after denial of renewal by the Board.

(2) Upon becoming inactive, the certificateholder shall do the following:

(a) Cease the sale of preneed contracts.

(b) Deposit into trust 100% of the funds collected as payments or made on outstanding preneed contracts.

(c) Notify the Department of the certificateholder's compliance with this rule.

(3) The licenses of all preneed sales agents registered with an inactive certificateholder shall expire immediately upon the certificateholder becoming inactive.

(4) If an inactive certificateholder intends to cease providing at-need services, the inactive certificateholder shall, prior to ending such services, assign all preneed contracts to a certificateholder for fulfillment. The Department and all preneed purchasers shall be notified of the assignment.

(5) As provided by Section 497.436(7), F.S., in order for the Board to exercise its jurisdiction as provided therein, an inactive certificateholder shall, at the same time as is required for renewing certificateholders, submit a certificate of authority renewal form and financial statement. Additionally, an inactive certificateholder shall continue to be subject to examination by the Department until all outstanding preneed contracts have been fulfilled or assigned to another certificateholder.

(6) To ensure compliance with this rule, the Department is authorized to request additional information as needed, including but not limited to trust reports, bank statements, workpapers and statements of accounts receivable.

Specific Authority 497.103(1) FS. Law Implemented 497.437 FS. History--New\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 8, 2002

**DEPARTMENT OF INSURANCE**

RULE TITLES:	RULE NOS.:
Filing, Approval of Subscriber Contract and Related Forms	4-203.042
Rates	4-203.045
Prescribed Forms	4-203.100

PURPOSE AND EFFECT: The primary purpose of the proposed rule amendments is to require Prepaid Limited Health Service Organizations to submit the standardized data letter that all insurers are required to submit with every rate and form filing made with the Department of Insurance. The proposed changes also set forth the materials that must be included with each rate and form filing. Finally, the changes correct addresses to be used in submitting filings.

SUMMARY: Adopts the standard cover letter for insurance rate and form filings for use by Prepaid Limited Health Service Organizations and sets forth other filing requirements.

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

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

SPECIFIC AUTHORITY: 636.067 FS.

LAW IMPLEMENTED: 624.321(1)(a), 636.005, 636.008, 636.009, 636.012, 636.016, 636.017, 636.043 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:

TIME AND DATE: 1:00 p.m., Tuesday, June 25, 2002

PLACE: Room 143, Larson Building, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Chief Actuary, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 E. Gaines Street, Room 312-D, Larson Building, Tallahassee, FL 32399-0328, (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 Yvonne White, (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULES IS:

4-203.042 Filing, Approval of Subscriber Contract and Related Forms.

(1) Every group or individual subscriber contract and every rider, endorsement, certificate, application, or other form to be used or issued in connection with any subscriber contract shall be filed by the PLHSO for approval by the Department before it may be delivered in this state, pursuant to the criteria in Section 636.0186(1)(a), Florida Statutes. ~~The form may be used immediately but is subject to disapproval by the Department. If disapproved, use of the form shall be discontinued immediately.~~

(2) Every form required to be filed by the PLHSO shall be identified by a unique form number, placed in the lower left hand corner of each form.

(3) Filing Format for All Forms. Two copies of each filing shall be submitted at the time of filing. PLHSOs in possession of a Certificate of Authority shall mail submit all contract filings to: the Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, Post Office Box 8040, Tallahassee, Florida 32301-8040 99-0328; submit filings electronically to lhfrbureau@doi.state.fl.us; or submit filings to the Department by Federal Express or any other form of special delivery by delivery to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328. A filing shall consist of one copy of each of the following items:

(a) A brief letter explaining the type and nature of the filing. The letter shall indicate if the filing is for a new product, or a resubmission. If the filing is a resubmission, the letter shall indicate when the previous filing was submitted, the Florida filing number, and the date of the disapproval.

(b) Form DI4-1507, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter," completely filled out in accordance with Form DI4-1507A, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet.

(c) The form being submitted by the PLHSO for approval.

(d) An actuarial memorandum consistent with the requirements of Rule 4-203.045, F.A.C.

(e) Rate pages that define all proposed rates, rating factors, and methodologies for determining rates applicable in the state.

Specific Authority 636.067 FS. Law Implemented 636.016, 636.017, 636.018 FS. History—New 11-15-94, Amended.

4-203.045 Rates.

(1) through (7) No change.

(8) Filing Format for All Rate Filings. A filing shall consist of one copy of each of the following:

(a) A brief letter explaining the type and nature of the filing. The letter shall indicate if the filing is for a new product, a rate revision, or a resubmission. If the filing is a resubmission, the letter shall indicate when the previous filing was submitted, the Florida filing number, and the date of the disapproval.

(b) Form DI4-1507, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter," completely filled out in accordance with Form DI4-1507A, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet."

(c) An actuarial memorandum, consistent with the requirements of Rule 4-203.045, F.A.C.

(d) Rate pages that define all proposed rates, rating factors, and methodologies for determining rates applicable in the state. The PLHSO shall submit two copies of each rate filing to the Department of Insurance, Life and Health Rate and Reserve Analysis, Tallahassee, Florida 32399-0300.

(9) Filings shall be mailed to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, Post Office Box 8040, Tallahassee, FL 32301-8040; submitted electronically to lhfrbureau@doi.state.fl.us.; or submitted to the Department by Federal Express or any other form of special delivery by delivery to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328.

Specific Authority 636.067 FS. Law Implemented 636.017, 636.018, 636.043 FS. History—New 11-15-94, Amended.

4-203.100 Prescribed Forms.

The forms listed below are incorporated herein, and made a part of, these rules by reference:

Title	Form Number
(1) through (13) No change.	
<u>(14) The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter</u>	<u>DI4-1507 (1/02)</u>
<u>(15) The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet</u>	<u>DI4-1507A (1/02)</u>

Application forms may be obtained from the Application Coordinator, Insurer Services Support, Tallahassee, FL 32399-0327. All other forms may be obtained from the Department of Insurance, Bureau of Life and Health Insurer Solvency, Larson Building, Tallahassee, FL 32399-0327.

Specific Authority 636.067 FS. Law Implemented 624.321(1)(a), 636.005, 636.008, 636.009, 636.012, 636.043 FS. History—New 11-15-94, Amended.

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: Rich Robleto, Chief, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2002  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLE: Guidelines for Imposing Administrative Penalties      RULE NO.: 5F-2.016  
 PURPOSE AND EFFECT: The purpose of amending 5F-2.016 is to update a value in a table that reflects the adoption of the most recent Annual Book of ASTM Standards, the accepted standard for implementation of Chapter 525, F.S.  
 SUMMARY: Rule 5F-2.016, F.A.C., specifies guidelines when administrative fines are imposed pursuant to Section 525.16, F.S. This amendment updates a value in the table that reflects

the adoption of the most recent Annual Book of ASTM Standards, the accepted standard for implementation of Chapter 525, F.S.

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.

SPECIFIC AUTHORITY: 525.14 FS.

LAWS IMPLEMENTED: 525.16 FS.

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

TIME AND DATE: 10:00 a.m., Monday, June 17, 2002

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, Phone (850)488-9740

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-2.016 Guidelines for Imposing Administrative Penalties.

(1) through (5)(d) No change.

The administrative fine will be a sum of the assigned monetary amounts of these factors. These factors will be assigned monetary amounts in the following manner:

1. The degree of harm is determined by the severity and nature of the violation and the extent of harm will be determined by the amount of substandard product sold.

a. Severity and Nature of the Violation

Gasoline

Fine	\$100	\$250	\$500
Distillation: End Point, EF	450-475	476-500	>500
Distillation: 10, 50 & 90% evaporated temperature, EF		all violations	
Vapor Pressure, psi	April-October: >maximum but # 11.5	November-March: >13.5 April-October: >11.5	
Antiknock Index			>2.0 below displayed value
Sulfur			all violations
Gum			all violations
Alcohol/Oxygenates		>maximum but #20%	>20%

Diesel, Kerosene and Fuel Oils

Fine	\$100	\$250	\$500
Flash Point, EF	diesel & fuel oils: 80-95 <del>3</del> . kerosene: 80-91	diesel, kerosene & fuel oils: 60-79	diesel, kerosene & fuel oils: <60
Distillation		diesel, kerosene & fuel oils: all violations	

Specific Authority 525.14 FS. Law Implemented 525.16 FS. History--New 2-24-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Eric Hamilton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 3, 2002

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-43R

RULE CHAPTER TITLE: State Buffer Preserves  
RULE CHAPTER NO.: 18-23

RULE TITLES: Scope and Intent 18-23.002  
Limitations on Activities 18-23.007  
Determination and Applicability of Fines 18-23.010

PURPOSE AND EFFECT: To clarify language in this chapter, especially within the prohibitions section; to remove obsolete language from this chapter, such as references to the Division of Marine Resources; to change the title of the chapter to address other lands managed by the Office of Coastal and Aquatic Managed Areas (OCAMA); to add a section to the chapter specifying fines for violations of the chapter on lands managed by OCAMA, including buffer preserves; to include in the chapter all uplands managed by OCAMA, adding uplands leased to OCAMA by the Board of Trustees, spoil islands and natural state-owned islands in aquatic preserves to buffer preserves; to add and specify amounts of fines for violations of this chapter; and to make any changes to this chapter that will assist in implementing Section 253.86, Florida Statutes, enacted in 2001.

SUMMARY: The rule includes language clarifications, especially within the prohibition section, and removing obsolete language from this chapter, such as references to the Division of Marine Resources, which no longer exists in the Department. Title of the rule is being changed to reflect the management of other lands managed by CAMA such as uplands leased to by the Board of Trustees, spoil and natural state-owned islands in aquatic preserves. A section is being added to the chapter to implement new Section 253.86, F.S., specifying fines, including amounts of fines, for violations of

rules in this chapter. Any other changes to this chapter will assist with the implementation of Section 253.86, F.S., enacted in 2001.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None has been prepared.

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

SPECIFIC AUTHORITY: 253.03(7)(a), 253.86(1), 258.43(1) FS.

LAW IMPLEMENTED: 253.03, 253.034, 253.04, 253.05, 253.12, 253.127, 253.86(1), 253.86(2), 258.397(2)(b), 258.40(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED, PURSUANT TO SEC. 120.551, F.S., ANNOUNCED IN THE DEPARTMENT'S INTERNET OFFICIAL NOTICE SITE AT WWW.DEP.STATE.FL.US UNDER THE LINK TITLED "OFFICIAL NOTICES", IN THE FAW.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the workshop by contacting the Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alex M. Cordero, Office of Coastal and Aquatic Managed Areas, 3900 Commonwealth Blvd., Mail Station 235, Tallahassee, Florida 32399-3000, (850)488-3456

THE FULL TEXT OF THE PROPOSED RULES IS:

**STATE BUFFER PRESERVES  
COASTAL AND AQUATIC MANAGED AREAS –  
UPLAND MANAGEMENT**

18-23.002 Scope and Intent.

(1) Any lands above the mean or ordinary high water line that ~~are within the state buffer preserve boundary and are leased to or~~ managed by the Office of Coastal and Aquatic Managed Areas (OCAMA), for conservation purposes, including all state-owned natural islands and spoil islands within aquatic preserves shall be managed in accordance with this ~~chapter rule~~.

(2) The policies, standards and criteria in this rule are supplemental to chapter 18-2; F.A.C. (Management of Uplands Vested in the Board of Trustees) and that chapter and this chapter shall be utilized in the management of all lands subject to this chapter state buffer preserve properties.

(3) The management goals ~~of the preserves~~ are:

(a) To conserve and protect and preserve natural ecological values and systems;

(b) To protect and conserve preserve wetlands, natural and water resources and water quality of adjacent coastal resources, aquatic preserves, parks and other special management areas, administered by either the Department or other local, state or federal authorities;

(c) To protect and conserve preserve native species and natural communities, particularly any that are endangered or threatened;

(d) To restore or enhance natural communities and original ecosystem functions which have been historically degraded, to the greatest extent possible;

(e) To protect, identify and conserve archaeological and historical resources;

(f) To enhance public appreciation for elements of natural and cultural diversity; and

(g) To provide low impact public visitation and recreational opportunities, and other uses consistent and compatible with the above goals.

(4)(a) Persons interested in obtaining information about details or legal descriptions of a particular preserve lands subject to this chapter or managed by OCAMA should contact the Office of Coastal and Aquatic Managed Areas, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 235, Tallahassee, FL 32399-3000; (telephone (850)488-3456 or Sun Com 278-3456) or by accessing the Department's website at [www.dep.state.fl.us/](http://www.dep.state.fl.us/).

(b) The preserves are described as follows:

1. Charlotte Harbor State Buffer Preserve, as described in the Official Records of Lee County in Book 1050, pages 1656-1660 and 1672-1678; Book 1067, pages 1989-1995; Book 1161, pages 305-307; Book 1268, pages 1972-1994; Book 1685, pages 3863 and 3864; Book 1763, page 46; Book 1791, pages 4492-4494; Book 1794, pages 940-948; Book 2348, pages 1843-1847; and in the Official Records of Charlotte County in Book 565, pages 1096, 1168, and 1723-1765; Book 567, pages 1183-1191; Book 569, pages 535, and 520-530; Book 571, pages 1778-1809; Book 597, pages 1490.

2. 1498; Book 616, page 771; Book 715, pages 406 and 407; Book 886, pages 2046 and 2047; Book 951, pages 2138-2143; and Book 953, pages 1384-1386.

3. Coupon Bight State Buffer Preserve, as described in the Official Records of Monroe County in Book 997, page 999; Book 1078, pages 1094, 1095, 1153, 1425, 1462, and 2098; Book 1082, page 1818; Book 1084, page 2156; Book 1085, page 1483; Book 1092, page 878; Book 1097, page 2299; Book 1104, pages 578 and 579; Book 1116, page 1649; Book 1117, pages 1113 and 1134; Book 1119, page 1785; Book 1120, pages 1642 and 1645; Book 1123, page 743; Book 1131, pages 1377, 1730, and 1731; Book 1145, pages 1007, 1008, and

1336; Book 1151, page 1301; Book 1155, page 720; Book 1225, pages 1236 and 1237; and Book 1229, pages 962 and 963.

4. Estero Bay State Buffer Preserve, as described in the Official Records of Lee County in Book 1924, pages 2148-2150; Book 2125, pages 84-86; and Book 2207, pages 4418-4439.

Specific Authority 253.03(7)(a), 253.86(1), 258.43(1) FS. Law Implemented 253.03, 259.032(4), 253.86(1), 253.86(2), 258.397(2)(b), 258.40(1) FS. History—New 8-7-94, Amended 5-8-96.

#### 18-23.007 Limitations on Activities.

In order to conserve, protect preserve and restore the natural resources ~~of the preserves~~ and ensure the safety and enjoyment of their visitors, the following uses or activities are may be limited or prohibited ~~within the preserves. The preserve manager shall authorize such activities only~~ except in the case of a life-threatening emergency or as part of a natural resource management program. Activities referenced in this section may not be available on all lands, as determined by each management plan or so posted on the site.

(1) The lands preserves shall be open from 8:00 AM sunrise to sunset every day unless otherwise posted. Visitors are required to acquire written permission from ~~notify the~~ OCAMA at the address provided in subsection 18-23.002(4), F.A.C., ~~preserve manager of their intent to access~~ occupy the lands preserve during closed hours unless otherwise posted. The ~~Department OCAMA, in accordance with furtherance of the policy and intent of Chapter 253, F.S., shall close any~~ lands preserve or section thereof to the public at any time or for any interval of time, when necessary in order to protect the public's health, safety or welfare, to protect natural resources, or conduct management activities due to causes such as fire, severe weather conditions, natural hazards, management activities or environmental conditions.

(2) Possession or ~~and~~ consumption of alcoholic beverages is prohibited.

(3) Motor vehicles may not be used on areas other than designated vehicular preserve roads. The speed limit is 25 miles per hour unless otherwise posted.

(4) Hunting and fishing.

(a) Hunting or trapping of wildlife is prohibited except as specifically authorized by the Florida Fish and Wildlife Commission (FWC) under Chapter 68A, F.A.C. All persons who are present in established hunting areas are subject to all rules established by the FWC. Shooting into OCAMA managed lands from beyond their boundaries is prohibited.

(b) Fishing is allowed with the appropriate state-fishing license and in accordance with FWC rules unless specifically prohibited by posting.

(5) Harassing, including feeding, trapping, or taking of wildlife, or possession of trapping devices is prohibited. No person shall otherwise possess, trap, harass or hunt any animal without authorization.

~~(6)~~ Also prohibited are all trapping devices and the erection of any structure for the purpose of concealment. Shooting into preserve areas from beyond preserve boundaries is prohibited.

~~(6)~~~~(7)~~ The use or possession of firearms of any type or weapons potentially dangerous to wildlife and human safety are prohibited except as part of a hunting activity allowed under paragraph (4)(a).

~~(7)~~~~(8)~~ Unleashed domestic animals are prohibited, except those assisting the handicapped unless otherwise posted.

~~(8)~~~~(9)~~ Hiking, horseback riding, and bicycle riding shall be restricted to trails or ~~preserve~~ roads specifically designated for each such recreational activity.

~~(9)~~~~(10)~~ Camping may be conducted only at designated areas. Registration with OCAMA prior to camping is required unless otherwise posted. Registration information is provided in subsection 18-23.002(4), F.A.C.

~~(10)~~~~(11)~~ Fires are allowed in designated areas only. All fires must be completely extinguished prior to leaving the site unattended.

~~(11)~~~~(12)~~ All waste water, refuse and trash shall be disposed of properly by placing it in designated containers, if provided, or removed to an off-site disposal facility or receptacle.

~~(12)~~~~(13)~~ The introduction, transplantation or removal of any plant or animal life (living or dead) from any preserve is prohibited, except as allowed by subsection (4) of this rule provided herein. Any person, upon being convicted of a violation of this rule, shall be accountable for all costs in reparation to the area of violation which shall be determined by biological assessment.

~~(13)~~~~(14)~~ Solicitation or distribution of commercial materials and advertising of any commercial or business event, other than department materials or announcements of OCAMA preserve-sponsored or sanctioned events and gatherings are prohibited.

~~(14)~~~~(15)~~ The Personal watercraft operation of motor vessels in interior water bodies, wetlands, or low lying areas completely surrounded by conservation lands is prohibited unless otherwise authorized in the currently approved management plan for such lands so designated with signs and refereneed on the base map of the preserve.

~~(16) Aquaculture.~~

~~(15)~~~~(17)~~ Any removal, disturbance, pollution or destruction of property, or natural, historic, or cultural resources is prohibited. No person shall, regardless of intent, destroy, dig, or remove from any OCAMA managed lands preserve area or the waters thereof any plant, animal, artifact, or other material unless it is part of an approved management activity at that site. The mutilation, displacement, or breaking off of any water bottom formation or growth is also prohibited.

Such person, upon being convicted of a violation of this rule shall be accountable for all costs in reparation to the area of violation which shall be determined by biological assessment.

(16) Construction or placement of temporary or permanent structures is prohibited.

(17) Prohibited activities shall not apply to Department staff or the cooperating management agencies, volunteers or contractors when conducting management activities consistent with an approved management plan, Chapter 18-2, F.A.C., and approved in writing by OCAMA at the address provided in subsection 18-23.002(4), F.A.C.

(18) Authorizations for any prohibited activity shall be obtained by submitting a written request to OCAMA at the address provided in subsection 18-23.002(4), F.A.C. the Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas, 3900 Commonwealth Boulevard, Mail Station 235, Tallahassee, FL 32399. Authorizations shall only be granted if OCAMA the Department determines that the proposed activity would not unfavorably affect or damage areas of the natural resources preserve and are consistent with the management plan and the management goals of the Board of Trustees of the Internal Improvement Trust Fund and OCAMA. Authorizations shall include restrictions based on resource protection concerns and shall contain conditions for revocation. The number of authorizations issued shall be limited by the Department based on cumulative impacts or public safety concerns. OCAMA The Office of Coastal and Aquatic Managed Areas shall respond to all requests for authorizations within 60 days of the date of receipt of the written request.

Specific Authority 253.03, 253.86(1), 258.43(1) FS. Law Implemented 253.03, 253.034, 253.04, 253.05, 253.12, 253.127, 253.86(1), 253.86(2) FS. History—New 8-7-94, Amended 5-8-96, \_\_\_\_\_.

#### 18-23.010 Determination and Applicability of Fines.

(1) All violations are non-criminal infractions punishable by the following fines: It shall be a violation of Section 253.86, F.S., for any person to fail or refuse to comply with the provisions of this chapter. All such violations are punishable by fines as follows:

(a) Non-Destructive Violations. Violations of subsections 18-23.007(1), (2), (11), or (13), F.A.C., are punishable by a fine of \$100.00.

(b) Resource Damage Violations. Violations of subsections 18-23.007(3), (4)(b), (5), (7), (8), (9), (12), (14), (15) or (16), F.A.C., are punishable by a fine of \$250.00.

(c) Public Danger Violation. Violations of subsections 18-23.007(4)(a), (6), or (10), F.A.C. are punishable by a fine of \$500.

(2) Violators shall be notified of their violation and the amount of the fine by issuance of a non-criminal citation. Fines shall be paid to the county in which the violation occurred within 30 days, or the violator shall attend court on the date indicated on the citation.



Specific Authority 253.86(1) FS. Law Implemented 253.86(1), 253.86(2) FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Alex M. Cordero  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eva Armstrong, Acting Director  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 21, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT AND SUMMARY PUBLISHED, PURSUANT TO SEC. 120.551, F.S., IN THE DEPARTMENT’S OFFICIAL NOTICE INTERNET SITE AT WWW.DEP.STATE.FL.US UNDER THE LINK TITLED “OFFICIAL NOTICES,” AND IN FAW: March 15, 2002 (original) and April 19, 2002 (amended)

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

RULE CHAPTER TITLE: Hospice  
RULE TITLES: Administration of the Hospice  
PURPOSE AND EFFECT: Proposed amendment to sub-subparagraph 58A-2.005(1)(c)1.d., F.A.C., and proposed Rule 58A-2.026, F.A.C., provides for comprehensive emergency management plans for hospices as specified in paragraph (j) of Section 400.605, Florida Statutes.  
SUMMARY: Proposed amendment to sub subparagraph 58A-2.005(1)(c)1.d., F.A.C., revises the term “disaster preparedness plan” to “comprehensive emergency management plan”. Proposed Rule 58A-2.026, F.A.C., describes the components of a comprehensive emergency management plan for hospices. The proposed amendment to sub subparagraph 58A-2.005(1)(c)1.d., F.A.C., and proposed Rule 58A-2.026, F.A.C., were developed, in consultation with the Department of Health, the Department of Community Affairs, and the Agency for Health Care Administration.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 400.605 FS.

LAW IMPLEMENTED: 400.605 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD).  
TIME AND DATE: 9:30 a.m. – 11:30 a.m., June 17, 2002

PLACE: 4040 Esplanade Way, Conference Room 309, Tallahassee, Florida 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Macdonald, Office of General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone (850)414-2000

THE FULL TEXT OF THE PROPOSED RULES IS:

58A-2.005 Administration of the Hospice.

(1) Governing Body – There shall be a governing body established by written bylaws of the hospice with autonomous authority for the conduct of the hospice program and which shall satisfy the following requirements:

- (a) through (b) No change.
- (c) Duties of the governing body shall include:
  - 1.a. through b. No change.

d. A comprehensive emergency management disaster preparedness plan for all administrative, residential, and free-standing inpatient facilities, and hospice services designed to protect the safety of patients and their families and hospice staff;

Specific Authority 400.605 FS. Law Implemented Ch. 400, Part VI FS. History–New 5-6-82, Formerly 10A-12.05, 10A-12.005, Amended 4-27-94, Formerly 59A-2.005, Amended 6-5-97, \_\_\_\_\_.

58A-2.026 Comprehensive Emergency Management Plan.

(1) Pursuant to section 400.610(1)(b), F.S., each hospice shall prepare and maintain a comprehensive emergency management plan, hereinafter referred to as “the plan,” in accordance with the “Comprehensive Emergency Management Planning Criteria for Hospices,” DOEA Form 001H, October 2001, which is incorporated by reference. This document is available through the Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308, and shall be included as part of the hospice’s comprehensive emergency management plan.

(2) The plan shall be submitted for review to the local County Health Department or by the Department of Health, pursuant to Section 400.610(1)(b), F.S., in those counties where the Department of Health receives funding for such reviews, pursuant to Section 381.0303(7), F.S.

(a) Upon approval of the plan by the local County Health Department or the Department of Health, in counties where the Department has authority to approve the plan, the hospice shall provide a copy of the plan to the local emergency management agency in each county served by the hospice.

(3) Changes in the after-hours emergency telephone number and address of those staff who are coordinating the hospice’s emergency response shall be reported by the hospice to the hospice’s local emergency management agency. The telephone numbers must include all numbers where the coordinating staff can be contacted outside the hospice’s

regular office hours. All hospices must report these changes, whether the plan has been previously reviewed or not, as defined in subsection (2) above.

(4) Upon a change of ownership, the new owner shall submit a new plan identifying any substantive changes, including facility renovations and changes noted in subsection (3) above. Those hospices which previously have had the plan reviewed by the local County Health Department or by the Department of Health, as defined in subsection (2) above, shall report any substantive changes to the reviewing entity.

(5) The plan shall describe:

(a) Procedures to ensure adequate preparation of hospice patients for potential or imminent emergencies and disasters.

(b) Procedures for annual review of the plan and for making substantive changes by the governing body.

(6) In the event of an emergency the hospice shall implement the hospice's plan in accordance with Section 400.610, F.S.

(7) On admission, each hospice patient and, where applicable, home hospice caregiver shall be informed of the hospice plan and of the special needs registry maintained by the local emergency management agency, pursuant to Section 252.355, F.S. The hospice shall document in the patient's file:

(a) If the patient plans to evacuate the patient's home or the hospice facility;

(b) If during the emergency the caregiver can take responsibility for services normally provided by the hospice to the home patient; or

(c) If the hospice needs to arrange for alternative caregiver services for the patient.

(8) Upon imminent threat of an emergency or disaster, the hospice shall confirm each patient's plan during and immediately following an emergency.

(9) When the hospice is unable to provide services during an emergency, the hospice shall make all reasonable efforts to inform, where applicable, those facility and home patients whose services will be interrupted during the emergency, including patients sheltering in place, and shall inform when services are anticipated to be restored.

(10) Each hospice shall contact the local emergency management agency in each county served by that hospice to determine procedures for registration of special-needs registrants as referenced in Section 252.355, F.S.

(11) Each hospice shall collect upon admission registration information for special-needs registrants who will require continuing care or services during a disaster or emergency, consistent with Section 252.355, F.S. This registration information shall be submitted, when collected, to the local emergency management agency, or on a periodic basis as determined by the local emergency management agency.

(12) The hospice shall educate patients registered with the special-needs registry that special-needs shelters are an option of last resort and that services may not be equal to those received in the hospice programs.

(13) The hospice shall maintain a current list of clients who are special-needs registrants, and shall forward this list to the local emergency management agency upon imminent threat of disaster or emergency and in accordance with the local emergency management agency procedures.

(14) Each hospice patient record for patients who are listed in the registry established pursuant to Section 252.355, F.S., shall include a description of how care or services will be continued in the event of an emergency or disaster. The hospice shall discuss the emergency provisions with the patient and the patient's caregiver, including where and how the patient is to evacuate, procedures for notifying the hospice in the event that the patient evacuates to a location other than the shelter identified in the patient record and advance directives, and the hospice shall make arrangements to make the list of medications, supplies, and equipment available to each patient in the event of an evacuation.

(15) The hospice shall maintain for each patient who is a special-needs registrant a list of client-specific medications, supplies, and equipment required for continuing care and service, should the patient be evacuated. If the hospice provides services to home patients, the hospice shall make arrangements to make the list of medications, supplies, and equipment available to each special-needs registrant in the event of an evacuation. The hospice shall notify the registrant that the registrant is responsible for maintaining a supply of medications in the home. The list of medication shall include the names of all medications, dose, frequency, times and any other special considerations for administration, any allergies, names of physicians and telephone numbers, and name and telephone number of the patient's pharmacy. If the patient gives consent, the list may also include the patient's diagnosis.

Specific Authority 400.605 FS. Law Implemented 400.605 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Linda Macdonald

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Terry F. White, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 13, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 28, 2001, February 1, 2002  
and March 15, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Inactive Renewal  
 RULE NO.: 61J2-1.014

PURPOSE AND EFFECT: The purpose of the proposed rule is to comply with the statute giving the Department the authority to perform these functions rather than the Division.

SUMMARY: The proposed rule change affects rule provisions relating to the license renewal process for inactive licensees.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 120.53, 475.05, 475.183 FS.

LAW IMPLEMENTED: 475.183 FS.

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

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, June 19, 2002

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-1.014 Inactive Renewal.

(1) A voluntarily inactive licensee may elect to renew as inactive every two years by submitting a request to the Department of Business and Professional Regulation (DBPR), satisfying the required proof of continuing education, as required in Rule 61J2-3.015, Florida Administrative Code, and submitting the fee established in Rule 61J2-1.011, Florida Administrative Code.

(2) A renewal notice will be sent to the last known address of the licensee. If a licensee does not elect to renew, the status automatically shall revert to involuntarily inactive.

(3) An involuntarily inactive licensee may renew by submitting a request to the DBPR, proof of continuing or reactivation education, complying with as required in Rules 61J2-3.010, and 61J2-3.015, Florida Administrative Code, and submitting the current renewal fee in addition to any applicable late fee as established in Rule 61J2-1.011, Florida Administrative Code. When the total period of involuntary inactivity exceeds 2 years, the license shall automatically

expire per s. 475.183(2), Florida Statutes. Ninety days prior to the expiration, the ~~Department of Business and Professional Regulation (DBPR)~~ shall give notice to the involuntarily inactive licensee.

Specific Authority 120.53, 475.05, 475.183 FS. Law Implemented 475.183 FS. History—New 11-12-81, Formerly 21V-1.14, Amended 10-13-88, 6-28-93, Formerly 21V-1.014, Amended 10-25-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Applications by Individuals  
 RULE NO.: 61J2-2.027

PURPOSE AND EFFECT: The purpose of the proposed rule is to comply with the statute giving Department the authority to perform these functions rather than the Division.

SUMMARY: The proposed rule change affects rule provisions relating to the application process for real estate licensure.

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

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

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.17, 475.175, 475.451 FS.

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

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, June 19, 2002

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-2.027 Applications by Individuals.

The application of a natural person for active licensure, whether the applicant expects to operate alone, or as a partner, or with a corporation, or as a salesperson, is governed by substantially the same rules and forms.

(1) The applicant must meet necessary personal qualifications as follows:

- (a) Is 18 years of age or older.
- (b) If the application is for broker:

1. Has been registered as an active salesperson for at least 12 months during the preceding 5 years under one or more brokers;

2. Has held a current and valid real estate salesperson's license for at least 12 months during the preceding 5 years in the employ of a governmental agency for a salary and performing the duties authorized in Chapter 475, Florida Statutes; or

3. Has held a current and valid real estate broker's license for at least 12 months during the preceding 5 years in any other state, territory, or jurisdiction of the United States, or in any foreign national jurisdiction.

- (c) Hold a high school diploma or its equivalent.

(2) The applicant must make it possible to immediately begin the inquiry as to whether the applicant is honest, truthful, trustworthy, of good character, and bears a good reputation for fair dealings, and will likely make transactions and conduct negotiations with safety to investors and to those with whom the applicant may undertake a relation of trust and confidence. The applicant is required to disclose:

(a) If ever convicted of a crime, or if any judgment or decree has been rendered against the applicant for fraud or dishonest dealings, or

(b) If now a patient of a mental health facility or similar institution for the treatment of mental disabilities, or

(c) If ever called by, or done business under any other name, or alias, than the name signed on the application, with sufficient information to enable the Commission to investigate the circumstances, or

(d) If ever had a broker's or salesperson's license revoked, suspended, or otherwise acted against, or had an application for such licensure denied, by the real estate licensing agency of another state, territory, or country.

(3) Each application shall be accompanied by a completed FBI fingerprint card for processing, and

~~(4) Each application shall be accompanied by two photographs of the applicant 2''x2'' in size and taken within a period of one year preceding the filing of the application.~~

~~(4)(5)~~ All applicants for permits to instruct or be a permitholder for a real estate school must comply with ss. 475.451(2)(a) and (c), Florida Statutes.

Specific Authority 475.05 FS. Law Implemented 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987). History--New 1-1-80, Formerly 21V-2.27, Amended 4-10-88, 5-20-90, 1-13-91, 7-15-92, 7-20-93, Formerly 21V-2.027, Amended 11-10-97, 1-18-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Where to Apply

RULE NO.: 61J2-2.031

PURPOSE AND EFFECT: The purpose of the proposed rule is to comply with the statute giving Department the authority to perform these functions rather than the Division.

SUMMARY: The proposed rule change affects rule provisions relating to the application process for real estate licensure.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.175 FS.

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

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, June 19, 2002

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-2.031 Where to Apply.

Completed applications for licensure shall be submitted to the DBPR online or at the address listed on the application. ~~Division of Real Estate, 400 West Robinson Street, N308, Orlando, Florida 32801-1772.~~

Specific Authority 475.05 FS. Law Implemented 475.175 FS. History—New 9-16-84, Formerly 21V-2.31, Amended 7-20-93, Formerly 21V-2.031, Amended 1-19-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 15, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 26, 2002

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Florida Real Estate Commission

RULE TITLE: Notices of Satisfactory Course Completion  
RULE NO.: 61J2-3.015

PURPOSE AND EFFECT: The purpose of the proposed rule is to amend the rule to better comply with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to record keeping affection course completion.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 455.2123, 475.05 FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, June 19, 2002

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.015 Notices of Satisfactory Course Completion.

(1) Applicants for initial licensure as a broker or salesperson must provide the course completion report with the application or at the individual's individuals scheduled examination site as proof of satisfactory completion of that they have satisfactorily completed the applicable Commission prescribed course.

(2) An application for renewal or reactivation of an existing status as a broker, broker-salesperson, salesperson or instructor shall contain an affirmation by the individual of having satisfactorily completed the applicable Commission prescribed, conducted or approved course(s). The DBPR BPR ~~may shall~~ perform random audits of up to 25% of the licensees and instructor permit-holders to verify compliance with continuing ~~education~~ or post-license education requirements. Each licensee and instructor permit-holder shall retain the course completion report as proof of successful completion of continuing ~~education~~ or post-license education requirements for at least 5 2 years following the end of the renewal period for which the licensee is claiming the education is claimed. Failing to provide evidence of compliance with continuing ~~education~~ or post-license education requirements, pursuant to request by the Department and/or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the licensee or instructor.

(3) Accredited Florida universities, colleges, community colleges and area technical centers offering Commission approved equivalent courses offered by accredited Florida universities, colleges, community colleges and area technical centers shall provide students with the applicable course completion report (notice) described below. The course completion report for these equivalent courses must contain the college equivalent course identifying number.

(4) An official transcript must accompany a All requests for equivalency for credit courses taken at universities, colleges and community colleges outside of Florida ~~must be accompanied by an official transcript.~~ An official transcript must contains the seal of the institution and the signature of the registrar.

(5) The institution, school or sponsor certifying successful course completion must completely fill out the course completion report by must be typed or printed it in ink and must be completely filled out by the institution, school or sponsor certifying successful course completion.

(6)(a) All providers of continuing education and post-licensing courses shall provide to all licensees who successfully complete the relevant course a certificate of completion which shall indicate the course title and number, the provider's name and number, the licensee's or registrant's name and license or registration number, the course dates, and total number of hours the student successfully completed by specifying the number of core law and specialty course hours and listing each subject which the course covered.

(b) Each continuing and post-licensing education provider must electronically provide to the Department the list of students who successfully completed each of its offered courses within 5 business days of course completion. For home study courses, the provider must electronically supply the list of those individuals who successfully completed the course by

the 5th of the month, following the calendar month in which the provider received documentation and was able to determine the student successfully completed the course. This list shall include the provider's name and provider number, the name and license or registration number of the students who successfully complete the course, the course completion date, and course number.

(c) The provider must electronically submit all documents to the Department in the manner set forth by the Department. The provider's failure to comply with the Department's time and form requirements may result in disciplinary action against the provider.

(d) Each continuing and post licensing education provider must maintain its attendance records for at least five years for each course as of the date of completion of the course or the receipt of documentation of completion of a home study course. Upon request, the provider must make these records available for inspection by the Department or the Department's agent at a reasonable time and location.

(e) The Commission shall approve the continuing education providers and courses. Such approval shall be contingent upon the provider meeting the requirements of this rule.

(f) The Department may initiate disciplinary action against a continuing education provider for failure to comply with its duties under this section.

(7)(6) All The course completion reports shall contain the following information: for the type of course being completed. Name and address of the school; course title and number of hours; start, completion and exam date; student's name, address, social security number, and where applicable, student's license number; and the authorized signature for the school; and the following language:

(a) Pre-licensing Course for Salesperson

- ~~Name of School~~
- ~~Address of School~~
- ~~Course Title: Course I~~
- ~~Start Date~~
- ~~Finish Date~~
- ~~Exam Date~~
- ~~Social Security Number~~
- ~~Student Name~~
- ~~Student Address~~
- ~~Authorized Signature for the School~~

(b) Pre-licensing Course for Broker

- ~~Name of School~~
- ~~Address of School~~
- ~~Course Title: Course II~~
- ~~Start Date~~
- ~~Finish Date~~
- ~~Exam Date~~
- ~~Salesperson License Number~~

- ~~Social Security Number~~
- ~~Student Name~~
- ~~Student Address~~
- ~~Authorized Signature for the School~~
- ~~(c) Broker and Salesperson Continuing Education and Reactivation Education~~
- ~~Name of School~~
- ~~Address of School~~
- ~~Course Title~~
- ~~Course Hours~~
- ~~Start Date~~
- ~~Finish Date~~
- ~~License Number~~
- ~~Student Name~~
- ~~Student Address~~
- ~~Authorized Signature for the School~~
- ~~(d) Post-licensing Education for Broker and Salesperson~~
- ~~Name of School~~
- ~~Address of School~~
- ~~Course Title~~
- ~~Course Hours~~
- ~~Start Date~~
- ~~Finish Date~~
- ~~License Number~~
- ~~Student Name~~
- ~~Student Address~~
- ~~Authorized Signature for the School~~
- ~~(e) Instructor Continuing Education~~
- ~~Name of School~~
- ~~Address of School~~
- ~~Course Title~~
- ~~Course Hours~~
- ~~Start Date~~
- ~~Finish Date~~
- ~~Permit Number~~
- ~~Student Name~~
- ~~Student Address~~
- ~~Authorized Signature for the School~~

~~(f) Each course completion report shall contain the following information:~~

~~The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Commission. The school must give the student (The original course completion report is to be given to the student and both the student and the school must retain a copy for at least five years retained by the school.~~

Specific Authority 455.2123, 475.05 FS. Law Implemented 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS. History--New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.15, Amended 10-13-88, 12-29-91, 6-7-92, 6-28-93, Formerly 21V-3.015, Amended 9-11-94, 12-30-97, 1-18-00, 10-15-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Commission  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Florida Real Estate Commission  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 15, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Florida Real Estate Commission**

RULE TITLE: License Status of Active Officers and Directors  
RULE NO.: 61J2-5.016

PURPOSE AND EFFECT: The purpose of the proposed rule is to amend provisions relating to salespersons or broker-salespersons ability to be an officer of a real estate entity.

SUMMARY: The proposed rule change affects rule provisions relating to whether an active real estate salesperson or broker-salesperson can be an officer of a real estate brokerage.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.01, 475.15 FS.

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

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, June 19, 2002

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-5.016 License Status of Active Officers and Directors.

Officers and directors who expect to be active must qualify and become licensed in the same manner and procedure as any other applicant for active license. No registration shall be issued to the corporation or partnership unless every broker licensed with the corporation or partnership is registered as an officer, director or partner of the corporation or partnership. No

active salesperson or active broker-salesperson may be registered as an officer, director of a brokerage corporation or general partner of a brokerage partnership.

Specific Authority 475.05 FS. Law Implemented 475.01, 475.15 FS. History--New 1-1-80, Amended 7-15-84, 6-9-85, Formerly 21V-5.16, Amended 6-28-93, Formerly 21V-5.016, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Commission  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Florida Real Estate Commission  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 15, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 26, 2002

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Medical Errors  
RULE NO.: 64B3-5.001

PURPOSE AND EFFECT: The Board proposes to add a new rule with regard to medical error prevention.

SUMMARY: The Board proposes to require all applicants and licensees to submit to the Board proof of completion of a 2-hour course relating to the prevention of medical errors. The course shall cover root-cause analysis, error reduction and prevention, and patient safety.

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: 456.013(7) FS.

LAW IMPLEMENTED: 456.013(7) 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 SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board 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:

64B3-5.001 Medical Errors.

All applicants for initial licensure and renewal shall be required to take a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety.

Specific Authority 456.013(7) FS. Law Implemented 456.013(7) FS. History--New.

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 19, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: December 21, 2001

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Examination Requirements  
RULE NO.: 64B7-25.001  
PURPOSE AND EFFECT: The Board proposes to update the  
existing rule text.  
SUMMARY: The Board proposes to update Examination  
Requirements.  
SUMMARY OF STATEMENT OF ESTIMATED  
REGULATORY COST: No Statement of Estimated Regulatory  
Cost was prepared.

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

SPECIFIC AUTHORITY: 456.013(7), 456.017(1)(c), 456.034,  
480.035(7), 480.041(2), 480.042(1) FS.

LAW IMPLEMENTED: 456.013(7), 456.017(1)(c), 456.034,  
480.041, 480.042 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE IS: Karen Eaton, Executive Director,  
Board of Massage Therapy, 4052 Bald Cypress Way, Bin  
#C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-25.001 Examination Requirements.

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

(e) Completes a course relating to the prevention of  
medical errors as required by subsection 456.013(7), F.S.

(2) The Board approves ~~the national examination  
developed by the Psychological Corporation working in  
conjunction with~~ the National Certification Board for  
Therapeutic Massage and Bodywork examination.

Specific Authority 456.013(7), 456.017(1)(c), 456.034, 480.035(7),  
480.041(2), 480.042(1) FS. Law Implemented 456.013(7), 456.017(1)(c),  
456.034, 480.041, 480.042 FS. History—New 11-27-79, Amended 9-2-80,  
10-9-85, Formerly 21L-25.01, Amended 12-22-92, 3-24-93, 5-20-93, Formerly  
21L-25.001, Amended 8-12-93, 6-28-94, 8-18-96, Formerly 61G11-25.001,  
Amended 5-20-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Massage Therapy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Massage Therapy  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: January 24-25, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Definitions  
RULE NO.: 64B7-26.001  
PURPOSE AND EFFECT: The Board proposes to update the  
existing rule text.  
SUMMARY: The Board proposes to update the existing rule  
text for Definitions.  
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: 480.035(7) FS.

LAW IMPLEMENTED: 480.043(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE IS: Karen Eaton, Executive Director,  
Board of Massage Therapy, 4052 Bald Cypress Way, Bin  
#C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-26.001 Definitions.

(1) The term “owner” means the sole proprietor,  
partnership, limited partnership, school of massage therapy, or  
corporation that operates the licensed massage establishment.

(2) The term “establishment” means the physical location  
of the massage facility, establishment whether the location is  
owned or leased by the “owner” or is otherwise used by the  
owner for the practice of massage therapy. The term includes  
teaching facilities which provide massages to non-students for  
a fee. ~~The term “establishment” does not include~~ the office of a  
physician licensed under Chapter 458, Florida Statutes or 459,  
Florida Statutes, a chiropractic physician licensed under  
Chapter 460, Florida Statutes, an acupuncturist licensed under  
Chapter 457, Florida Statutes, a podiatrist licensed under  
Chapter 461, Florida Statutes, a dentist licensed under Chapter  
466, Florida Statutes, or a physical therapist licensed under  
Chapter 486, Florida Statutes, if massage therapy is provided



by the persons licensed under Chapter 480, Florida Statutes only to patients of the licensed physician, chiropractic physician, acupuncturist, podiatrist, dentist, or physical therapist, are exempt from the requirement for a massage establishment license.

(3) No change.

Specific Authority 480.035(7) FS. Law Implemented 480.043(7) FS. History--New 7-16-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: RULE NO.:

Massage Establishment 64B7-27.003

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

SUMMARY: The Board proposes to update the existing rule text for Massage Establishments.

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: 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 480.043(7), 480.044(1)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.003 Massage Establishment.

(1) The application fee for licensure of an establishment shall be ~~\$150.00~~ 100.00.

(2) No change.

(3) The application and inspection fee for transfer of an establishment from one location to another shall be \$125.00 ~~100~~.

Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.043(7), 480.044(1)(c) FS. History--New 11-27-79, Amended 7-9-80, 11-20-84, Formerly 21L-27.03, Amended 1-7-86, Formerly 21L-27.003, Amended 1-9-95, Formerly 61G11-27.003, Amended 6-15-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: RULE NO.:

Re-examination 64B7-27.004

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

SUMMARY: The Board proposes to repeal the existing rule text for Re-examination.

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: 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 480.044(1)(g) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.004 Re-examination.

~~The re-examination fees shall be:~~

~~(1) \$190 to retake the Board approved national examination which includes a \$25 non-refundable application fee.~~

~~(2) \$75 to retake the colonies examination which includes a \$25 non-refundable application fee.~~

Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1)(g) FS. History--New 11-27-79, Formerly 21L-27.04, Amended 6-17-86, 5-17-90, Formerly 21L-27.004, Amended 12-12-94, 9-18-95, 9-9-96, Formerly 61G11-27.004, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Massage Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Biennial Renewal Fee for Massage Therapist  
RULE NO.: 64B7-27.006  
PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The Board proposes to update the existing rule text for Biennial Renewal Fee for Massage Therapist  
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: 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 480.044(1)(f) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.006 Biennial Renewal Fee for Massage Therapist.

The fee for biennial renewal of a massage therapist's license shall be \$150.00 ~~one hundred dollars (\$100)~~.

Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1)(f) FS. History—New 11-27-79, Amended 11-20-84, Formerly 21L-27.06, Amended 12-18-88, Formerly 21L-27.006, 61G11-27.006, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Biennial Renewal Fee for  
Massage Establishments  
RULE NO.: 64B7-27.007

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

SUMMARY: The Board proposes to update the existing rule text for Biennial Renewal Fees for Massage Establishments.

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: 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 480.044(1)(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.007 Biennial Renewal Fee for Massage Establishments.

The fee for biennial renewal of a massage establishment license shall be \$150.00 ~~one hundred dollars (\$100)~~.

Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1)(e) FS. History—New 11-27-79, Amended 7-9-80, Formerly 21L-27.07, Amended 12-18-88, Formerly 21L-27.007, 61G11-27.007, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Initial Fee for Licensure  
RULE NO.: 64B7-27.008

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

SUMMARY: The Board proposes to update the existing rule text for Initial Fee for Licensure.

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

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

SPECIFIC AUTHORITY: 456.013(2), 456.025(1), 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 456.013(2), 456.025(1), 480.044(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.008 Initial Fee for Licensure.

(1) Any person who is initially licensed pursuant to Rule 64B7-25.001, F.A.C. shall pay a fee of \$150.00 +00.

(2) No change.

Specific Authority 456.013(2), 456.025(1), 480.035(7), 480.044(1) FS. Law Implemented 456.013(2), 456.025(1), 480.044(1) FS. History—New 5-13-82, Amended 11-11-82, 1-7-86, Formerly 21L-27.08, Amended 12-18-88, Formerly 21L-27.008, Amended 1-29-97, Formerly 61G11-27.008, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Renewal Fee for Inactive License

RULE NO.: 64B7-27.010

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

SUMMARY: The Board proposes to update the existing rule text for renewal fees for inactive licenses.

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

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

SPECIFIC AUTHORITY: 480.0425, 480.044(1) FS.

LAW IMPLEMENTED: 480.044(1),(1)(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.010 Renewal Fee for Inactive License.

The fee for renewal of an inactive license shall be \$150.00 ~~fifty dollars (\$50.00)~~.

Specific Authority 480.0425, 480.044(1) FS. Law Implemented 480.044(1)(1) FS. History—New 12-18-84, Formerly 21L-27.10, 21L-27.010, 61G11-27.010, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Licensure of Establishment Fee

RULE NO.: 64B7-27.012

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

SUMMARY: The Board proposes to update the existing rule text for licensure of establishment fees.

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: 456.013(2), 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 456.013(2), 480.044(1)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.012 Licensure of Establishment Fee.

The fee for licensure of an establishment shall be \$150.00 ~~50.00~~.

Specific Authority 456.013(2), 480.035(7), 480.044(1) FS. Law Implemented 456.013(2), 480.044(1)(d) FS. History--New 2-6-85, Formerly 21L-27.12, 21L-27.012, 61G11-27.012, Amended 8-16-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Delinquency Fee RULE NO.: 64B7-27.015

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

SUMMARY: The Board proposes to update the existing rule text for delinquency fees.

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: 456.036(7) FS.

LAW IMPLMENTED: 456.036(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.015 Delinquency Fee.

The delinquency fee shall be \$150.00 ~~one hundred dollars (\$100)~~.

Specific Authority 456.036(7) FS. Law Implemented 456.036(7) FS. History--New 12-12-94, Formerly 61G11-27.015, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Change in Status Fee RULE NO.: 64B7-27.016

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

SUMMARY: The Board proposes to update the existing rule text for change in status fees.

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: 456.036(8) FS.

LAW IMPLMENTED: 456.036(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.016 Change in Status Fee.

The change in status fee shall be \$50.00 ~~five dollars (\$5.00)~~.

Specific Authority 456.036(8) FS. Law Implemented 456.036(8) FS. History--New 12-12-94, Formerly 61G11-27.016, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Unlicensed Activity Fee

RULE NO.: 64B7-27.017

PURPOSE AND EFFECT: The Board proposes to add a rule with regards to unlicensed activity fee.

SUMMARY: The Board proposes to add a rule with regards to unlicensed activity fee.

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: 456.065(3) FS.

LAW IMPLMENTED: 456.065(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.017 Unlicensed Activity Fee.

In addition to the initial license fee and in addition to the license renewal fee, a fee of \$5.00 shall be collected from each applicant or licensee as applicable to fund efforts to combat unlicensed activity.

Specific Authority 456.065(3) FS. Law Implemented 456.065(3) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Biennial Renewal of Massage

RULE NO.: 64B7-28.001

Therapist's License

64B7-28.001

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

SUMMARY: The Board proposes to update the existing rule text with regards to biennial renewal of Massage Therapist's license.

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: 456.034, 480.035(7), 480.0415, 480.044 FS.

LAW IMPLMENTED: 456.034. 480.0415, 480.044(1)(f),(m) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.001 Biennial Renewal of Massage Therapist's License.

(1) All license renewals of massage therapists shall meet the requirements as set forth in Chapter 456 and 480, F.S., these rules and the rules of the Department of Health. All massage therapists shall renew their licenses on or before August 31 ~~January 31~~, of each biennial year, according to the fee schedule as set forth in Rule Chapter ~~64B7-27.006~~, F.A.C.

(2) No change.

(3) No license shall be renewed unless the licensee submits confirmation in writing to the Florida Board of Massage Therapy that the licensee has completed an education course of at least 2 hours relating to prevention of medical errors as part of the licensure and renewal process. The course must include a study of root-cause analysis, error reduction and prevention, and patient safety. The 2-hour course shall count toward the total number of continuing education hours required for renewal.

Specific Authority 456.013(7), 456.034, 480.035(7), 480.0415, 480.044 FS. Law Implemented 456.013(7), 456.034. 480.0415, 480.044(1)(f),(m) FS. History--New 11-27-79, Amended 12-18-84, Formerly 21L-28.01, Amended 3-12-90, 1-3-91, Formerly 21L-28.001, Amended 9-30-93, 6-12-95, 9-25-95, 7-17-97, Formerly 61G11-28.001, Amended 4-28-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Biennial Period, Year Defined

RULE NO.: 64B7-28.003

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

SUMMARY: The Board proposes to update the existing rule text with regards to biennial period and year defined.

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: 480.035(7), 480.0415, 480.043(8) FS.

LAW IMPLMENTED: 480.0415, 480.043(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.003 Biennial Period, Year Defined.

Biennial period shall mean September 1 ~~February 1~~ of each odd-numbered year and ending August 31 ~~January 31~~ of each odd-numbered year. Biennial year shall mean every odd-numbered year.

Specific Authority 480.035(7), 480.0415, 480.043(8) FS. Law Implemented 480.0415, 480.043(8) FS. History--New 11-27-79, Formerly 21L-28.03, Amended 1-7-86, 1-3-91, Formerly 21L-28.003, 61G11-28.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Display of Licenses

RULE NO.: 64B7-28.008

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

SUMMARY: The Board proposes to update the existing rule text with regards to display of licenses.

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

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

SPECIFIC AUTHORITY: 480.035(7), 480.043(1),(2) FS.

LAW IMPLMENTED: 480.043(1),(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.008 Display of Licenses.

(1) Each licensed practitioner shall conspicuously display his or her ~~a~~ current license issued by the Department, or photo copy thereof, at each location at which he or she practices.

(2) No change.

(3) The owner of each massage establishment shall conspicuously display a current establishment license and a current massage therapist license issued by the Department for each massage therapist providing massage therapy on the premises. For the purpose of complying with this rule, a photocopy of the massage therapist's license is acceptable.

(4) For the purpose of this rule conspicuously means displayed in a location within the massage establishment in such a manner that it can be open to the view of the public and is accessible to the public so that the public may view the licenses.

Specific Authority 480.035(7), 480.043(1),(2),(9) FS. Law Implemented 480.043(1),(2),(9), 456.013(2) FS. History--New 4-21-86, Formerly 21L-28.008, 61G11-28.008, Amended 1-26-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Continuing Education RULE NO.: 64B7-28.009

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

SUMMARY: The Board proposes to update the existing rule text with regards to continuing education.

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

Any person who wishes to provide information regarding 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: 456.013(7),(8), 480.035(7), 480.0415 FS.

LAW IMPLIED: 456.013(7),(8), 480.0415 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.009 Continuing Education.

(1) Every massage practitioner licensed pursuant to Chapter 480, F.S., shall be required for renewal to complete one continuing education hour for each month or part of a month that shall have elapsed since the issuance of the license for which renewal is sought ~~20 contact hours of continuing education each biennium, except, when the initial license is issued in the last six months of any biennium, the licensee is required for renewal to complete 6 hours of continuing education in any approved category.~~ Such courses shall have been approved for continuing education credit administered by providers approved by the Board pursuant to Rule 64B7-28.010, F.A.C., and shall have been completed within the 24 months preceding the date renewal is due. Every massage practitioner must obtain the continuing education required for biennial renewal of the massage therapist's license as set forth in Rule 64B7-28.001, F.A.C. Graduates of a Board approved massage school who received two hours education in a course relating to the prevention of medical error, and, two hours of education in Chapter 480 and 456, Florida Statutes

and Rule Chapter 64B7, F.A.C., prior to initial licensure shall not be required to complete additional continuing education in the same for initial renewal of the license.

(2) No change.

(3) Effective for biennium beginning September 1, 2001, February 1, 1999 the continuing education contact hours shall be in the following areas:

(a) At least 12 continuing education ~~contact~~ hours shall be relevant to and focus on massage therapy techniques, which may include history of massage therapy, human anatomy, physiology, kinesiology, and/or pathology.

(b) Two hours must cover instruction in professional ethics, two hours must in a course relating to the prevention of medical errors, and two hours must cover instruction in Chapter 480 and 456, ~~Part H,~~ Florida Statutes, and Rule Chapter 64B7, F.A.C.

(c) No change.

(4) No change.

(5) At the end of each biennium, the Board will audit a number of randomly selected licensees to assure that the continuing education requirements have been met. Within 21 days of a request from the Board or Department, the licensee must provide written documentation that the continuing education requirements have been met ~~evidence of completion of the continuing education requirements by submission of certificates which meet the requirements of Rule 64B7-28.010(1)(b)3., F.A.C. verifying the licensee's attendance at programs given by providers who had a valid provider number at the time of attendance.~~

Specific Authority 456.013(7),(8), 480.035(7), 480.0415 FS. Law Implemented 456.013(7),(8), 480.0415 FS. History-New 4-21-86, Amended 2-25-88, 8-29-88, 1-30-90, 10-2-90, Formerly 21L-28.009, Amended 8-16-94, 6-5-95, 2-12-97, Formerly 61G11-28.009, Amended 8-16-98, 3-15-99, 9-20-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Apprenticeship Training Program RULE NO.: 64B7-29.003

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

SUMMARY: The Board proposes to update the existing rule text with regards to apprenticeship training program.

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: 480.041(5)(a) FS.

LAW IMPLMENTED: 480.041(1)(b),(4),(5)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-29.003 Apprenticeship Training Program.

(1) through (4) No change.

(5) The sponsoring massage therapist shall submit to the Department, quarterly, on a form furnished by the Department, the number of hours of each subject listed above taught to his apprentice. A copy of the Massage Apprenticeship Quarterly Report Hours of Training Completed Form prepared and furnished by the Department of Health can be obtained by writing to: Department of Health, Board of Massage, 4052 Bald Cypress Way, 2020 S. E. Capital Circle, BIN C06, Tallahassee, FL 32399-3256. If quarterly reports are not submitted to the Department as required herein, the Board will review the apprenticeship and the apprenticeship is subject to termination.

(6) No change.

Specific Authority 480.035(7), ~~480.041(1)(b),(4), 480.041(5)(a)~~ FS. Law Implemented 480.041(1)(b),(4),~~(5)(a)~~ FS. History--New 11-27-79, Amended 11-25-80, 12-18-84, Formerly 21L-29.03, Amended 4-7-86, 11-4-86, 12-22-92, Formerly 21L-29.003, Amended 6-5-95, Formerly 61G11-29.003, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Termination RULE NO.: 64B7-29.004

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

SUMMARY: The Board proposes to update the existing rule text with regards to termination.

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: 480.035(7), 480.041(5)(a) FS.

LAW IMPLMENTED: 480.041(1)(b),(5)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-29.004 Termination.

(1) If an apprentice terminates his apprenticeship, the sponsoring massage therapist shall so notify the Department, on a form furnished by the Department, within ten (10) days.

(2) If any violation of Chapter 480 or 456, F.S., or rules set forth in Chapter 64B7, F.A.C., is found subsequent to department inspection of the "qualified massage establishment" as defined under Rule 64B7-29.001, F.A.C., the apprenticeship shall be tolled until such time the violation(s) is corrected or disposition in the case is made. If the disposition of the case resulted in disciplinary action by the Board the Board may require that the "sponsor" and the "apprentice" appear before the Board for the purpose of determining if the apprenticeship may continue or be terminated.

Specific Authority 480.035(7), 480.041(1)(b),(4),~~(5)(a)~~ FS. Law Implemented 480.041(1)(b),(4),~~(5)(a)~~ FS. History--New 11-27-79, Formerly 21L-29.04, 21L-29.004, 61G11-29.004, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Probationary Conditions and Definitions RULE NO.: 64B7-30.008

PURPOSE AND EFFECT: The Board proposes to add rule with regards to probationary conditions and definitions.



SUMMARY: The Board proposes to add rule with regards to probationary conditions and definitions.

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: 480.035(7), 480.046, 456.072(3) FS.

LAW IMPLMENTED: 480.046, 456.072(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-30.008 Probationary Conditions and Definitions.

(1) Indirect Supervision. Whenever a license is placed on probation or otherwise restricted in such a manner as to require the respondent to practice under indirect supervision, the term indirect supervision does not require that the monitoring practitioner, practice on the same premises as the respondent; however the monitor shall practice within a reasonable geographic proximity to the respondent, which shall be within 20 miles unless otherwise authorized by the Board, and shall be readily available for consultation.

(2) Direct Supervision. Whenever a license is placed on probation or otherwise restricted in such a manner as to require the respondent to practice under direct supervision, the term direct supervision requires that the respondent practice only if the supervisor is on the premises.

(3) Provisions governing all supervised or monitored practitioners.

(a) The supervisor/monitor shall be furnished with copies of the Administrative Complaint, Final Order, Stipulation (if applicable), and other relevant orders.

(b) The respondent shall not practice without a supervisor/monitor unless otherwise ordered. The respondent shall appear at the next meeting of the Board with his proposed supervisor/monitor unless otherwise ordered.

(c) After the next meeting of the Board, the respondent shall only practice under the supervision of the supervisor/monitor. If for any reason the approved supervisor/monitor is unwilling or unable to serve, the respondent and the supervisor/monitor shall immediately notify the Executive Director of the Board, and the respondent shall cease practice until a temporary supervisor/monitor is

approved. The Chairman of the Board may approve a temporary supervisor/monitor who may serve in that capacity until the next meeting of the Board at which time the Board shall accept or reject a new proposed supervisor/monitor. If the Board rejects the proposed supervisor, the respondent shall cease practice until the Board approves a new supervisor/monitor.

(d) The supervisor/monitor must be a licensee under Chapter 480 Florida Statutes, in good standing and without restriction or limitation on his license. In addition, the Board may reject any proposed supervisor/monitor on the basis that he or she has previously been subject to any disciplinary action against his/her license. The supervisor/monitor must be actively engaged in the same or similar specialty areas area unless otherwise provided by the Board. The Board may also reject any proposed supervisor/monitor for good cause shown.

(4) For purpose of determining the dates when reports are due, the date the Final Order is filed shall constitute the beginning of the quarter.

(a) All quarterly reports shall be provided to the Board office no later than three months from the filing date of the Final Order.

(b) All semiannual reports shall be provided to the Board office no later than six months from the filing date of the Final Order.

(c) All annual reports shall be provided to the Board office no later than twelve months from the filing date of the Final Order.

Specific Authority 480.035(7), 480.046, 456.072(3) FS. Law Implemented 480.046, 456.072(3) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Massage Therapy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH  
Board of Massage Therapy**

RULE TITLE: Advertisement  
RULE NO.: 64B7-33.001

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

SUMMARY: The Board proposes to update the existing rule text with regards to advertisement.

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: 480.035(7) FS.

LAW IMPLMENTED: 480.046(1)(d),(f), 480.0465 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-33.001 Advertisement.

(1) No change.

(2) For purposes of this rule, "advertising medium" means: any newspaper, airwave, ~~wave~~ or computer transmission, telephone directory listing other than a listing for which no additional advertising charge is made, business card, handbill, flier, sign other than a building directory listing all building tenants and their room or suite numbers, or other form of written advertising.

Specific Authority 480.035(7) FS. Law Implemented 480.046(1)(d),(f), 480.0465 FS. History--New 12-7-92, Formerly 21L-33.001, Amended 2-13-95, 7-13-97, Formerly 61G11-33.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24-25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Licensure as a Physical Therapist

RULE NO.:

by Examination 64B17-3.001

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

SUMMARY: This rule eliminates information redundant of statute and information not needed when relying on national accreditation standards. This rule establishes Federation standards and a Federation report as the basis for establishing equivalency and also requires English language proficiency.

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: 486.025(1), 486.031(3) FS.

LAW IMPLEMENTED: 456.017, 486.031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.001 Licensure as a Physical Therapist by Examination.

Every applicant for examination for licensure as a physical therapist shall demonstrate to the Board that the applicant he satisfies the following qualifications:

~~(1) That he is eighteen years old.~~

~~(2) That he possesses a good moral character.~~

~~(1)(3) That the applicant he has received a bachelor's degree, or its equivalent, in physical therapy, which course of study has been approved for the training of physical therapists by the Commission on Accreditation for Physical Therapy Education (CAPTE), or its successor American Physical Therapy Association, the appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation, at the time of his graduation.~~

~~(2) For foreign graduates a; and, if a foreign graduate, determination that the his credentials are as being deemed equivalent to education a bachelor's degree in physical therapy in the United States is required. Educational credentials ~~deemed~~ equivalent to those required for the education and preparation of physical therapists in this country shall be determined by using the guidelines of utilizing the National Council on Evaluation of Foreign Educational Credentials' materials published by the American Association of College Registrars and Admissions Officers and the guidelines of the Federation of State Boards of Physical Therapy (FSBPT) or its successor. When the Federation of State Boards of Physical Therapy guidelines are utilized, a minimum of 25 general education credits shall be required.~~

~~(3)(4) In order to permit the Board to determine whether the foreign graduate actually met the FSBPT guidelines, received an equivalent education in physical therapy, each applicant must demonstrate equivalency to the Board's Education Committee will consider and shall submit the following:~~

(a) ~~Successful passage of a Board approved English proficiency examination if English was not the language of instruction. A certified or notarized photocopy of the original diploma evidencing the degree in physical therapy. A certified translation is required for any diploma which is not in English.~~

(b) ~~An original sealed transcript or a certified or notarized photocopy of the original transcript and seal for all education evidencing equivalency of a United States bachelor's of science degree in physical therapy. A certified translation is required for each transcript which is not in English.~~

(b)(e) ~~A report from the FSBPT or its successor, an appropriate credentialing agency, in which the educational expert or physical therapist evaluator is not affiliated with the institutions or individuals under review, interpreting the foreign credentials in terms of the approximately comparable level of educational achievement in the United States. Upon submission of the report, the agency will also present documentation to the committee evidencing that the individual or team conducting the evaluation and offering comments contained in the report is competent to conduct foreign credentials evaluations. This competency shall be demonstrated upon showing that the individual or team conducting the evaluation consist of:~~

- ~~1. A physical therapist with a license in good standing in any state or territory of the United States who has at least 2 years experience with accredited United States physical therapy education and curriculum design; and~~
- ~~2. An evaluator with at least 5 years experience in evaluating education and curriculum design and foreign academic credentials for the purpose of determining academic equivalency to a United States education.~~

(d) ~~At a minimum, the report shall contain the following information:~~

- ~~1. Whether the total hours necessary to obtain a diploma in physical therapy is consistent with the requirements for diplomas from other programs offered by that institution.~~
- ~~2. Whether the institution is accredited by any governmental agency and, if so, which agency.~~
- ~~3. A list of courses in general education and professional education with the United States post-secondary equivalent course indicated.~~
- ~~4. A detailed description of the meaning of the grading system and the method for converting numerical grades to letter grades.~~
- ~~5. All opinions contained in the report shall be substantiated by reference to the source materials which form the basis for the opinion.~~

(e) ~~The Committee shall recommend to the Board that it decline to consider any report which fails to meet the above criteria.~~

Specific Authority 486.025(1), 486.031(3) FS. Law Implemented 456.017, 486.031 FS. History--New 8-6-84, Amended 6-2-85, Formerly 21M-7.20, Amended 5-18-86, Formerly 21M-7.020, 21MM-3.001, Amended 3-1-94, Formerly 61F11-3.001, Amended 12-22-94, 4-10-96, Formerly 59Y-3.001, Amended 12-30-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Physical Therapy Practice  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 3, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 24, 2002

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Licensure as a Physical Therapist Assistant  
RULE NO.: 64B17-4.001  
by Examination

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

SUMMARY: This rule eliminates information redundant of statute and information not needed when relying on national accreditation standards. This rule establishes Federation standards and a Federation report as the basis for establishing equivalency and also requires English language proficiency.

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: 486.025, 486.102 FS.  
LAW IMPLEMENTED: 456.017, 486.102(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-4.001 Licensure as a Physical Therapist Assistant by Examination.

Every applicant for examination for licensure as a physical therapist assistant shall demonstrate to the Board that the applicant he satisfies the following qualifications:

- (1) That he is eighteen years old.
- (2) That he possess a good moral character.

~~(1)(3) That the applicant he has received a an associate's degree as a physical therapist assistant or its equivalent, for physical therapist assistants, which course of study has been approved for the training of physical therapist assistants by the Commission on Accreditation for Physical Therapy Education (CAPTE), or its successor American Physical Therapy Association, the appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation, at the time of his graduation,~~

~~(2) For foreign graduates, a; and, if a foreign graduate, determination that the his credentials are as being deemed equivalent to education an associate's degree for physical therapist assistants in the United States is required.~~

~~(3)(4) In order to permit the Board to determine whether the foreign graduate actually met Federation of State Boards of Physical Therapy (FSBPT) guidelines, received an equivalent education as a physical therapist assistant, each applicant must demonstrate equivalency to the Board's Education Committee will consider and shall submit the following:~~

~~(a) Successful passage of a Board approved English proficiency examination if English was not the language of instruction. A certified or notarized photocopy of the original diploma evidencing the associate degree as a physical therapist assistant. A certified translation is required for any diploma which is not in English.~~

~~(b) An original sealed transcript or a certified or notarized photocopy of the original transcript and seal for all education evidencing equivalency of a United States associate of science degree as a physical therapist assistant. A certified translation is required for each transcript which is not in English.~~

~~(b)(e) A report from the FSBPT or its successor, an appropriate credentialing agency, in which the educational expert or physical therapist evaluator is not affiliated with the institutions or individuals under review, interpreting the foreign credentials in terms of the approximately comparable level of educational achievement in the United States. Upon submission of the report, the agency will also present documentation to the committee evidencing that the individual or team conducting the evaluation and offering comments contained in the report is competent to conduct foreign credentials evaluation. This competency shall be demonstrated upon showing that the individual or team conducting the evaluation consist of:~~

~~1. A physical therapist with a license in good standing in any state or territory of the United States who has at least 2 years experience with accredited United States physical therapy education and curriculum design; and~~

~~2. An evaluator with at least 5 years experience in evaluating education and curriculum design and foreign academic credentials for the purpose of determining academic equivalency to a United States education.~~

~~(d) At a minimum, the report shall contain the following information:~~

~~1. Whether the total hours necessary to obtain a diploma as a physical therapist assistant is consistent with the requirements for diplomas from other programs offered by that institution.~~

~~2. Whether the institution is accredited by any governmental agency and, if so, which agency.~~

~~3. A list of courses in general education and professional education with the United States post-secondary equivalent course indicated.~~

~~4. A detailed description of the meaning of the grading system and the method for converting numerical grades to letter grades.~~

~~5. All opinions contained in the report shall be substantiated by reference to the source materials which form the basis for the opinion.~~

~~(e) The Committee shall recommend to the Board that it decline to consider any report which fails to meet the above criteria.~~

~~Specific Authority 486.025, 486.102 FS. Law Implemented 456.017, 486.102(3) FS. History--New 8-6-84, Amended 6-2-85, Formerly 21M-10.20, Amended 5-18-86, Formerly 21M-10.020, 21MM-4.001, Amended 3-1-94, Formerly 61F11-4.001, Amended 12-22-94, 4-10-96, Formerly 59Y-4.001, Amended \_\_\_\_\_.~~

~~NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice~~

~~NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 3, 2002~~

~~DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 24, 2002~~

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

**RULE CHAPTER TITLE:** Volunteer Health Care Provider Program **RULE CHAPTER NO.:** 64F-11

**RULE TITLES:** Emergency Care **RULE NOS.:** 64F-11.007

Notice of Agency Relationship **64F-11.008**

**PURPOSE AND EFFECT:** The purpose is to repeal rules that repeat provisions of a statute and are, therefore, redundant.

**SUMMARY:** Rule 64F-11.007 discussed how volunteer health care providers may be covered by the Good Samaritan Act, which is already covered by s. 768.13, F.S. Rule 64F-11.008, F.A.C., covered the relationship between voluntary providers and the state, which is already covered by s. 766.1115(5), F.S.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** There are no regulatory costs.

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: 766.1115(10) FS.  
 LAW IMPLEMENTED: 766.1115 FS.  
 IF REQUESTED WITHIN 21 DAYS 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., June 26, 2002  
 PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Peck, Bin #A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, telephone (850)245-4444, Ext. 2965

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-11.007 Emergency Care.

Specific Authority 766.1115(10) FS. Law Implemented 766.1115 FS. History--New 1-20-93, Formerly 10D-122.008, Repealed.

64F-11.008 Notice of Agency Relationship.

Specific Authority 766.1115(10) FS. Law Implemented 766.1115 FS. History--New 1-20-93, Formerly 10D-122.010, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, telephone (850)245-4444, Ext. 2965

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps, Director, Family Health Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2002

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLE: Applicant Administrative Appeal Procedures  
 RULE NO.: 67-21.0035

PURPOSE AND EFFECT: The purpose of this Rule is to outline the procedures by which the Corporation handles appeals from applicants regarding the scoring of applications.

SUMMARY: The proposed amendments revise the appeal process for Applicants.

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.

SPECIFIC AUTHORITY: 420.507, 420.508 FS.  
 LAW IMPLEMENTED: 420.502, 420.503, 420.507, 420.508, 420.509 FS.

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

DATE AND TIME: Immediately following adjournment of the Board Meeting, June 21, 2002

PLACE: Tallahassee City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULE IS:

67-21.0035 Applicant Administrative Appeal Procedures.

(1) At the conclusion of the review and scoring process established by Section 67-21.003, eEach Applicant will be provided with its final score and notice of rights, which shall constitute the sole point of entry to contest any issue related to the Applicant's Application for the Program. ~~a statement that Applicants who wish to contest the decision relative to their own Application must petition the Corporation for review of the decision in writing within 21 Calendar Days of the date of receipt of the notice. Only petitions Received by the deadline set forth herein will be considered. The petition must specify in detail each issue and score sought to be reviewed. Unless the appeal involves disputed issues of material fact, the appeal will be conducted on an informal basis. If the appeal raises disputed issues of material fact, a formal administrative hearing will be conducted pursuant to section 120.57(1), Florida Statutes. Failure to timely file a petition shall constitute a waiver of the right of the Applicant to such an appeal. Written notifications, petitions or requests for review will NOT be accepted via telefax or other electronic means. No Applicant or other person or entity will be allowed to intervene in the appeal of another Applicant.~~

(2) Each Applicant that wishes to contest its final score must file a petition with the Corporation on or before the 21st calendar day after the date Applicant receives its notice of rights. The petition must conform to Rules 28-106.201(2) or 28-106.301(2), F.A.C., as applicable, and specify in detail each issue and score sought to be challenged. Submission by facsimile or other electronic means will not be accepted. If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer which will then be considered by the Board. All parties have the right to submit written arguments in response to a recommended order entered as a result of an informal administrative proceeding pursuant to section 120.57(2), Florida Statutes, regarding its own Application for consideration by the Board. Any written argument should be typed, double spaced with margins no less

than one inch, in either Times New Roman 14-point or Courier New 12-point font, and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m. on the date contained in the recommended order. Submission by facsimile or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders.

(3) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its own Application shall be allowed the opportunity to submit written arguments to the Board. Any written argument should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, on the date contained in the recommended order. Submission by facsimile or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders. The Board shall consider all recommended orders and written arguments and enter the appropriate final orders. For those Applicants with section 120.57(1), Florida Statutes, appeals that have not yet had final orders entered as of the date of the ranking, the Corporation shall, if any such Applicant ultimately obtains a final order that would have put its Application in the funding range had it been entered prior to the ranking, provide the requested funding and/or allocation from the next available funding and/or allocation, whether in the current year or a subsequent year. Nothing contained herein shall affect any applicable credit underwriting requirements.

(4) Following the entry of final orders in all petitions filed pursuant to Section 120.57(2), F.S., and in accordance with Rule Chapter 67-21, F.A.C., the Corporation shall issue final rankings. For an Applicant that filed a petition pursuant to Section 120.57(1), F.S., which challenged the scoring of its own Application but has not had a final order entered as of the date the final rankings are approved by the Board, the Corporation shall, if any such Applicant ultimately obtains a final order that modifies the score so that its Application would have been in the funding range of the applicable final ranking had it been entered prior to the date the final rankings were presented to the Board, provide the requested allocation from the next available allocation, whether in the current year or a subsequent year. Nothing contained herein shall affect any applicable credit underwriting requirements.

(5) Each Applicant will be provided with a final ranking of all Applications and notice of rights, which shall constitute the sole point of entry to contest any ranking or scoring issue related to any other Applications for the Program. An Applicant that wishes to contest the final ranking or score of another Applicant may do so only if:

(a) The competing Applicant files a petition on or before the 21st Calendar Day after the receipt of the notice of rights pursuant to this paragraph (5). Submission by facsimile or other electronic means will not be accepted. The petition must conform to Rules 28-106.201(2) or 28-106.301(2), F.A.C., as applicable, and specify in detail each issue, score or ranking sought to be challenged.

(b) If the contested issue involves an error in scoring, the contested issue must either (i) be one that could not have been cured pursuant to subsection 67-21.003(14), F.A.C. and been raised in a NOPSE containing a concise statement of the alleged scoring error and/or scoring deficiency or (ii) have been raised in a NOAD filed by the competing Applicant containing a concise statement of the alleged scoring error and/or scoring deficiency, and in the case of either (i) or (ii) the Corporation determines there is no need to reject the Application or reduce points for the reason stated in the NOPSE or NOAD, as applicable. A competing Applicant that files a NOPSE or NOAD that incorporates by reference issues raised in another NOPSE or NOAD will not be permitted to file a petition.

(c) The competing Applicant alleges facts in its petition sufficient to demonstrate that, but for the specifically identified threshold, scoring or ranking errors, its Application would have been in the funding range at the time Florida Housing provided the Applicant with its final ranking.

(d) If the petition does not raise a disputed issue of material fact, the appeal will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered which will then be considered by the Board.

(6) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding as described in paragraph (5) above concerning the final ranking of another Application shall be allowed the opportunity to submit written arguments to the Board. Any written arguments should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, on the date contained in the recommended order. Submission by facsimile

or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders. The Board shall consider all recommended orders and written arguments and enter the appropriate final orders.

(7) For those Applicants that have filed a petition pursuant to subsection (5) of this Rule, the Corporation shall, if any such Applicant ultimately obtains a final order that demonstrates that its Application would have been in the funding range of the applicable final ranking, provide the requested allocation from the next available allocation, whether in the current year or a subsequent year. Nothing contained herein shall affect any applicable credit underwriting requirements. The filing of a petition pursuant to subsection (5) hereof shall not stay the Corporation's provision of funding to Applicants per the final rankings referenced in subsection (4) hereof.

Specific Authority 420.507(12), 420.508(3)(a), 420.508(6) FS. Law Implemented 420.502, 420.507(4),(13),(14),(18),(19),(20),(21),(24), 420.508 FS. History—New 11-14-99, Amended 2-12-01, 3-17-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David Westcott, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Kaplan, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE CHAPTER APPROVED BY AGENCY HEAD: May 22, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2002, Vol. 28, No. 7

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLE: Applicant Administrative Appeal Procedures                      RULE NO.: 67-48.005  
PURPOSE AND EFFECT: The purpose of this Rule is to outline the procedures by which the Corporation handles appeals from applicants regarding the scoring of applications.  
SUMMARY: The proposed amendments revise the appeal process for Applicants.  
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.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

DATE AND TIME: Immediately following adjournment of the Board Meeting, June 21, 2002

PLACE: Tallahassee City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerey Carpenter, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULE IS:

67-48.005 Applicant Administrative Appeal Procedures.

(1) At the conclusion of the review and scoring process established by Rule 67-48.004, eEach Applicant will be provided with its final score and notice of rights, which shall constitute the sole point of entry to contest any issue related to the Applicant's Application for the State Apartment Incentive Loan (SAIL) Program, the HOME Investment Partnerships (HOME) Program or the Housing Credit (HC) Program a statement that Applicants who wish to contest the decision relative to their own Application must petition the Corporation for review of the decision in writing within 21 Calendar Days of the date of receipt of the notice. Only petitions Received by the deadline set forth herein will be considered. The petition must specify in detail each issue and score sought to be reviewed. Unless the appeal involves disputed issues of material fact, the appeal will be conducted on an informal basis. If the appeal raises disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. Failure to timely file a petition shall constitute a waiver of the right of the Applicant to such an appeal. Written notifications, petitions or requests for review will NOT be accepted via telefax or other electronic means. No Applicant or other person or entity will be allowed to intervene in the appeal of another Applicant.

(2) Each Applicant that wishes to contest its final score must file a petition with the Corporation on or before the 21st Calendar Day after the date Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), F.A.C., as applicable, and specify in detail each issue and score sought to be challenged. Submission by facsimile or other electronic means will not be accepted. If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer which will then be considered by the Board. All parties have the right to submit written arguments in response to a recommended order entered as a

result of an informal administrative proceeding pursuant to Section 120.57(2), F.S., regarding its own Application for consideration by the Board. Any written argument should be typed, double spaced with margins no less than one inch, in either Times New Roman 14 point or Courier New 12 point font, and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m. on the date contained in the recommended order. Submission by facsimile or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders.

(3) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its own Application shall be allowed the opportunity to submit written arguments to the Board. Any written argument should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, on the date contained in the recommended order. Submission by facsimile or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders. The Board shall consider all recommended orders and written arguments and enter the appropriate final orders. For those Applicants with Section 120.57(1), F.S., appeals that have not yet had final orders entered as of the date of the ranking, the Corporation shall, if any such Applicant ultimately obtains a final order that would have put its Application in the funding range had it been entered prior to the ranking, provide the requested funding and/or allocation from the next available funding and/or allocation, whether in the current year or a subsequent year. Nothing contained herein shall affect any applicable credit underwriting requirements.

(4) Following the entry of final orders in all petitions filed pursuant to Section 120.57(2), F.S., and in accordance with the prioritization of the QAP and Rule Chapter 67-48, F.A.C., the Corporation shall issue final rankings. For an Applicant that filed a petition pursuant to Section 120.57(1), F.S., which challenged the scoring of its own Application but has not had a final order entered as of the date the final rankings are approved by the Board, the Corporation shall, if any such Applicant ultimately obtains a final order that modifies the score so that its Application would have been in the funding range of the applicable final ranking had it been entered prior

to the date the final rankings were presented to the Board, provide the requested funding and/or allocation (as applicable) from the next available funding and/or allocation (as applicable), whether in the current year or a subsequent year. Nothing contained herein shall affect any applicable credit underwriting requirements.

(5) Each Applicant will be provided with a final ranking of all Applications and notice of rights, which shall constitute the sole point of entry to contest any ranking or scoring issue related to any other Applications for the State Apartment Incentive Loan (SAIL) Program, the HOME Investment Partnerships (HOME) Program or the Housing Credit (HC) Program. An Applicant that wishes to contest the final ranking or score of another Applicant may do so only if:

(a) The competing Applicant files a petition on or before the 21st Calendar Day after the receipt of the notice of rights pursuant to this subsection (5). Submission by facsimile or other electronic means will not be accepted. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), F.A.C., as applicable, and specify in detail each issue, score or ranking sought to be challenged.

(b) If the contested issue involves an error in scoring, the contested issue must either (i) be one that could not have been cured pursuant to subsection 67-48.004(14), F.A.C., and been raised in a NOPSE containing a concise statement of the alleged scoring error and/or scoring deficiency or (ii) have been raised in a NOAD filed by the competing Applicant containing a concise statement of the alleged scoring error and/or scoring deficiency, and in the case of either (i) or (ii) the Corporation determines there is no need to reject the Application or reduce points for the reason stated in the NOPSE or NOAD, as applicable. A competing Applicant that files a NOPSE or NOAD that incorporates by reference issues raised in another NOPSE or NOAD will not be permitted to file a petition.

(c) The competing Applicant alleges facts in its petition sufficient to demonstrate that, but for the specifically identified threshold, scoring or ranking errors, its Application would have been in the funding range at the time Florida Housing provided the Applicant with its final ranking.

(d) If the petition does not raise a disputed issue of material fact, the appeal will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered which will then be considered by the Board.

(6) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding as described in subsection (5) above concerning the final ranking of another Application, shall be allowed the opportunity to submit written



arguments to the Board. Any written arguments should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, on the date contained in the recommended order. Submission by facsimile or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders. The Board shall consider all recommended orders and written arguments and enter the appropriate final orders.

(7) For those Applicants that have filed a petition pursuant to subsection (5) above, the Corporation shall, if any such Applicant ultimately obtains a final order that demonstrates that its Application would have been in the funding range of the applicable final ranking, provide the requested funding and/or allocation (as applicable) from the next available funding and/or allocation (as applicable), whether in the current year or a subsequent year. Nothing contained herein shall affect any applicable credit underwriting requirements. The filing of a petition pursuant to subsection (5) above shall not stay the Corporation's provision of funding to Applicants per the final rankings referenced in subsection (4) above.

Specific Authority 420.507 FS. Law Implemented 120.57, 420.5087, 420.5089(1), 420.5099 FS. History--New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.005, Amended 4-7-98, 11-9-98, 2-24-00, 2-22-01, 3-17-02,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kerey Carpenter, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Kaplan, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 22, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2002, Vol. 28, No. 7

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-50.001
Definitions	67-50.005
Fees	67-50.010
Notice of Funding Availability (NOFA)	67-50.020
General Program Eligible Activities	67-50.030
General Program Restrictions	67-50.040

HAP Program Restrictions	67-50.050
HOME Program Restrictions	67-50.060
Application and Selection Procedures	67-50.070
Credit Underwriting Procedures	67-50.080
Disbursement of Funds, Draw Requests, and Loan Servicing	67-50.090
Compliance and Monitoring	67-50.100

PURPOSE, EFFECT AND SUMMARY: The purpose of this Rule Chapter is to establish the procedures by which the Corporation shall:

(1) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing under the Florida Homeownership Assistance Program (HAP)/Construction Loan Program and provide purchase assistance to Eligible Homebuyers under the HAP Permanent Loan Program, authorized by Chapters 420.507 and 420.5088, Florida Statutes (F.S.); and

(2) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing and provide purchase assistance to Eligible Homebuyers under the HOME Investment Partnerships (HOME) Homeownership Loan Program, authorized by Chapter 420.5089, F.S., and HUD regulations, 24 CFR § 92, which is adopted and incorporated herein by reference.

(3) Prior to the opening of an Application Cycle, the Corporation researches the market need for affordable housing throughout the State of Florida and evaluates prior Application Cycles to determine the necessary changes or additions to the existing rules and applications. This proposed new Rule and adopted reference materials establishes the procedures by which the Florida Housing Finance Corporation shall administer the Homeownership Loan Program, which combines funding from the HAP Construction, HAP Permanent, and HOME Homeownership Loan Programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507(12),(14),(23) FS.

LAW IMPLEMENTED: 420.5088, 420.5089 FS.

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

TIME AND DATE: 10:00 a.m., June 24, 2002

PLACE: Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bridget E. Warring, HAP Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

## THE FULL TEXT OF THE PROPOSED RULES IS:

67-50.001 Purpose and Intent.

The purpose of this Rule Chapter is to establish the procedures by which the Corporation shall:

(1) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing under the Florida Homeownership Assistance Program (HAP)/Construction Loan Program and provide purchase assistance to Eligible Homebuyers under the HAP Permanent Loan Program, authorized by Sections 420.507 and 420.5088, Florida Statutes (F.S.); and

(2) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing and provide purchase assistance to Eligible Homebuyers under the HOME Investment Partnerships (HOME) Homeownership Loan Program, authorized by Section 420.5089, F.S., and HUD regulations, 24 CFR § 92, which is adopted and incorporated into this Rule chapter by reference.

Specific Authority 420.507(12),(14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History—New.

67-50.005 Definitions.

(1) “Act” means the Florida Housing Finance Corporation Act, as found in Chapter 420, Part V, Florida Statutes, as in effect on the date of this Rule Chapter.

(2) “Address” means the address assigned by the United States Postal Service (USPS), which must include address number, street name, city, state and zip code. If the USPS has not yet assigned an address, include, at a minimum, street name and closest designated intersection and the city, state and zip code.

(3) “Adjusted Income” means the gross income from wages or assets, cash or non-cash contributions, and any other resources and benefits determined to be income by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size, as defined in 24 CFR § 5.609, formerly known as Section 8, which is adopted and incorporated herein by reference.

(4) “Affiliate” means any person that:

(a) Directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant;

(b) Serves as an officer or director of the Applicant or of any Affiliate of the Applicant; or

(c) Is the spouse, parent, child, sibling, or relative by marriage of a person described in (a) or (b) above.

(5) “Applicant” means a legally formed entity in existence at the time of Application, which is authorized to conduct business in the state of Florida, and:

(a) With respect to the HAP Program, is a Non-Profit Developer or a Non-Profit Sponsor proposing to build affordable homeownership housing;

(b) With respect to the HOME Program, is a Community Housing Development Organization (CHDO), a public housing authority, a local government, a Non-Profit organization, or a private for-profit organization (including a corporation, limited partnership, limited liability company, partnership and a sole proprietorship) proposing to build affordable homeownership housing.

(6) “Application” means the completed forms from the Application Package together with all exhibits submitted to the Corporation in order to apply for either HAP or HOME Loan funds, in accordance with this Rule Chapter and the Application Package instructions, which is adopted and incorporated herein by reference.

(7) “Application Deadline” means 5:00 p.m., Eastern Time, on the final day of the Application Period.

(8) “Application Package” means the forms and instructions obtained from the Corporation, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 and available on the Corporation's website at [www.floridahousing.org](http://www.floridahousing.org), which shall be completed and submitted to the Corporation in order to apply for either HAP or HOME funds, which is adopted and incorporated herein by reference and effective on the date of the latest amendment to this Rule Chapter.

(9) “Application Period” means the period during which Applications shall be accepted, with a deadline of no less than thirty (30) days from the beginning of the Application Period, as noticed in the Florida Administrative Weekly and posted on Florida Housing’s web site at [www.floridahousing.org](http://www.floridahousing.org).

(10) “Area Median Income” (AMI) means the median income for an area, with adjustments made for household size, as determined by the United States Department of Housing and Urban Development (HUD).

(11) “Board” means the Board of Directors of the Florida Housing Finance Corporation.

(12) “Code” means the Internal Revenue Code of 1986, as in effect on the date of this Rule Chapter, together with corresponding and applicable final, temporary or proposed regulations, notices, and revenue rulings issued by the Treasury or the Internal Revenue Service of the United States, which is adopted and incorporated herein by reference.

(13) “Community Based Organization” means a private non-profit corporation, organized under Chapter 617, F.S., if a Florida Corporation, or under similar state law if organized in a jurisdiction other than Florida, authorized to conduct business in Florida, and certified by the Corporation to receive priority when applying for HAP funds.

(14) “Community Housing Development Organization” (CHDO) means an organization that is organized pursuant to HUD Notice CPD 97 11, which is adopted and incorporated herein by reference.

(15) “Consolidated Plan” means a plan which describes the needs, resources, priorities and proposed activities to be undertaken which is prepared by the Department of Community Affairs, in accordance with HUD Regulation, 24 CFR § 91, which is adopted and incorporated herein by reference.

(16) “Construction Loan” means a loan made available to a Developer in an amount not to exceed thirty three percent (33%) of the Total Development Cost, which utilizes either HAP or HOME Construction funds.

(17) “Contact Person” means the person with decision-making authority with whom the Corporation will correspond concerning the Application and the Development, as designated by the Applicant.

(18) “Contractor” means a person or entity duly licensed by the State of Florida who provides services in accordance with Chapter 489, F.S.

(19) “Corporation” means the Florida Housing Finance Corporation.

(20) “Credit Underwriter” means the independent contractor under contract with the Corporation having the responsibility for providing credit underwriting services, including, but not limited to, a comprehensive analysis of the Applicant, the real estate, the economics of the Development, the ability of the Applicant and the Development team to proceed, the evidence of need for affordable housing in order to determine that the Development meets the program requirements and determine a recommended HAP or HOME loan amount.

(21) “Developer” means an individual, association, corporation, joint venturer, limited partnership, limited liability company, or partnership, possessing the requisite skill, experience, and credit worthiness to successfully produce affordable homeownership housing pursuant to this Rule Chapter.

(22) “Development” means any work or improvement located or to be located in the state, including real property, buildings, and any other real and personal property which is:

(a) Designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing for persons or households;

(b) Consists of at least four (4) homes; and

(c) Meets the minimum set-aside requirements and sales price limits of either the HAP or HOME Program, as applicable.

(23) “Development Cost” means the total of all costs incurred in the completion of a Development, as shown in the Development Cost line item on the development cost pro

forma within the Application, subject to the approval by the Credit Underwriter and the Corporation, and pursuant to 24 CFR § 92.206 where applicable.

(24) “Document” means a written, electronic media, or graphic matter of any kind whatsoever, however produced or reproduced, including but not limited to records, reports, memoranda, minutes, notes, graphs, maps, charts, contracts, opinions, studies, analysis, photographs, financial statements and correspondence as well as any other tangible item on which information is recorded.

(25) “Draw” means the disbursement of funds to a Development under the HAP or HOME Program.

(26) “Elderly” means, with respect to the HAP Program, a person 62 years of age or older, and with respect to the HOME Program, a person meeting the Federal Fair Housing Act requirements for the Elderly.

(27) “Eligible Homebuyer” means one or more natural persons or a household, irrespective of race, creed, religion, national origin, or sex, determined by the Corporation to be of very low to moderate income and who will utilize the home as their primary residence. In determining the income standards of eligible persons for its various programs, the Corporation shall take into account the following factors:

(a) Requirements mandated by state and federal law;

(b) Targeted areas of special need in the state; and

(c) The need for household size adjustments to accomplish the purposes set forth in this Rule Chapter.

(28) “Executive Director” means the Executive Director of the Florida Housing Finance Corporation.

(29) “F.A.C.” means the Florida Administrative Code.

(30) “F.S.” means the Florida Statutes.

(31) “FannieMae” means the Federal National Mortgage Association.

(32) “FHA” means the Federal Housing Administration of the United States Department of Housing and Urban Development or other Agency or instrumentality created or chartered by the United States government to which the powers of the Federal Housing Administration have been transferred.

(33) “Financial Institution” means a state or federal association, bank, trust company, international bank agency, representative office or international administrative office, or credit union.

(34) “First Mortgage” means the recorded mortgage to which the HAP or HOME Construction Loan and the HAP or HOME Permanent Loan is subordinate.

(35) “Florida Keys Area” means all lands in Monroe County, except:

(a) That portion of Monroe County included within the designated exterior boundaries of the Everglades National Park and areas north of said Park;

(b) All lands more than 250 feet seaward of the mean high water line owned by local, state, or federal governments; and

(c) Federal properties.

(36) "HOME-Assisted Units" mean the specific units that are funded with HOME funds, pursuant to 24 CFR § 92.254.

(37) "Homeownership Loan Program" means the combined Rule and Application, incorporating the HAP Construction, HAP Permanent, and HOME Homeownership Loan Programs.

(38) "HUD" means the United States Department of Housing and Urban Development.

(39) "HUD Regulations" means the regulations of HUD in 24 CFR § 92, incorporated herein by reference, together with subsequent amendments, as in effect on the date of this Rule Chapter.

(40) "Land Use Restriction Agreement" means the agreement between the Corporation and the Applicant, which sets forth the set-aside requirements and other Development requirements, if any, under the HAP or HOME Program.

(41) "Local Government" means a unit of local general-purpose government, as defined in subsection 218.31(2), F.S.

(42) "Low Income" means the Adjusted Income for persons or households that does not exceed eighty percent (80%) AMI.

(43) "Match" means the contributions obtained from other than federally funded program contributions that are dedicated to a HOME Development, pursuant to CPD 97-03, incorporated herein by reference.

(44) "Maximum Purchase Price" means:

(a) With respect to the HAP Program, the maximum purchase price of a house in an area as determined by the Single Family Mortgage Revenue Bond Program (SF MRB), as in effect at the time of the beginning of the construction of the house; and

(b) With respect to the HOME Program, the maximum purchase price of a house in an area as determined by HUD, as in effect at the beginning of the construction of the house.

(45) "Moderate Income" means the Adjusted Income for persons or households that does not exceed one hundred fifty percent (150%) AMI.

(46) "Non-Entitlement Area" means a unit of general local government that has not been designated by HUD to receive HOME assistance.

(47) "Non-Profit" means a qualified non-profit entity as defined in Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the Code, and organized under Chapter 617, F.S., if a Florida Corporation, or under similar state law if organized in a jurisdiction other than Florida, to provide low-income housing and other services on a not-for-profit basis, which owns at least 51% of the ownership interest in the Development and is acceptable to federal and state agencies and financial institutions as a Sponsor for housing.

(48) "Non-Profit Sponsor" means, with respect to the HAP Program, a unit of local government or public housing authority, established pursuant to Chapter 421, F.S., or a Community Based Organization, as defined in subsection 67-50.005(14), F.A.C., which has agreed to sponsor an Eligible Development utilizing either a Non-Profit or for-profit Developer.

(49) "Note" means a unilateral agreement containing an express and absolute promise to pay to the Corporation a principal sum of money on a specified date, which provides the interest rate, if applicable, and is secured by a mortgage.

(50) "Permanent Loan" means a zero percent (0%) interest rate, non-amortizing second mortgage loan made to an Eligible Homebuyer, who has an Adjusted Income that does not exceed eighty percent (80%) AMI.

(51) "Predevelopment Loan Program" means the Corporation's Predevelopment Loan Program, established by Chapters 420.521 through 420.529, F.S., and Rule Chapter 67-38, F.A.C.

(52) "Preliminary Allocation" means a non-binding reservation of HAP or HOME funds issued to a Development prior to the credit underwriting process.

(53) "Principal" means an Applicant, any general partner of an Applicant, and any officer, director, or any shareholder of any Applicant or shareholder of any general partner of an Applicant.

(54) "Qualified Census Tract" means any census tract that is designated by the Secretary of HUD as having either 50% or more of the households at an income that is less than sixty percent (60%) AMI or a poverty rate of at least twenty five percent (25%), in accordance with Section 42(d)(5)(C), Internal Revenue Code.

(55) "Received" means as it relates to delivery of a document by a specified deadline, delivery by hand, United States Postal Service or other courier service, unless otherwise indicated, in the office of the Corporation no later than 5:00 p.m., Eastern Time, on the deadline date.

(56) "Review Committee" means a committee of Corporation staff persons appointed by the Board of Directors who will make recommendations to the Board regarding Program participation.

(57) "Rural Area" means an area that is eligible to receive assistance from the United States Department of Agriculture – Rural Development.

(58) "Second Mortgage" means the recorded mortgage securing the HAP or HOME Construction Loan or the HAP or HOME Permanent Loan, which is subordinate only to the First Mortgage.

(59) "Scattered Sites" means an individual action on a one (1) to four (4) family dwelling, unless the development is of five (5) or more units located within two thousand (2,000) feet of each other, undertaken as a single action.

(60) “Servicer” means the entity, and any subcontractors, under contract with the Corporation to provide loan servicing, including but not limited to, administration and compliance monitoring.

(61) “Single Family Bond Program” means the Single Family Mortgage Revenue Bond Program (SF MRB), pursuant to Rule Chapter 67-25, F.A.C.

(62) “Sponsor” means, with respect to the HOME Program, any individual, association, corporation, joint venturer, partnership, trust, or other legal entity or combination thereof, that has been approved by the Corporation as qualified to construct a Development.

(63) “State” means the State of Florida.

(64) “Threshold” means the minimum criteria to be met for an Application to be considered complete, as required by this Rule Chapter and the Application.

(65) “Treasury” means the United States Department of Treasury or other agency or instrumentality created or chartered by the United States to which the powers of the Department of Treasury have been transferred.

(66) “Unit” means a residential unit used as a single-family residence and the land appurtenant that is taxed as real property under state laws, not including a two, three or four household residence, unless each unit is owner-occupied.

(67) “Urban In-Fill Development” means a Development in:

(a) A site or area that is targeted for in-fill housing or neighborhood revitalization by the local, county, state or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone, a HUD-approved Neighborhood Revitalization Strategy, a Florida Enterprise Zone, area designated under a Community Development Block Grant (CDBG), an area designated as HOPE VI or Front Porch Florida Community, a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969, as amended, or the proposed Development is located in a Qualified Census Tract and the development of which contributes to a concerted community revitalization plan; and

(b) In a site which is located in an area that is already developed and part of an incorporated area or existing urban service area.

(68) “USDA-RD” means the United States Department of Agriculture Rural Housing Services.

(69) “Very Low-Income” means the Adjusted Income of persons or households that does not exceed fifty percent (50%) AMI.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History–New

#### 67-50.010 Fees.

(1) The Corporation shall collect the following fees and charges, payable to the Corporation when initially applying for either HAP or HOME funds:

(a) Application Package fee

(b) Application submission fee

(2) The following fees shall also apply after Application submission:

(a) Credit Underwriting fee

(b) Loan Servicing fees

(c) Construction inspection fees

(3) With respect to the HAP Program, all of the fees set forth above are part of the Development Cost and can be included in the Development Cost pro forma and paid with HAP loan proceeds.

(4) Failure to pay any fee shall cause the loan commitment under any Program to be terminated or shall constitute a default on the respective loan documents.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(19), 420.5088, 420.5098 FS. History–New

#### 67-50.020 Notice of Funding Availability (NOFA).

The Corporation shall post the NOFA, which sets forth the availability of funding for the HAP Construction Loan, the HAP Permanent Loan and the HOME Homeownership Loan Programs, on the Corporation’s website at [www.floridahousing.org](http://www.floridahousing.org), and publish in the Florida Administrative Weekly (FAW).

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088, 420.5089 FS. History–New

#### 67-50.030 General Program Eligible Activities.

(1) Funds may be used to pay for the following eligible costs:

(a) Development hard costs as they directly relate to the identified assisted units for the costs necessary to meet local and State building codes and the Model Energy Code.

(b) Soft costs as they relate to the identified assisted units. The costs must be reasonable and necessary, as determined by the Corporation and Credit Underwriter, and associated with the financing, development, or both, including, but not limited to:

1. Architectural, engineering or related professional services required to prepare plans, drawings, specifications or work write-ups;

2. Costs to process and close the financing for a Development, such as credit reports, fees for evidence of title, recordation, building permits, attorney fees, cost certifications, and estimates;

3. Developer fees, including administrative overhead, are limited to sixteen percent (16%) of the Total Development Cost;

4. Impact fees;

5. Costs of Development audits required by the Corporation or compliance monitoring agent;

6. Affirmative marketing and fair housing costs; and

7. Temporary relocation costs, as required for the HOME program.

(2) Funds may be used to construct one (1) speculative unit for up to ten (10) units in the Development, up to two (2) speculative units for eleven (11) to twenty (20) units in the Development and a maximum of three (3) speculative units for a Development with over twenty (20) units at any period of time.

(3) Prepayment of the loan is permitted without penalty.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088, 420.5089 FS. History—New

67-50.040 General Program Restrictions.

(1) An Applicant cannot receive funding from both the HAP and HOME Construction Loan Programs for the same Development.

(2) Applications shall be limited to one submission per subject property, per Application Period.

(3) The HAP or HOME Construction or Permanent Loan must be in a second lien position and shall not share priority with any other liens.

(4) The term of the HAP or HOME Construction Loan shall be for a period of five (5) years.

(5) The accumulation of all Development financing, including the HAP or HOME Loan and all existing debt within a Development, may not exceed the Total Development Cost, as determined by the Credit Underwriter.

(6) The proceeds from the HAP or HOME Permanent Loan made to an Eligible Homebuyer shall be used to repay the HAP or HOME Construction Loan. Upon the closing of each house, the HAP or HOME Construction Loan provided for each house shall be repaid by the Applicant.

(7) Applicants are responsible for:

(a) The construction of affordable housing;

(b) The marketing of units in the Development and providing referrals of potential Eligible Borrowers to the first mortgage lender;

(c) Meeting the pre-sale requirements established by the first mortgage lender;

(d) Assisting the Corporation and the Servicer with performing Draw inspections, collecting payments and defaults, foreclosure procedures and performing compliance monitoring; and

(e) With respect to the HOME Loan, ensuring compliance with HUD requirements, pursuant to 24 CFR § 92.

(8) Prior to disbursing any funds, there must be a written agreement with the Applicant ensuring compliance with the requirements of the HAP or HOME Program, pursuant to this Rule Chapter, Florida Statutes, and HUD Regulations, as applicable.

(9) The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender and the Corporation's Servicer, including fire, hazard and other insurance sufficient to meet mortgage standards.

(10) The Corporation or its Servicer shall monitor the compliance with all terms and conditions of the HAP or HOME Loan and any violation of any term or condition shall constitute a default of the Loan. If a default on a Loan occurs, the Corporation may commence legal action to protect the interest of the Corporation.

(11) The construction period shall be for a period of three (3) years beginning on the closing date of the Loan. With approval by the Board, a one-year extension is permissible provided that the Applicant:

(a) Requests the extension in writing at least sixty (60) days prior to the end of the construction period;

(b) States the reason the extension is needed;

(c) Provides the Applicant's past performance history;

(d) Provides a comprehensive work completion plan;

(e) Supplies an alternate financing plan in the event the original financing source withdraws; and

(f) Provides assurance that the one-year extension will result in the successful completion of the Development.

(12) The Applicant shall not refinance, increase the principal amount, or alter any terms or conditions of any construction loan superior or inferior to the HAP or HOME Loan without prior approval of the Corporation's Board of Directors.

(13) The unpaid principal balance of the Loan shall be due and payable upon the sale or transfer of the secured property.

(14) If the Board of Directors determines that any Applicant or any Affiliate of an Applicant:

(a) Has engaged in fraudulent actions;

(b) Has materially misrepresented information to the Corporation regarding any of its Developments, within the current Application or in any previous applications for financing or an allocation of Housing Credits administered by the Corporation;

(c) Has been convicted of fraud, theft or misappropriation of funds;

(d) Has been excluded from federal or Florida procurement programs; or

(e) Has been convicted of a felony.

Upon a determination by the Board of Directors that such action substantially increases the likelihood that the Applicant will not be able to produce quality affordable housing, the Applicant and any of the Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for a period of two (2) years, which will begin from the date the Board of Directors makes such determination. Such determination shall be made either

pursuant to a proceeding conducted pursuant to Section 120.569 and 120.67, Florida Statutes, or as a result of a finding by a court of competent jurisdiction.

(15) If an Applicant or any Principal, or Affiliate of an Applicant or Developer has any existing Developments participating in any Corporation programs that remain in non-compliance with the Code, the applicable Florida Statutes and Rule Chapters, and loan documents, after any applicable cure period granted for correcting such non-compliance has ended, at the time of submission of the Application or issuance of a credit underwriting report, the requested allocation will be denied, upon determination by the Board of Directors that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing. The Applicant and the Affiliates of the Applicant or Developer shall be prohibited from new participation in any of the Corporation's Programs for the subsequent cycle and continuing until such time as all of their existing Developments are in compliance.

(16) The name of the Development provided in the Application may not be changed or altered after submission of the Application during the history of the Development with the Corporation unless the change is mandated by local, state or federal governmental authorities, or otherwise approved by the Corporation. Evidence of such mandate must be submitted to the Corporation within thirty (30) Calendar Days of notification by the local, state or federal authorities.

(17) Permanent Loans. Prior to disbursing any funds for either the HAP or HOME Permanent Loan, the Eligible Homebuyer must execute a homebuyer agreement, ensuring compliance with the requirements of this Rule Chapter, Florida Statutes and 24 CFR § 92, when applicable.

(18) The Homebuyer must maintain replacement cost hazard insurance naming the Corporation as an additional insured.

(19) A mortgagee policy of title insurance in the amount of the HAP or HOME Permanent Loan must be provided naming the Corporation as an additional insured.

(20) Loans shall be evidenced by a properly executed note and secured by a properly executed and recorded mortgage provided by the Corporation.

(21) Failure to comply with any part of this Rule Chapter without a waiver or variance being granted by the Board, pursuant to Section 120.542, F.S., and Rule Chapter 28-104, F.A.C., shall result in the disqualification of the Applicant and withdrawal of the preliminary commitment for Loan funds.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New

#### 67-50.050 HAP Program Restrictions.

(1) HAP Construction Loans shall be made available for the construction of affordable housing Developments, as defined in subsection 67-50.005(23), F.A.C. Funds shall also

be made available for land acquisition, predevelopment expenses and infrastructure; however, in no event shall the funds be used solely for these purposes.

(2) A Non-Profit organization must have control of the Development and materially participate in the development and sale of the property through the construction period.

(3) Non-Profit Sponsor Applicants must:

(a) Have been in existence for at least one (1) year prior to applying for HAP funds;

(b) Own the property or have a valid contract for purchase of the property; and

(c) Utilize the services of either a Non-Profit or for-profit Developer who has a proven record of providing similar housing.

(4) The interest rate for a HAP Construction Loan is zero percent (0%).

(5) The Land Use Restriction Agreement (LURA) shall contain restrictive covenants to ensure that the Development maintains the minimum set-aside requirements of the HAP Program, as well as the specific amenities and set-asides the Applicant committed to in the Application.

(6) HAP Permanent Loan. The terms of the HAP Permanent Loan made to an Eligible Homebuyer are as follows:

(a) A HAP Permanent Loan shall be made available to an Eligible Homebuyer who purchases a home built by a Developer participating in the Homeownership Loan Program, under the HAP Program.

(b) The Eligible Homebuyer must have an Adjusted Income that does not exceed eighty percent (80%) AMI at the time of closing.

(c) A HAP Permanent Loan is available in an aggregate amount not to exceed the lesser of \$30,000, twenty five percent (25%) of the purchase price of the house, or the amount necessary to meet credit underwriting criteria, based on the monthly mortgage payment (which includes the principal, interest, taxes and insurance) to income underwriting ratio.

(d) When the HAP Permanent Loan is used in conjunction with another Corporation subordinate mortgage program, the Eligible Homebuyer's Adjusted Income may not exceed fifty percent (50%) AMI and the aggregate amount of the Corporation Loans may not exceed thirty-five percent (35%).

(e) The combined loan-to-value ratio cannot exceed one hundred five percent (105%) of the appraised value. In the 105% loan-to-value calculation, the Corporation will not include any subsidy that contains forgivable terms within a seven (7) year period.

(f) The HAP Permanent Loan shall be underwritten by the first mortgage lender and reviewed by the Corporation's designated Servicer.

(g) The purchase price of the house cannot exceed the appraised value or the maximum purchase price, as determined by the Single Family Mortgage Revenue Bond Program, as in effect at the time of the beginning of the construction of the house.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New

67-50.060 HOME Program Restrictions.

(1) HOME funds shall be made available for construction of affordable housing and homebuyer purchase assistance for Eligible Developments, pursuant to 24 CFR § 92.

(2) The maximum per-unit subsidy amount of HOME funds that the Corporation may allocate may not exceed twenty five percent 25% of the purchase price.

(3) The annual interest rate will be determined as follows:

(a) All for-profit Applicants that have one hundred percent (100%) ownership interest in the Development held by the general partner entity will receive a three percent (3%) per annum interest rate loan.

(b) All qualified non-profit Applicants that have one hundred percent (100%) ownership interest in the Development held by the general partner entity will receive a zero percent (0%) interest rate loan.

(c) All Applicants consisting of a non-profit and for-profit partnership will receive a zero percent (0%) interest rate on the portion of the loan equal to the qualified non-profit's ownership interest in the Development. A three percent (3%) interest rate shall be charged on the portion of the loan equal to the for-profit's ownership interest in the Development. Should the Applicant sell, transfer, or convey any portion of the ownership in the Development, the loan interest rate ratio will be adjusted to conform with the new percentage of for-profit to non-profit ownership.

(4) The Corporation shall acquire real and personal property or any interest in the Development if that acquisition is necessary to protect any loan; sell, transfer, and convey any such property to a buyer without regard to the provisions of Chapters 253 and 270, F.S.; and, if that sale, transfer, or conveyance cannot be consummated within a reasonable time, lease the Development for occupancy by eligible persons.

(5) The minimum amount of HOME funds that can be allocated on a per-unit basis for all Developments is \$2,500.

(6) All units must adhere to affordability requirements pursuant to 24 CFR § 92.254 and the recapture provisions described in 24 CFR § 92.254(5)(ii)(1).

(7) Funds shall not be used to pay for ineligible costs in accordance with 24 CFR § 92.214 (a) and the following ineligible costs:

(a) Development reserve accounts for replacement, anticipated increases in operating costs, or operating subsidies, except as described in this Rule Chapter;

(b) Administrative costs; and

(c) Developer fees on the acquisition portion of the Development cost.

(8) All contracts for the construction of a Development with 12 or more HOME-Assisted Units must contain a provision requiring that not less than the wages prevailing in the locality, as predetermined by the U.S. Secretary of Labor pursuant to the Davis-Bacon Act, 40 U.S.C. § 276a-265-a-5 (1994), 24 CFR § 92.354, 24 CFR § 70 (volunteers) and 40 U.S.C. 276c, which are adopted and incorporated herein by reference, will be paid to all laborers and mechanics employed for the construction of the Development. Such contracts shall also be subject to the overtime provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 327-333 (1994), and the Copeland Act (Anti-Kickback Act) 40 U.S.C. § 276c (1994) and the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), which are adopted and incorporated herein by reference.

(9) If the Development has 12 or more HOME-Assisted Units, the General Contractor and all available subcontractors shall attend a Corporation-sponsored pre-construction conference regarding federal labor standards provisions.

(10) A representative of the Applicant must attend a Corporation-sponsored training session on income certification and compliance procedures.

(11) The Corporation is required by HUD to match non-federal funds to the HOME allocation as specified in 24 CFR § 92.218.

(12) All HOME Developments must conform to the following federal requirements:

(a) Equal Opportunity and Fair Housing as enumerated in 24 CFR § 92.202 and 92.250, 42 U.S.C. 2000d et seq., 42 U.S.C. 3601-3620, 42 U.S.C. 6101, and 24 CFR § 5.105(a), which are adopted and incorporated herein by reference.

(b) Affirmative Marketing as enumerated in 24 CFR § 92.351, which is adopted and incorporated herein by reference.

(c) Environmental Review as enumerated in 24 CFR § 92.352, 24 CFR § 58 and National Environmental Policy Act of 1969, which are adopted and incorporated herein by reference.

(d) Displacement, Relocation, and Acquisition as enumerated in 24 CFR § 92.353, 42 U.S.C. 4201-4655, 49 CFR § 24, 24 CFR § 42 (Subpart B), and Chapter 104(d) "Barney Frank Amendments", which are adopted and incorporated herein by reference.

(e) Labor Standards as enumerated in 24 CFR § 92.354, 40 U.S.C. 276a-276a-5, 24 CFR § 70 (volunteers), and 40 U.S.C. 276c, which are adopted and incorporated herein by reference.

(f) Lead-based Paint as enumerated in 24 CFR § 92.355, 42 U.S.C. 4821 et seq., 24 CFR § 35 and 24 CFR § 982.401(j) (except paragraph 982.401(j)(1)(i)), which are adopted and incorporated herein by reference.



(g) Conflict of Interest as enumerated in 24 CFR § 92.356, 24 CFR § 85.36 and 24 CFR § 84.42, which are adopted and incorporated herein by reference.

(h) Debarment and Suspension as enumerated in 24 CFR § 5, which is adopted and incorporated herein by reference.

(i) Flood Insurance as enumerated in Section 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106), which is adopted and incorporated herein by reference.

(j) Handicapped Accessibility as enumerated in 24 CFR § 8 and 24 CFR § 100.205, which are adopted and incorporated herein by reference.

(k) Equal Opportunity Employment as enumerated in 41 CFR § 60, which is adopted and incorporated herein by reference.

(l) Economic Opportunity as enumerated in 24 CFR § 135, which is adopted and incorporated herein by reference.

(m) Minority/Women Employment as enumerated in 24 CFR § 85.36(e), which is adopted and incorporated herein by reference.

(13) Applicants and lenders are responsible for providing the Corporation or the Servicer with completed documentation of the homebuyer and homeownership requirements established by the Corporation and 24 CFR § 92.254 and the record keeping requirements described in 24 CFR § 92.508.

(14) A HOME-assisted unit shall qualify as affordable housing if:

(a) The value or initial purchase price of the property after construction does not exceed the Maximum Purchase Price;

(b) The combined loan-to-value ratio cannot exceed one hundred five percent (105%) of the after construction or appraised value of the HOME-Assisted unit, except when HOME funds are used with the SF MRB Program, where the combined loan-to-value of all assistance cannot exceed one hundred three (103%) of the lesser of the appraised value or the purchase price or as permitted in the applicable SF MRB issue documents. In the loan-to-value calculation, the Corporation will not include any subsidy that contains forgivable terms within a seven (7) year period;

(c) The person or household qualifies as an Eligible Homebuyer at the time of purchase and who will occupy the home acquired property as their a principal residence; and

(d) The purchase price of the property after construction must not exceed the appraised value of the property.

(15) All homes in the Development must be sold to persons or households that have an Adjusted Income that does not exceed eighty percent (80%) AMI

(16) The Eligible Homebuyer shall adhere to the following terms and conditions:

(a) The Second Mortgage Loan shall have a zero percent (0%) interest rate and be non-amortizing with principal deferment until maturity.

(b) Repayment of Principal on the Second Mortgage Loan shall be deferred until the homebuyer sells, transfers or disposes of the home either voluntarily or involuntarily, or ceases to occupy the home as a principal residence.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New

#### 67-50.070 Application and Selection Procedures.

(1) All Applications must be submitted complete, legible and consistent and must be received by the Application Deadline, as specified in the NOFA.

(2) Each submitted Application will be reviewed and evaluated using the factors specified in the Application Package and this Rule Chapter.

(3) Failure to submit an Application completed in accordance with the Application instructions and this Rule Chapter will result in rejection of the Application or a score less than the maximum available in accordance with the instructions in the Application and this Rule Chapter.

(4) The Corporation shall reject an Application, as detailed in the Application Package and this Rule Chapter, if:

(a) The Development is inconsistent with the purposes of the HAP or HOME Program, as applicable.

(b) The Applicant fails to achieve the threshold requirements or the minimum score required.

(c) The Applicant or any Principal or Affiliate of an Applicant or Developer is in arrears for any financial obligation to the Corporation or any agent or assignee of the Corporation. For purposes of the HOME Program, this rule subsection does not include permissible deferral of HOME interest.

(5) When two or more Applications receive the same numerical score, the Applications will be ranked as outlined in the Application instructions.

(6) At no time during the scoring process may Applicants or their representatives contact Board members or Corporation staff concerning their own Development or any other Applicant's Development. If an Applicant or its representative does contact a Board member or staff in violation of this section, the Board may, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

(7) Applicants shall be provided with their scoring sheets, the scoring and ranking, and a notice of deficiencies, if applicable.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History--New

#### 67-50.080 Credit Underwriting Procedures.

(1) After evaluation of the Applications received in each Application Period, the Corporation shall issue a notification letter to each Applicant disclosing whether or not the Applicant met the threshold and minimum score requirements.

(2) Those Applicants who achieve the threshold and minimum score requirements will be issued a preliminary allocation amount, providing funds are available. With respect to the HOME Program, once the allocation is exhausted in each of the set-aside categories, Applicants will have access to the remaining funds irrespective of set-aside.

(a) The preliminary commitment shall be subject to a positive recommendation by the Corporation's Credit Underwriter and approval by the Board of Directors. With respect to the HOME Program, a certification by the Corporation of the HUD Environmental Review is also required, pursuant to 24 CFR 92.352.

(b) The type of review to be performed by the Credit Underwriter shall be determined as follows:

1. Analytical Review. To expedite the underwriting process, the Corporation's Credit Underwriter shall perform an analytical review utilizing the lender's credit underwriting information when applicable:

a. If the first mortgage lender is not a related party, officer, or partner to the Applicant or Developer or any entity involved in the preparation of the Application or construction of the proposed Development.

b. The Corporation shall request the Applicant's authorization for the first mortgage lender to release their credit underwriting information to our Credit Underwriter.

c. Applicants requesting HAP or HOME Permanent Loan funds shall be subject to an Analytical Review.

2. Credit Underwriting. The Applicant will be subject to a full credit underwriting by the Corporation's Credit Underwriter if the Applicant will not give authorization, the first mortgage lender will not release the information, or the information provided is determined to be insufficient.

(c) The Applicant shall submit the required information to the Credit Underwriter within sixty (60) days of the date of receipt of the notification letter. If an extension is needed, a written request substantiating the need for the extension must be provided to the Corporation prior to the sixty (60) day initial deadline, subject to approval by the Credit Underwriter and the Corporation Staff. However, the extension shall not exceed a period of sixty (60) days. In the event the time limitation expires, the Corporation will request that the Applicant relinquish the preliminary allocation and it will be made available to the next ranked Applicant.

(d) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, Contractor and other members of the Development team. Upon receipt, the Corporation shall provide to the Applicant the section from the written draft report which includes the supporting information and schedules. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter within 48 hours after receipt. After the 48-hour period, the Corporation shall provide comments on the draft report and, as applicable,

on the Applicant's comments to the Credit Underwriter. The Credit Underwriter shall review and incorporate the Corporation's and Applicant's comments and release the revised report to the Corporation and the Applicant. The Corporation and the Credit Underwriter must receive any additional comments from the Applicant within 72 hours of receipt of revised report. The Credit Underwriter will provide a final report, which will address comments made by the Applicant, to the Corporation.

(e) The underwriters may request additional information but at a minimum the following will be required:

1. For credit enhancers, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or credit underwriting is complete. The audited statements may be waived if the credit enhancer is rated a least "A-" by Moody's, Standard and Poor's or Fitch.

2. For Principals and guarantors, audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, which is adopted and incorporated herein by reference, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statement compiled or reviewed in accordance with SSARS No. 1, are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter and the two most recent year's tax returns.

3. For the Contractor, audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verification. The audited or compiled statements may be waived if a payment and performance bond equal to 100% of the total construction cost is issued in the name of the contractor by a company rated at least "A-" by AMBest & Co.

4. For the Applicant and general partner, audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If the entities are newly formed (less than 18 months in existence as of the date that that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

(f) The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting. If the Board determines at any time that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or the market to be served by the Development or if any discrepancy or

misrepresentation is found, the Application will be rejected and the Corporation shall bear the cost of the underwriting review under contract with the Credit Underwriter. However, if the HAP or HOME commitment is cancelled for failure to adhere to rule deadlines or for reasons within Applicant's control, the Developer will be responsible for reimbursing the Corporation for fees incurred for credit underwriting and environmental review processing.

(g) The Credit Underwriter shall use the following procedures during the underwriting evaluation:

1. Review and determine if the number of loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of each proposed Corporation-funded Development.

2. The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

a. Liquidity of the guarantor.

b. Developer and Contractor's history in successfully completing Developments of similar nature.

c. Problems encountered previously with Developer.

d. Problems encountered previously with Contractor.

3. Review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

(h) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the loan request in relation to the property value. Appraisals and separate market studies which have been ordered and submitted by third party credit enhancers or first mortgagors, which meet the above requirements and are acceptable to the Credit Underwriter, may be used instead of the appraisal or market study referenced above.

(i) If the Credit Underwriter requires additional clarifying materials, the Credit Underwriter shall request that the Applicant provide them and specify a deadline for submission. Failure to submit the required information by the specified deadline shall result in the Application being rejected, unless a written extension of time is approved by the Board of Directors.

(j) A preconstruction analyses and review of the Development's costs shall be required prior to the closing of the HAP or HOME Loan.

(k) The Applicant will bear the cost of all documentation submitted to the Credit Underwriter for review (i.e., appraisal, credit report, environmental study, etc.). The Applicant may reimburse itself for these costs with HAP or HOME funds from the first Draw.

(l) After the approval of the Credit Underwriter's recommendation by the Board of Directors, or a committee appointed by the Board, the Corporations shall issue a HAP or HOME Loan commitment.

(m) Once the Board of Directors has approved the final credit underwriting report, the Applicant will have ninety (90) days from the credit underwriting approval date to close the Loan. If an extension is needed, a written request substantiating the need for the extension must be provided to the Corporation prior to the ninety (90) day initial deadline, subject to approval by the Credit Underwriter and the Corporation Staff; however, the extension cannot exceed a period of ninety (90) days. In the event the time limitation expires, the Corporation will request that the Applicant relinquish the preliminary allocation and it will be made available to the next ranked Applicant.

(n) The Applicant must submit a written request for any changes to the Development or its financing from the original Application. All requests must be submitted in writing to the program administrator and contain the specific reasons for requesting the change. The written request must be submitted to the Corporation's Board of Directors for consideration.

(3) At least five (5) Calendar Days prior to the Loan closing:

(a) The Applicant must provide evidence of all necessary consents or required signatures from first mortgagees or subordinate mortgagees to the Corporation and its counsel, and

(b) The Credit Underwriter must have received all items necessary to release its letter confirming that all closing contingencies have been met, including the finalized sources and uses of the funds and Draw schedule.

(4) Upon closing of the Loan, the Applicant will be required to commence construction within one hundred-twenty (120) days of the closing of the Loan. If additional time is needed, an extension must be filed in writing prior to the one hundred-twenty (120) day deadline, substantiating the need for the extension and an estimated date for commencement of construction, subject to approval by the Credit Underwriter and the Corporation Staff.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History—New \_\_\_\_\_.

67-50.090 Disbursement of Funds, Draw Requests, and Loan Servicing.

(1) Disbursements of Funds. Construction Loan proceeds shall be disbursed in an amount that does not exceed the ratio of the Loan to the Total Development Cost and is pro-rata with all other construction financing, unless approved by the Corporation and the Credit Underwriter.

(2) Draw Requests. Ten (10) days prior to each Draw, the Applicant shall provide the Servicer with a signed, written Draw request, which includes the requested amount, documentation of liability and builder's risk insurance acceptable to the Corporation, and claims for labor and materials to date of the last inspection.

(3) Loan Servicing. The Servicer shall review the Draw request and provide the Corporation with approval of the request or an alternative amount.

(4) Five percent (5%) of the Loan funds will be held as retainage. Release of funds held as retainage for each house shall occur only after the Applicant provides:

(a) A satisfactory final inspection certificate or certificate of occupancy;

(b) A final, as-built survey;

(c) Evidence of liability and replacement cost hazard insurance acceptable to the Corporation; and

(d) A title insurance policy insuring the Corporation's interest and containing no exceptions that are unacceptable to the Corporation.

(5) In addition to the five percent (5%) retainage, the Corporation shall elect to withhold any Draw or portion of any Draw if:

(a) The actual budget cost or progress of construction is materially greater than that shown in the sources and uses statement;

(b) The percentage of progress of construction differs materially from that shown on the Draw Request; or

(c) The Draw Request cannot be supported by invoices for labor and materials.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(18), 420.5088, 420.5089 FS. History—New

67-50.100 Compliance and Monitoring.

(1) The Servicer shall inspect and monitor the Development's construction site and records, as necessary, with inspections occurring during regular business hours.

(2) The Servicer shall monitor the sale of houses and determine homebuyer eligibility at initial purchase. Failure to comply with the agreed upon set-aside requirements shall result in a retroactive interest rate adjustment from the HAP or HOME Construction Loan interest rate to the current market rate.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Bridget E. Warring, HAP Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels, III, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2000, Corporation Board Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2001, Vol. 27, No. 45

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

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Finance**

RULE NOS.:	RULE TITLES:
3E-600.001	Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser
3E-600.002	Application for Registration as Associated Person
3E-600.0021	Investment Adviser Notification
3E-600.003	Multiple Registration
3E-600.004	Registration of Issuer/Dealers, Principals and Branch Offices
3E-600.007	Changes in Name and Successor Registration Requirements
3E-600.0092	Investment Adviser Registration Depository for Federal Covered Advisers
3E-600.0093	Investment Adviser Registration Depository for Investment Advisers
3E-600.019	Dealer, Investment Adviser, Branch Office and Associated Persons Forms

**NOTICE OF CHANGE**

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following change has been made to the proposed rule as published in the Vol. 28, No. 17, April 26, 2002, issue of the Florida Administrative Weekly.

The change is in response to written material received on or before the date for a final public hearing.

The rule shall now read as follows:

3E-600.001 Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser.

(1)(a) Applications for initial and renewal registration of dealers, issuer/dealers, and investment advisers shall be filed on the forms prescribed by the Department in Rule 3E-301.002(7), F.A.C., and shall include all information required by such forms, any other information the Department may require, and payment of the statutory fees required by Sections 517.12(10) and 517.131, F.S. Except as otherwise provided in Rule 3E-600.0091, or Rule 3E-600.0093, F.A.C., the Department shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Banking and Finance. For dealers that are members of the National Association of Securities Dealers (NASD), such application shall be filed with the Department through the Central Registration Depository (CRD) of the NASD in accordance with Rule 3E-600.0091, F.A.C. For investment advisers, such application may be filed with the Department through the Investment Advisor Registration Depository (IARD) of the NASD in accordance with Rule 3E-600.0093, F.A.C.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. For registration as a dealer or issuer/dealer, a Uniform Application for Broker-Dealer Registration, Form BD (Revised 7/99). For dealers that are members of the NASD, such application shall be filed with the Department through the CRD in accordance with Rule 3E-600.0091, F.A.C. For registration as an investment adviser, a Uniform Application for Investment Adviser Registration, Form ADV (Revised 1/1/01 shall be filed with the Department (Revised 1/99). Such application may be filed with the Department through the Investment Advisor Registration Depository (IARD) of the NASD in accordance with Rule 3E-600.0093, F.A.C.

2. No change.

3. A Uniform Application for Securities Industry Registration or Transfer, Form U-4 (Revised 03/2002 8/99), to register at least one principal as set forth in Rule 3E-600.002, F.A.C. Evidence of current membership as a dealer with the NASD shall satisfy this requirement;

4. No change.

5. Proof of effective registration for dealers with the Securities and Exchange Commission (SEC). Where required by Section 517.12(16), F.S., applicants for registration as a dealer shall also provide the Department with proof of insurance coverage by the Securities Investor Protection Corporation. Evidence of current membership as a dealer with the NASD shall satisfy this requirement;

6. through 9. No change.

(2) If the information contained in any application for registration as a dealer or investment adviser or in any amendment thereto, becomes inaccurate for any reason, the

dealer or investment adviser shall ~~promptly~~ file an amendment on the Form BD or the Form ADV, respectively, correcting such information within 30 days. For applicants and registrants that are members of the NASD, each such amendment, including those required by Rule 3E-600.007, F.A.C., shall be filed with the Department through the CRD system. For investment adviser applicants and registrants who file via the IARD, each such amendment, including those required by Rule 3E-600.007, F.A.C., may be filed with the Department through the IARD system in accordance with Rule 3E-600.0093, F.A.C. All other applicants and registrants shall file such amendments, including those required by Rule 3E-600.007, F.A.C., directly with the Department.

(3) through (4) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6),(7), 517.1205 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, 5-10-00, 9-19-00.

3E-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or associated person agent shall be filed on Form U-4 (Revised 3/2002), Uniform Application for Securities Industry Registration or Transfer (Revised 8/99), which hereby is incorporated by reference, and shall include all information required by such form, any other information the Department may require, and payment of the statutory fees required by Section 517.12(10), F.S. Except as otherwise provided in Rule 3E-600.0091, 3E-600.0092, or 3E-600.0093, F.A.C., the Department shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Banking and Finance. For dealers that are members of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Department through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 3E-600.0091, F.A.C. For federal covered advisers, such application shall be filed with the Department through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 3E-600.0092, F.A.C. For investment adviser applicants and registrants who file via the IARD, such application may be filed with the Department through the CRD of the NASD in accordance with Rule 3E-600.0093, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Uniform Application for Securities Industry Registration or Transfer, Form U-4 (Revised 3/2002 8/99). As used on the Form U-4 (Revised 3/2002), the term "Office of Employment Address" shall mean the location where the person seeking registration will regularly conduct business on

behalf of the dealer or investment adviser. For dealers that are members of the NASD, such application shall be filed with the Department through the CRD of the NASD.

2. Statutory fee in the amount of \$40, for each registration sought, as required by Section 517.12(10), F.S.

3. through 5. No change.

(c) If the information contained in any Uniform Application Form U-4 (Revised 3/2002) becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer or investment adviser, as applicable, shall be responsible for correcting the inaccurate information in thirty (30) days. If the information being updated relates to the applicant's or registrant's disciplinary history, in addition to updating the Uniform Application Form U-4 (Revised 3/2002), the associated person through the dealer or investment adviser shall also provide the Department with notice and copies of each civil, criminal or administrative action initiated against the associated person as provided in Rule 3E-600.010, F.A.C. For associated persons who have filed by using the CRD of the NASD, such amendments shall be made through the CRD of the NASD.

(2) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6),(7),(10), 517.1205 FS. History--New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, \_\_\_\_\_.

3E-600.0021 Investment Adviser Notification.

Specific Authority 517.03 FS. Law Implemented 517.12(4) FS. History--New 9-20-82, Formerly 3E-600.021, Amended 5-5-94, Repealed.

3E-600.003 Multiple Registration.

(1) A dealer registered in Florida who receives separate compensation for investment advisory services may render investment advice upon registration with the Department as an investment adviser pursuant to Rule 3E-600.001, F.A.C., or satisfaction of the notification requirements pursuant to Rule 3E-600.0092, F.A.C.

(2)(+) An applicant for registration as an associated person may apply to be registered as an associated person of more than one dealer, issuer/dealer, federal covered adviser or investment adviser, or any combination thereof, by the filing of separate applications by each registered dealer, issuer/dealer, federal covered adviser or investment adviser, and payment of separate application fees as required.

(3)(-) A person registered with the Department as an associated person of an investment adviser ~~firm or a dually registered dealer/investment adviser~~ shall not be required to register as an associated person of any other investment adviser ~~firm~~ on whose behalf such person solicits, refers, offers or negotiates advisory services, provided each of the following conditions are met:

(a) All compensation received by the associated person is paid by the investment adviser ~~firm or dually registered dealer/investment adviser~~ with which the associated person is registered;

(b) All customer funds and securities are maintained by the dealer, investment adviser, dually registered dealer/investment adviser or a clearing dealer;

(c) The investment adviser ~~firm or the dually registered dealer/investment adviser~~ shall ensure that all associated persons comply with the provisions of Chapter 517, F.S., and the administrative rules promulgated thereunder; and

(d) Each investment adviser ~~firm~~ must be registered with the Department and the advisory services must be approved by the investment adviser ~~firm or dually registered dealer/investment adviser~~ the associated person is registered with prior to any services being recommended.

(3) Associated persons exempted from the examination requirements as provided by paragraph 3E-600.004(1)(b), F.A.C., may not be registered with more than one (1) issuer/dealer at the same time.

Specific Authority 517.03 FS. Law Implemented 517.12(1),(4), 120.53 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.03, Amended 8-1-91, 5-5-94, \_\_\_\_\_.

3E-600.004 Registration of Issuer/Dealers, Principals and Branch Offices.

(1) through (2) No change.

(3)(a) No change.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Branch Office Registration Form under Rule 3E-301.002 ~~3E-600.019~~, F.A.C.

2. Statutory fee in the amount required by Section 517.12(10), F.S.

3. Manager and resident agent as appropriate in this Rule must be registered as set forth in Rule 3E-600.002, F.A.C.

4. Evidence of registration with the Florida Secretary of State as a foreign corporation.

(c) through (d) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(5),(6),(10) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.04, Amended 10-14-90, 6-16-92, 1-11-93, 11-7-93, 11-14-93, 12-29-96, 10-20-97, 6-10-99, 8-19-99, 5-27-01, \_\_\_\_\_.

3E-600.007 Changes in Name and Successor Registration Requirements.

(1) No change.

(2) Where there is a change in legal entity of a proprietary, partnership, or corporate registrant, the successor entity shall file with the Department an amendment to Form BD, Uniform Application for Broker-Dealer Registration (Revised 7/99) or Form ADV, Uniform Application for Investment Adviser Registration (Revised 01/01/01) (~~Revised 1/99~~) within thirty

(30) calendar days of the date of such change. For registrants who are a member of the NASD, such amendment shall be filed with the Department through the CRD System pursuant to subsection 3E-600.001(2), F.A.C. Any amendments to organizational documents, accompanying letters of explanation, or current financial statements of the successor shall be promptly submitted directly to the Department when specifically requested by the Department.

(3) Merger Situations: Where there is a merger of dealer or investment adviser registrants involving (a) the assumption by the successor of substantially all assets and liabilities of the merged entities, and (b) the continuation of the activities of the merged entities successor entity, the merging entities successor shall file notification with the Department denoting such changes as are applicable within thirty (30) calendar days prior to the date of such change. The successor entity shall file an amendment to Form BD (Revised 7/99) or Form ADV (Revised 01/01/01) denoting such changes as are applicable within thirty (30) calendar days of date of such change. For registrants who are a member of the NASD, each such amendment shall be filed with the Department through the CRD System pursuant to Rule 3E-600.001(2), F.A.C. A copy of the plan of merger/merger agreement, amended organizational documents, accompanying letters of explanation, or current financial statements of the successor (merged) entity shall be promptly provided to the Department when specifically requested by the Department.

(4) Change of Control:

(a) Where a person or a group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a dealer or investment advisor registrant, and where the acquiror is currently registered with the Department, or where the acquiror has not within the preceding 10 years committed any reportable act as defined in Rule 3E-200.001, F.A.C., the resulting entity shall prior to such acquisition file with the Department an amendment to Form BD (Revised 7/99) or Form ADV (Revised 01/01/01) denoting such changes as are applicable thirty (30) calendar days prior to the date of such acquisition. Any amended organizational documents, accompanying letters of explanation, or financial statements of the resulting entity shall be promptly filed directly with the Department when specifically requested by the Department.

(b) through (c) No change.

(5) For the purposes of subsections ~~(1);~~ (2) ~~and;~~ (3), ~~and paragraph (4)(a)~~ of this Rule, in the event that a person(s) succeeds to and continues the business of a Florida registered dealer or investment adviser, the registration of the predecessor shall be deemed to remain effective as the registration of the successor for a period of thirty (30) calendar days after such succession, provided that an amendment to Form BD (Revised 7/99) or Form ADV (Revised 01/01/01) Application for

Registration, together with the accompanying documents as prescribed heretofore, is filed by the successor within thirty (30) calendar days after such succession.

(6) No change.

~~(7) The changes described in this rule shall be filed with the Department on the following forms:~~

~~(a) Uniform Application for Broker-Dealer Registration (Form BD) (Revised 7/99);~~

~~(b) Uniform Request for Broker-Dealer Withdrawal (Form BDW) (Revised 8/99);~~

~~(c) Uniform Application for Investment Adviser Registration (Form ADV) (Revised 1/99);~~

~~(d) Notice of Withdrawal from Registration as Investment Adviser (Form ADV-W) (Revised 1/99);~~

~~(e) Uniform Application for Securities Industry Registration or Transfer (Form U-4 (Revised 8/99);~~

~~(f) Uniform Termination Notice for Securities Industry Registration (Form U-5) (Revised 8/99);~~

Specific Authority 517.03(1), 517.12(13) FS. Law Implemented 517.12(13) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.07(4), Amended 10-15-86, 12-8-87, 8-1-91, 6-16-92, 1-11-93, 8-9-98, 5-10-00,

3E-600.0092 Investment Adviser Registration Depository for Federal Covered Advisers.

Wherever the Rules of this Department require the filing of applications, fees, and other documents with the Department, in lieu thereof, all federal covered advisers shall file such items as specified below:

(1) All federal covered advisers making, renewing, or terminating a notice filing in this state shall file the appropriate Form ADV (Revised 01/01/01) or ADVW (Revised 01/99) and the assessment fee required by Sections 517.1201(1) or (2), F.S., with the Investment Adviser Registration Depository (“IARD”) of the NASD. When requested by the Department, Form ADV (Revised 01/01/01), Part 2, and all responses to any other request for additional information, shall be filed directly with the Department.

(2) Any notice filing made by a federal covered adviser with the Department through the IARD shall be deemed received by the Department upon receipt of the Form ADV (Revised 01/01/01) and the filing fee. The filing fee shall be deemed received by the Department on the “payment date” reflected on the CRD “disbursement detail” report.

(3) All amendments to the Form ADV (Revised 01/01/01), shall be filed with the Department through the IARD system.

(4) All federal covered advisers who notice file in this state and who request initial registration, renewal, reaffiliation or termination of an associated person of such federal covered adviser shall file the appropriate Form U-4 (Revised 3/2002) or U-5 (Revised 3/2002) and the assessment fee required by Sections 517.12(10) or (11), F.S., with the CRD of the NASD. However, any response to any request for additional information shall be filed directly with the Department.

(5) Any application for registration as an associated person of a federal covered adviser which is filed with the Department by way of the CRD shall be deemed received by the Department on the date designated in the "Status Date" field on the line notated "FL" with a "Registration Status" of "pending" as indicated on the CRD "Registrations with Current Employers" screen.

(6) All federal covered advisers currently registered with the Department shall transition the Florida registration of their associated persons onto the CRD before June 30, 2002. All associated persons who transition onto the CRD shall file a complete Form U-4 (Revised 3/2002) through the CRD within 30 days of the transition date, unless the associated person has a current and complete Form U-4 (Revised 3/2002) on the CRD with the federal covered adviser filing such transition.

Specific Authority 517.03, 517.12(6), 517.12(15), 517.1201 FS. Law Implemented 517.1201(1),(2),(15) FS. History-New

3E-600.0093 Investment Adviser Registration Depository for Investment Advisers.

Wherever the Rules of this Department require the filing of applications, fees, and other documents with the Department, in lieu thereof, investment advisers may file such items as specified below:

(1) All investment advisers requesting initial registration, renewal or termination of registration in this state may file the appropriate Form ADV (Revised 01/01/01) or ADVW (Revised 01/99) and the assessment fee required by Sections 517.12(10) or (11), F.S., with the Investment Adviser Registration Depository ("IARD") of the NASDR. Form ADV (Revised 01/01/01), Part 2, and all responses to other requests for additional information, shall be filed directly with the Department.

(2) Any application for registration as an investment adviser filed with the Department through the IARD shall be deemed received by the Department upon receipt of the Form ADV (Revised 01/01/01) and the filing fee. The filing fee shall be deemed received by the Department on the "payment date" reflected on the CRD "disbursement detail" report.

(3) All investment advisers registered in this state by the IARD requesting initial registration, renewal, reaffiliation or termination of an associated person of such investment adviser may file the appropriate Form U-4 (Revised 3/2002) or U-5 (Revised 3/2002) and the assessment fee required by Sections 517.12(10) or (11), F.S., with the CRD of the NASD. However, all responses to any requests for additional information shall be filed directly with the Department.

(4) All investment advisers currently registered with the Department who register their associated persons by the CRD shall transition the Florida registrations of their associated persons onto the CRD. All associated persons who transition onto the CRD shall file a complete Form U-4 (Revised 3/2002) through the CRD within 30 days of the transition date, unless

the associated person has a current and complete Form U-4 (Revised 3/2002) on the CRD with the investment adviser filing such transition.

(5) Any application for registration as an associated person of an investment adviser filed with the Department by the CRD shall be deemed received by the Department on the date designated in the "Status Date" field on the line notated "FL" with a "Registration Status" of "pending" as indicated on the CRD "Registrations with Current Employers" screen.

Specific Authority 517.03, 517.12(6), 517.12(15) FS. Law Implemented 517.12(10),(11),(15) FS. History-New

3E-600.019 Dealer, Investment Adviser, Branch Office and Associated Persons Forms.

Specific Authority 517.03(1) FS. Law Implemented 517.12 FS. History-New 12-5-79, Amended 9-20-82, Formerly 3E-600.19, Amended 8-1-91, 6-16-92, 1-11-93, 6-22-98, 6-10-99, 5-10-00, Repealed

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela P. Epting, Financial Examiner/Analyst Supervisor, Department of Banking and Finance, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350, (850)410-9805

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NO.: 5E-2.0311  
 RULE TITLE: Pesticides

**NOTICE OF CORRECTION**

The Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, announces a correction to the Notice of Negotiated Rulemaking regarding Rule 5E-2.0311, F.A.C., which appeared in the April 26, 2002 issue of the Florida Administrative Weekly, Vol. 28, No. 17.

Specifically, the locations of the meetings in Orlando were listed with the wrong street and zip code. The correct location of the meetings to be held on May 29, July 25, August 20, and September 10, 2002, is 400 West Robinson Street, Hurston South Tower, Orlando, Florida 32801.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE NOS.:	RULE TITLES:
5F-2.001	Standards
5F-2.014	Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices,



Vehicle-Tank Meters, and  
 Vehicle Tanks Used as Measures  
 of National Institute of  
 Standards and Technology  
 Handbook 44

**NOTICE OF CORRECTION**

The following information was omitted from the Notice of Proposed Rulemaking published in Vol. 28, No. 20, May 17, 2002 issue of the FAW.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Eric Hamilton

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Ben Faulk, Director, Division of  
 Standards

DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: May 7, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: April 19, 2002

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.03019      RULE TITLE: Special Instructional Services for  
 Students Who are Gifted

**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. 28, No. 16, April 19, 2002, issue of the Florida Administrative Weekly.

The rule was approved as follows:

6A-6.03019 Special Instructional Programs for Students  
 Who are Gifted.

(1) Gifted. One who has superior intellectual development and is capable of high performance.

(2) Criteria for eligibility. A student is eligible for special instructional programs for the gifted if the student meets the criteria under paragraph (2)(a) or (b) of this rule.

(a) The student demonstrates:

1. Need for a special program.

2. A majority of characteristics of gifted students according to a standard scale or checklist, and

3. Superior intellectual development as measured by an intelligence quotient of two (2) standard deviations or more above the mean on an individually administered standardized test of intelligence.

(b) The student is a member of an under-represented group and meets the criteria specified in an approved school district plan for increasing the participation of under-represented groups in programs for gifted students.

1. For the purpose of this rule, under-represented groups are defined as groups:

~~a. Whose racial/ethnic backgrounds are other than white non-hispanic, Asian/Pacific Islander, or~~

~~a.~~ b. Who are limited English proficient, or

~~b.~~ e. Who are from a low socio-economic status family.

2. The Department of Education is authorized ~~through 1999~~ to approve school district plans for increasing the participation of students from under-represented groups in special instructional programs for the gifted, provided these plans include the following:

a. A district goal to increase the percent of students from under-represented groups in programs for the gifted and the current status of the district in regard to that goal;

b. Screening and referral procedures which will be used to increase the number of these students referred for evaluation;

c. Criteria for determining eligibility based on the student's demonstrated ability or potential in specific areas of leadership, motivation, academic performance, and creativity;

d. Student evaluation procedures, including the identification of the measurement instruments to be used;

e. Instructional program modifications or adaptations to ensure successful and continued participation of students from under-represented groups in the existing instructional program for gifted students;

f. An evaluation design which addresses evaluation of progress toward the district's goal for increasing participation by students from under-represented groups.

(3) Procedures for student evaluation. The minimum evaluations for determining eligibility are the following:

(a) Need for a special instructional program,

(b) Characteristics of the gifted,

(c) Intellectual development, and

(d) May include those evaluation procedures specified in an approved district plan to increase the participation of students from under-represented groups in programs for the gifted.

Specific Authority 229.053(1), 230.23(4)(m) FS. Law Implemented 228.041(18),(19), 229.565(2)(b),(c), 230.23(4)(m) FS. History--New 7-1-77, Formerly 6A-6.3019, Amended 10-10-91, 5-19-98, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER NO.: 40E-2      RULE CHAPTER TITLE: Consumptive Use

RULE NOS.: 40E-2.091      RULE TITLES:

40E-2.091      Publications Incorporated by Reference

40E-2.301      Conditions for Issuance of Permits

**NOTICE OF CHANGE**

In accordance with subparagraph 120.54(3)(d)1., Fla. Stat., notice is hereby given that the following changes have been made to the proposed rules published in Vol. 28, No. 5, of the February 1, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the

staff of the Joint Administrative Procedures Committee, are technical in nature, or are in response to written comments discussed and received at the public rulemaking hearing on May 9, 2002.

When adopted, the first sentence of paragraph (1) of Rule 40E-2.301 will read as follows:

(1) In order to obtain a permit, permit renewal, or permit modification under this chapter, an applicant must give reasonable assurances that the proposed water use: at the time the permit application is deemed complete:

When adopted, paragraph (1)(g) of Rule 40E-2.301 will read as follows:

(g) Is in accordance with water transport provisions of Sections 373.223(3) and 373.229(3), and the Water Resource Implementation Rule on water transport pursuant to Rule 62-40.422, F.A.C.;

When adopted, paragraph (1)(h) of Rule 40E-2.301 will read as follows:

(h) Makes use of a reclaimed water source unless the applicant, in any geographic location, demonstrates that its use is either not economically, environmentally or technically feasible; or in areas not designated as Water Resource Caution Areas Critical Water Supply Problem Areas pursuant to Chapter 40E-23, F.A.C., the applicant demonstrates reclaimed water is not readily available;

When adopted, subparagraph 3. of paragraph (4)(a) of Rule 40E-2.331 will read as follows:

3. Does not potentially interfere with any presently existing legal use of water, cause ~~adverse~~ environmental harm impacts, saltwater intrusion, pollution of the water resources, harm adverse impacts to offsite land uses, or does not otherwise raise issues requiring a Staff determination of whether such impacts would occur pursuant to the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District," incorporated by reference in Rule 40E-2.091; and,

When adopted, the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District" (hereinafter "Basis of Review") incorporated by reference in Rule 40E-2.091, will be modified as follows:

The first sentence of subparagraph 3. of the second paragraph of Section 2.5.1 of the Basis of Review will read as follows:

3. Will not occur within 100 feet of a wastewater treatment plant rapid-rate land application system permitted under Part IV of Chapter 62-610, F.A.C. percolation pond.

The third sentence of the third paragraph of Section 2.5.3 of the Basis of Review will read as follows:

~~Due to uncertainty and variability associated with dewatering withdrawals,~~ Staff shall not specify maximum monthly or annual withdrawal volumes in the recommended permit conditions presented to the Governing Board.

The second sentence of the first paragraph of Section 3.4 of the Basis of Review will read as follows:

Harmful saline water intrusion occurs when includes:

Paragraph A. of Section 3.4 of the Basis of Review will read as follows:

A. Withdrawals ~~that~~ result in the further movement of a saline water interface to a greater distance inland toward a freshwater source, except as than has historically occurred as a consequence of seasonal fluctuations; climatic conditions, such as drought; or operation of the Central and Southern Flood Control Project, secondary canal systems, or stormwater systems ~~or.~~

Paragraph B. of Section 3.4 of the Basis of Review will read as follows:

B. Withdrawals ~~that~~ result in the sustained upward movement of saline water ~~more than one third the distance separating the bottom of the screened or open hole interval of a production well from the historic position of the saline water interface within the aquifer. The historic position of the saline water interface shall be determined using the oldest water quality data representative of the site that predates the proposed water use.~~ Sustained upward movement is the level of movement that persists when the withdrawals have ceased. When the saline interface occurs beneath the point of withdrawal, the maximum amount of pumpage from any well shall be constrained as follows:

Where: Q is the maximum safe yield of well

b is the thickness of fresh water

/ is the distance between top of aquifer and well screen

p is the density of fresh water

\_\_\_\_\_ is the change in density of fresh water

K is the hydraulic conductivity of the aquifer

Paragraph B. 2. of the second paragraph of Section 3.4 of the Basis of Review will read as follows:

2. A hydrologic analysis of groundwater flow demonstrates that there will be no further net inflow of groundwater from the saline water source toward the withdrawal point; except as a consequence of seasonal fluctuations; climatic conditions, such as drought; or operation of the Central and Southern Flood Control Project, secondary canal systems, or stormwater systems, or

The second, third, and fourth sentences of the first paragraph of Section 3.4.1 of the Basis of Review will read as follows:

The use of saline water is permitted by the District as a source of supply for all uses. The use of saline water may cause limited increases in salinity but not to the extent of interfering with any presently existing legal use of water, ~~or~~ otherwise harming water resources, or rendering the resource no longer usable by the Permittee or the Applicant's proposed use. In order

to provide reasonable assurances that harmful increases in salinity will not occur in violation of this section, the Applicant must demonstrate that:

Subparagraph i. of paragraph C. of the first paragraph of Section 3.4.1 of the Basis of Review will read as follows:

i. The affected receiving water body is ~~not a potential supply source due to its~~ non-productive or low yielding in nature (hydrologic conductivity of less than 10 feet per day);

Subparagraph iv. of paragraph C. of the first paragraph of Section 3.4.1 of the Basis of Review will read as follows:

iv. The impacts of the saline water use are compatible with surrounding land uses ~~and are consistent with the public interest~~.

The last sentence of the last paragraph of Section 3.4.1 of the Basis of Review is added and will read as follows:

This rule is not intended to allow the District to consider disposal of concentrate resulting from desalination of saline water in determining compliance with the consumptive use permit conditions for issuance.

The second sentence of the third paragraph of Section 4.1 of the Basis of Review will read as follows:

Permittees, whose full demands are met through a combination of their own withdrawals or other sources, such as reclaimed water or water sales agreements who are dependent on other sources of water supply, such as reclaimed water or water sale agreements to meet a portion of their demands shall report the monthly totals supplied from sources other than their own withdrawals, unless the use of those sources are reported to another state agency, in which case the District shall obtain the water use information from said agency all sources used, including those not contained in the permit, to the District.

The first and second sentences of the first paragraph of Section 4.3 of the Basis of Review will read as follows:

The purpose of pollution source monitoring is to ensure withdrawals do not cause harmful movement of contaminants in violation of state water quality standards. Movement of contaminants consistent with a state approved remediation plan is not considered harmful pollutants into water resources that are ~~not polluted~~.

Paragraph C. of Section 4.4 of the Basis of Review will read as follows:

C. Uncertainty in computer modeling or ~~If insufficient~~ data exists to define the drawdown resulting from withdrawals from ground water or surface water sources and to ensure that existing legal uses, offsite land use, water resources, and wetland and surface water functions are not harmed by withdrawals.

Paragraph H. of Section 5.1 of the Basis of Review will read as follows:

H. Permittee shall mitigate, ~~to the satisfaction of the District, harm to existing legal uses caused, in whole or in part,~~ by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm

occurs, or is imminent, the District will require the permittee to ~~modify curtail~~ withdrawal rates or mitigate the harm. Harm, as determined through reference to the conditions for permit issuance, will be determined by the District and may, includes: Paragraph I. of Section 5.1 of the Basis of Review will read as follows:

I. Permittee shall mitigate, ~~to the satisfaction of the District, harm to existing off-site land uses caused, in whole or in part,~~ by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to ~~modify curtail~~ withdrawal rates or mitigate the harm. Harm, as determined through reference to the conditions for permit issuance, will be determined by the District and may includes: Paragraph J. of Section 5.1 of the Basis of Review will read as follows:

J. Permittee shall mitigate, ~~to the satisfaction of the District, harm to the natural resources caused, in whole or in part,~~ by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to ~~modify curtail~~ withdrawal rates or mitigate the harm. Harm, as determined through reference to the conditions for permit issuance will be determined by the District and may includes: Subparagraph B) of paragraph J. of Section 5.1 of the Basis of Review will read as follows:

B) Reduction in water levels that harm the hydroperiod of ~~protected wetlands environments,~~ Subparagraph D) of paragraph J. of Section 5.1 of the Basis of Review will read as follows:

D) Harmful movement of contaminants in violation of state water quality standards ~~pollutants into the water resource,~~ or Paragraph K. of Section 5.1 of the Basis of Review will read as follows:

K. If any condition of the permit is violated, the permit shall be subject to review and ~~possible~~ modification, enforcement action, or revocation pursuant to Chapter 373.

Paragraph A. of Section 5.2.1 of the Basis of Review will read as follows:

A. Permittee shall notify the District within 30 days of any change in service area boundary that results in a change in demand that affects its permitted allocation. If the change in the service area results in a change in demand that affects the allocation, ~~The allocation shall be modified to effectuate such change subject to modification.~~

Paragraph F. of Section 5.2.1 of the Basis of Review will read as follows:

F. Within two years of permit issuance, the Permittee shall submit a long-term water supply plan to the District for the purpose of assessing future water supply development activities within the water supply planning region. Prior to (board date + 1 year), the Permittee shall submit to the District an outline of the proposed plan. At a minimum, the plan shall address

~~include consideration, by the Permittee of resource protection, water supply alternatives, compliance with applicable well protection ordinances, plans for water shortages or wellfield failures, and conservation measures to reduce overall demands.~~ Subparagraph (4) of paragraph A. of Section 5.2.2 of the Basis of Review will read as follows:

(4) Other ~~appropriate~~ site-specific issues related to the protection of the resources or other existing legal users.

The last sentence of paragraph A. of Section 5.2.2 of the Basis of Review will read as follows:

A site visit can be scheduled by contacting: (water use permitting staff member).

Paragraph E. of Section 5.2.2 of the Basis of Review will read as follows:

E. Permittee shall not lower the water table below \_\_\_\_\_ feet NGVD, which is \_\_\_\_\_ feet below ground surface. The depth of the excavation shall not exceed \_\_\_\_\_ feet below ground surface. (blanks filled in based on project specifications).

Paragraph J. of Section 5.2.2 of the Basis of Review will read as follows:

J. Permittee shall conduct dewatering activities in adherence to the following operating plan: (determined based on project specifications)

The last sentence of paragraph C. of Section 5.2.5 of the Basis of Review will read as follows:

The permittee is required to request a permit modification when Reclaimed water is considered available when an agreement has been executed between both parties, the transmission lines are constructed to the project site, and the necessary on-site modifications and authorizations are obtained.

The first sentence of the first paragraph of Section 5.2.6 of the Basis of Review will read as follows:

One of the ~~When warranted, the~~ following Special Conditions shall be added to require monitoring when necessary to ensure the use of water authorized in the permit is not causing harm to the resource, the user, or other existing legal users:

Paragraph E. of Section 5.2.7 of the Basis of Review will read as follows:

E. Within six months of permit issuance, the Permittee shall plug and abandon the following wells in accordance with Chapters 40E-3 or 40E-30, F.A.C.: (individual wells identified based on project specifications).

The last sentence of paragraph F. of Section 5.2.7 of the Basis of Review will read as follows:

This survey shall be submitted for the following wells within six months of permit issuance: (individual wells identified based on project specifications).

The third sentence of paragraph G. of Section 5.2.7 of the Basis of Review will read as follows:

Permittee shall submit step drawdown test information for the following wells to the District within one month of completion of the test: (individual wells identified based on project specifications).

The second sentence of paragraph A. of Section 5.2.8 of the Basis of Review will read as follows:

This survey shall be submitted for the following wells within six months of permit issuance: (individual wells identified based on project specifications).

The first sentence of paragraph D. of Section 5.2.9 of the Basis of Review will read as follows:

D. Permittees, who are dependent on other sources of water supply such as reclaimed water or water sale agreements to meet a portion of their demands, shall include the monthly volumes from all other sources in the report to the District, unless the use of those sources is reported to another state agency, in which case the District will obtain the water use information from said agency.

Paragraph E. of Section 5.2.9 of the Basis of Review will read as follows:

E. Permittee shall maintain records of the calibrated daily withdrawals from each withdrawal facility. These records shall be available for review upon request by District staff. ~~Monthly withdrawals for each withdrawal facility shall be reported to the District quarterly. The water accounting method and means of calibration shall be stated on each report.~~

The first sentence of paragraph E. of Section 5.3 of the Basis of Review will read as follows:

E. Permittee will ~~may~~ be responsible for mitigation to domestic uses, including but not limited to those shown in the District staff report for this permit, in the event that declining water levels result in domestic uses suffering a loss of water supply and the event is confirmed by application of the following factors by District staff.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Care Cost Containment Board**

RULE NOS.:	RULE TITLES:
59E-5.101	Definitions
59E-5.102	Florida Hospital Uniform Reporting System
59E-5.103	Reporting Requirements
59E-5.201	Prior Year Report Requirements
59E-5.205	Notice of Violation and Response
59E-5.605	Public Medical Assistance Trust Fund Assessments

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the amendments to the above rules, as noticed in Vol. 28, No. 12, March 22, 2002 and Vol. 28, No. 13, March 29, 2002, Florida Administrative Weekly have been withdrawn.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:

59G-4.250

RULE TITLE:

Prescribed Drug Services  
Coverage, Limitations and  
Reimbursement Handbook

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the handbook incorporated by reference in the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., as published in Vol. 28 No. 8, February 22, 2002, issue of the Florida Administrative Weekly.

Chapter 2, page 2-4, Enrollment Forms.

~~New applications must submit a current pharmacy department inventory. The inventory must be complete, current, and legible, including, but not limited to, all legend drugs and any products that require refrigeration. The inventory must be documented according to the following format from left to right: the quantity by number of packages, the package size, the name of the drug, strength, dosage form and the eleven digit national drug code (NDC) of the product. Each page of the inventory must be numbered and the total number of pages identified. The inventory must include the name and address of the pharmacy, the pharmacy license number issued by the Department of Health, the date the inventory was taken, a statement affirming the truth, accuracy, and completeness of the inventory, the printed name, printed title, Department of Health pharmacist license number, and the original signature of the pharmacist who completed and affirmed the inventory.~~

New applicants must submit a pharmacy department descriptive inventory taken by the pharmacy department manager who must affirm the inventory. The inventory must be complete, current (performed within 90 days of submission), and legible, including, all legend drugs and any products that require refrigeration. The inventory must be documented according to the following format from left to right: the quantity by number of packages, the package size, the name of the drug, strength, dosage form and the eleven digit national drug code (NDC) of the product. Each page of the inventory must be numbered and the total number of pages identified.

For Example:

XYZ Pharmacy

<u>Qty</u>	<u>Package Size</u>	<u>Name/Str./Dosage Form</u>	<u>NDC</u>
<u>2-1/3</u>	<u>100</u>	<u>Diazepam 5 mg Tabs</u>	<u>00182-1756-01</u>
<u>6</u>	<u>15 gm</u>	<u>Lotrimin 1% Cream</u>	<u>00085-0613-02</u>
<u>1</u>	<u>16 oz</u>	<u>Phenergan Syrup</u>	<u>00008-0231-01</u>
<u>1</u>	<u>10 ml</u>	<u>Humulin N Vial</u>	<u>00002-8315-01</u>

Round to nearest 1/3 bottle.

Page 1 of 10

A cover page must accompany the inventory and must include the name and address of the pharmacy, the pharmacy license number issued by the Department of Health, the date the inventory was taken, a statement affirming the truth, accuracy, and completeness of the inventory, the printed name, printed

title, Department of Health pharmacist license number, and the original signature of the pharmacist who completed and affirmed the inventory.

~~Annual inventory records are considered financial records and must be maintained and available to AHCA for five years. Failure to maintain and/or provide annual inventories and purchase invoices will result in immediate cancellation of provider agreements.~~

For new and existing providers, annual inventory records that are kept in the usual course of a provider's business are financial records and must be maintained and available to AHCA for five years.

Chapter 2, page 2-8, Denying Provider Enrollment.

Per Section 409.907(9)(b), F.S., AHCA may deny an applicant's application for enrollment if AHCA finds that it is in the best interest of the Medicaid program to do so, specifying the reasons for denial. AHCA may consider the following factors, as well as any other factor that could affect the effective and efficient administration of the program, including, ~~but not limited to~~ for example, the current availability of medical care, services, or supplies to recipients, taking into account geographic location and reasonable travel time.

Chapter 2, page 2-9, Additional Reasons for Denial.

Per Section 409.907(9), F.S., AHCA may deny enrollment for any factor that could affect the effective and efficient administration of the program, including the following if:

- Applicant is not fully operational. Fully operational is determined by the Agency. It is defined by, ~~but not limited to~~, the following: a going concern, being properly licensed and in compliance with all current laws, pharmacy department open during established business hours according to license with a pharmacist on duty, sufficient pharmacy department inventory obtained in accordance with Florida law, receiving prescriptions and dispensing medications, established accounts with licensed pharmaceutical wholesalers, and accepting multiple forms of third party payers.

Chapter 2, page 2-10, Additional Reasons for Denial (continued).

- Applicant has no established pharmacy inventory prior to acceptance into the Medicaid program (beginning inventory must be provided in the enrollment package);
- Applicant has a limited or restricted inventory for service in a single area (e.g., inhalation medications) to an extent that the applicant could not serve the average number of recipients for the area;
- Physical site is inaccessible to patients, either able or disabled, or the size and facilities do not meet the legal requirements of space available for the average number of patients attending pharmacies in the area;
- Geographical location is in an area that has sufficient pharmacies to serve the number of recipients in the area, (Section 409.912 (37)(a)4, F.S.);

- Applicant has financial statements that show insolvency, continuing negative net profit or income, or a negative net worth equal to less than the estimated amount billed for one year;
- Pharmacy is not providing patient counseling;
- ~~Applicant has no established business or history;~~
- Applicant is not able to demonstrate that they own the real estate or have a valid lease with a security deposit for their business venue;
- Applicant is unable to pass a background check of the pharmacy manager, key personnel, or owners of five percent or more;
- Applicant or affiliated persons has a history of involvement in fraudulent activities or incidents of over-billing or over-payment(s) related to Medicaid, Medicare, or other publicly funded programs;
- Applicant, key personnel, or owners of five percent or more have been involved in wrongful practices as defined by the professional boards for medicine or pharmacy;
- Applicant is unable to demonstrate that their computer system can accept the required recording of data or provide the required reports;
- The pharmacy's hours listed with the Board of Pharmacy (or in the appropriate place as designated by the Board) are proven not to be the actual hours of operation; or

Applicant has failed to respond to the requests by AHCA or the fiscal agent for information.

Chapter 2, Page 2-10, Delete entire section. ~~Appeals of Denied Enrollment Applicants do not have appeal rights, in accordance with Chapter 120, F.S., on being denied enrollment in the Medicaid program.~~

Chapter 2, page 2-12, Delete entire section. ~~Surety Bond Effective July 1, 2002, a surety bond is required for each Pharmacy provider for which there has been, within the past five years, any administrative action against the provider or principals of the provider pursuant to Section 409.913, F.S., or Chapter 59G, Florida Administrative Code. This requirement is applicable to future terminations or sanctions of a pharmacy provider.~~

~~Surety bonds required by this policy shall be in an amount "not to exceed \$50,000 or the total amount billed by the provider to the program during the current or most recent calendar year, whichever is greater" as specified in Chapter 409.907(7), F.S.~~

~~All new providers are required to obtain and maintain surety bonds for five years. For the purpose of this policy, the term "new providers" shall include new owners resulting from a change of ownership.~~

~~Exemptions to the surety bond include providers without sanctions as described above for the past 5 years or providers that are owned and operated by a government entity.~~

Chapter 2, page 2-21, Add a new section.

#### Requirements for Prescription Records

All prescription records must be in compliance with Chapters 465 and 893, F.S. and 64B-16, Florida Administrative Code. Specifically, Medicaid requires the following:

#### Prescription Hard Copy.

The original prescription, physician's order, or monthly documentation signed by the physician or an agent acting at the direction of the physician that validates the prescriber's authorization for continuation of the original prescriber's order must be maintained in its original paper form or as an exact front and back scanned image. The paper document original prescription, physician's order, or monthly documentation that authorizes continuance of the prescriber's order shall be made contemporaneous with the prescriber's order, be physically filed (e.g., in a filing cabinet), be stored, remain under immediate control of the pharmacy provider, be readily retrievable, and furnished as needed or requested. The existence of or storing of data respecting the original prescription, physician's order, monthly documentation that validates the prescriber's authorization for continuance, or dispensing information in a computer database or reports generated thereof, is not sufficient for compliance.

#### Additional Refills.

The authorization of additional refills on an existing prescription must be noted by either creating a new original prescription, or if legally appropriate, adding the additional authorized refills to the original prescription or prescriber's order by noting at least the date of authorization, number of additional refills, and the prescriber or prescriber's agent authorizing the refills. This notation must be retained on the original prescription hard copy (paper form) or prescriber's order (paper form), or in the computer database and readily retrievable. Adding additional refills without documenting the above information is not sufficient for compliance.

Chapter 2, page 2-27, Relevant Web Sites for Information.

Providers, prescribers, and vendors can find relevant information at web sites for the following entities:

- Department of Health at [www.myflorida.com/myflorida/](http://www.myflorida.com/myflorida/) (select the Department of Health);
- Agency for Health Care Administration at [www.myflorida.com/myflorida/](http://www.myflorida.com/myflorida/) (select AHCA); or
- Bureau of Pharmacy Services at [www.myflorida.com/myflorida/](http://www.myflorida.com/myflorida/) (select AHCA, then Medicaid, and finally the ~~Prescribed Drug~~ Pharmacy Services).

Chapter 5, page 5-11, Diverted Pharmaceuticals Pilot Program. Effective April 15, 2002, a pilot program will be implemented to address a growing concern of diverted pharmaceuticals in the South Florida area. All Miami-Dade, Broward, Monroe and Palm Beach County pharmacies will be required to perform at least one of the following functions when dispensing prescription drugs to a Medicaid patient:

- Place in pharmacy vial;
- Use a black indelible marker to inscribe a "M" on the out-

- side of the original manufacturers packaging;
- Remove the manufacturer's seal, ~~or~~
- ~~Repackage items in sealed containers other than the original manufacturer packaging.~~

The pilot program will last 12 months, with a review of data that will analyze costs and utilization at the end of the first nine months. If the pilot is successful in identifying and reducing diverted pharmaceuticals, then the program will be expanded statewide.

Findings from initial audits will be shared with the pharmacy during the audit and the pharmacy will receive additional instruction of dispensing requirements. Pharmacies having deficiencies greater than 10.0% in a first re-audit may be fined in the amount of \$1,000 per violation. Pharmacies that have deficiencies of greater than 10.0% in a second re-audit may be terminated.

Failure to comply with the dispensing requirements will result in sanctions as allowed in Section 409.913, Florida Statutes, or Chapter 59G, Florida Administrative Code.

Chapter 7, page 7-1, Drug Prior Authorization – Introduction

There are three programs in place that may require a provider to obtain a prior authorization: the Four Brand Name Drug Limit, the Preferred Drug List, and Clinical Prior Authorization for certain drugs identified to be abused or misused.

Chapter 7, page 7-2, Preferred Drug List (second paragraph).

Drugs on the Florida Negative Formulary, as well as products from drug categories which are exempt by statute, are included on the list to inform clinicians of cost effective choices. However, ~~all family planning drugs, antipsychotics, antidepressants, anticonvulsants and HIV related antiretroviral agents are exempt from prior authorization restrictions.~~ Generic drugs with federal or state pricing limits are included on the PDL.

Chapter 7, page 7-3, Prior Authorization for Four Brand Name Limit and the Preferred Drug List.

The prescriber may request prior authorizations from the four brand name drug limit and the preferred drug list through the ACS Therapeutic Consultation Program.

Prior authorization can be sought by an institutional or community pharmacy for nursing home residents and other institutionalized adults ~~for four brand name exceptions for those drugs listed on the preferred drug list when the four brand limit is exceeded.~~

Community pharmacies may obtain a prior authorization for a drug exceeding the four brand limit when the drug is on the PDL. Otherwise, a prior authorization for a drug exceeding the four brand limit which is not on the PDL must be sought by the prescriber.

Drugs listed on the preferred drug list are not exempt from the four brand name limit.

Prior authorizations can be obtained by calling the Therapeutic Consultation Program at (877)553-7481 (toll-free). This number is available from Monday through Friday from 8am to 8pm eastern time, Saturday from 10am to 4pm eastern time, and closed on Sundays.

Pharmacies will be reimbursed for the ingredient cost only for a 72-hour emergency supply and only two instances of emergency supplies are permitted for any prescription.

Chapter 7, page 7-3, ACS Therapeutic Consultation Program (last bullet point).

- ~~Drug justification — justification required of the patient's need for the drug.~~ Description of the reason for drug selection.

Chapter 7, page 7-4, How Requests are Processed (last paragraph).

Once the required information is received, the exceptions ~~may~~ will be approved for periods of one to twelve months. ACS staff approves ~~or denies~~ prior authorization requests within 24 hours of receipt.

Chapter 7, page 7-4, Add a new section.

How PDL Requests are Processed.

During calls to the Therapeutic Consultation Program, the prescriber will be asked to provide their license identification number, the relevant diagnosis(es) or explanation.

Following the discussion between the prescriber and the clinical pharmacist, if the prescriber would like to continue with the non-PDL drug, the request is granted immediately and approved for 12 months.

If the PA call is made by someone other than the prescriber (office staff, nurse, etc) and if the clinical information is provided then the request will be granted immediately.

If no clinical information is provided then a 30-day PA is granted. A form is then faxed to the prescriber asking them to review the patient's drug profile and PDL alternatives. If the physician elects to continue with the non-PDL drug, then he notes that on the form and faxes it back to the TCP. A 12-month PA is then granted.

Chapter 7, page 7-5, Drugs Requiring a Clinical Prior Authorization.

The following drugs require prior authorization:

- Albumin
- Botox®
- Cytogam®
- Food Supplements
- Growth Hormone for HIV/AIDS Wasting in Adults-Serostim®
- Leukine® (See Neupogen®)
- Myobloc®
- Neupogen® (See Leukine®)
- Neutrexin®
- Nexium®
- Panretin®
- Procrit®

- Proleukin®
- Provigil®
- Regranex® in long term care facilities
- Targretin® Gel and Capsules
- Xenical® Demonstration Project
- Oxycontin®
- Intravenous Immune Globulin (IVIG)

Chapter 7, page 7-5, Title change only, How to Request a Clinical Prior Authorization for Specific Drugs.

Chapter 7, page 7-14, Add a new section.

Justification for Oxycontin®.

Florida Medicaid will allow one strength of Oxycontin® per 30-day period and a maximum of four tablets per day within a 30-day period of the following strengths: 10mg, 20mg, 40mg and 80mg. Doses greater than four tablets per day of these strengths will require prior authorization.

Doses greater than two tablets per day of the 160mg within a 30-day period will require prior authorization.

Changes in strengths within a 30-day period will require prior authorization.

Prior authorizations will be given up to six months depending on medical diagnosis.

Note: Therapy exceeding these limits must be prior authorized by ACS. See Appendix G for a copy of the Prior Authorization Form.

Chapter 7, page 7-14, Add a new section.

Justification for Intravenous Immune Globulin (IVIG).

Effective January 2, 2002, Florida Medicaid will cover IVIG for the following conditions based on specific requirements:

Immunodeficiency Disorders.

- Primary Humoral Immunodeficiency Syndromes.
  - CVID (Common Variable Immunodeficiency)
  - X-linked Agammaglobulinemia
  - SCID (Severe Combined Immunodeficiency)
  - IgM (X-linked Immunodeficiency with Hyperimmunoglobulin)
- Wiskott-Aldrich Syndrome
- Idiopathic Thrombocytopenic Purpura (ITP)
- Pediatric Human Immunodeficiency Virus (HIV)

Infection

- Neurological Disorders
  - Guillian-Barre' Syndrome
  - Relapsing-Remitting Multiple Sclerosis
  - Chronic Inflammatory Demyelinating Polyneuropathy
  - Myasthenia Gravis
  - Polymyositis and Dermatomyositis
- Other Disorders
  - Chronic Lymphocytic Leukemia
  - Bone Marrow Transplantation (BMT)
  - Kawasaki Disease (Mucocutaneous Lymph Node Syndrome)

– Autoimmune Hemolytic Anemia

– Autoimmune Neutropenia

Note: These therapies must be prior authorized by ACS. See Appendix G for complete requirements and the Pharmacy – Miscellaneous – Prior Authorization Form.

Chapter 9, page 9-9, Service Limitations, Drugs Requiring Prior Authorization.

In order to be reimbursed by Medicaid, providers must obtain prior authorization before dispensing the following drugs:

- Albumin;
- Botox®;
- Cytogam®;
- Food Supplements;
- Growth Hormone for HIV/AIDS Wasting-Serostim®;
- Intravenous Immune Globulin (IVIG);
- Leukine®
- Myobloc®
- Neupogen®
- Neutrexin®;
- Oxycontin®;
- Panretin®;
- Procrit®;
- Proleukin®;
- Provigil®;
- Regranex® in long term care facilities;\_
- Targretin® Gel and Capsules;
- Brand name drugs in excess of the four brand-name limit; and
- Other drugs requiring prior authorization by AHCA.

Note: See Chapter 7 for information and procedures to request prior authorization.

Appendix G, page 15, Add new prior authorization form Florida Medicaid – OxyContin Prior Authorization Form®

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:  
59G-8.100

RULE TITLE:  
Medicaid Contracts for Prepaid Health Plans

**NOTICE OF CHANGE**

Notice is hereby given that changes have been made to the proposed material incorporated by reference in subsection 59G-8.100(17), F.A.C., as published in Vol. 28, No. 13, March 29, 2002 issue of the Florida Administrative Weekly. The changes to the referenced material entitled “Agency for Health Care Administration, Payment Methodology for Participating Medicaid Managed Care Plans, 2002”, have been made in response to comments received at and subsequent to the public hearing held on April 22, 2002. The amended text clarifies that capitation rates for providing comprehensive behavioral health programs are added to the capitation rates for HMOs calculated pursuant to this rule; the amended text specifies that the Florida Management Information System maintains the data base for



amounts spent for children served by the Children's Medical Services (CMS); it clarifies that the CMS data base contains the eligibility file for children services by CMS; it modifies the definition of capitation payment; it amends the definition of payment limit; it makes technical changes to the definitions of factors used in the payment limitation calculation, and it amends the definition of third party liability adjustment. No changes have been made to the actual methodology for calculating the capitation payment. A copy of the revised referenced document may be obtained by writing to the Chief of the Bureau of Managed Health Care, 2727 Mahan Drive, Building 1, Mailstop 26, Tallahassee, Florida 32308.

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: 10:00 a.m. – 1:00 p.m., June 25, 2002

PLACE: Agency for Health Care Administration, Building 3, First Floor Conference Room E, 2727 Mahan Drive, Tallahassee, FL 32308

Pursuant to the provision of the American with Disability Act, any person requiring special accommodations to participate in the hearing, please advise the Agency at least 5 calendar days before the hearing by contacting Jane Ross, (850)922-6830.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elfie Stamm, Bureau of Managed Health Care, 2727 Mahan Drive, Building 1, Mail Stop 26, Tallahassee, Florida 32308, Phone (850)922-6830

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.: 61-20.504                      RULE TITLE: Fees

**NOTICE OF CHANGE**

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 28, No. 13, March 29, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments from the Joint Administrative Procedures Committee and the Board meeting held on May 10, 2002.

Subsection (7) of Rule 61-20.504, F.A.C., shall now read:

61-20.504 Fees.

(7) Renewal fees.

(a) The biennial renewal fee for a licensee renewing as active \$100.00.

(b) The biennial renewal fee for a licensee renewing as inactive \$100.00

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
61-20.5081	Continuing Education Provider Approval
61-20.5082	Continuing Education Course Approval
61-20.510	Prelicensure Education Provider Approval

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rules, as noticed in Vol. 28, No. 8, February 22, 2002, Florida Administrative Weekly have been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
64B9-15.001	Definitions
64B9-15.002	Certified Nursing Assistant Authorized Duties
64B9-15.003	Application for Certification
64B9-15.004	Eligibility for Certification
64B9-15.005	Standards for Certified Nursing Assistant Training Programs
64B9-15.006	Standardized Curriculum
64B9-15.007	Approval of Certified Nursing Assistant Training Programs

**CORRECTED NOTICE OF PUBLIC HEARING**

The Board of Nursing hereby gives notice that there is a change of address at the public hearing on the above-referenced rules to be held on Wednesday, June 12, 2002 at 4:00 p.m.

The Notice of Public Hearing was originally published in Vol. 28, No. 21 of the May 24, 2002 issue of the Florida Administrative Weekly, and the rules were originally published in Vol. 28, No. 15, of the April 12, 2002 issue of the Florida Administrative Weekly. The correct address and telephone number of the public hearing is Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, Florida 33316, (954)527-2700.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Tallahassee, FL 32399

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64B14-5.002	Continuing Education Requirement

**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 the Vol. 28, No. 3, January 18, 2002, issue of the Florida Administrative Weekly. The

changes are in response to comments received from the Joint Administrative Procedures Committee and from comments received at the Board meeting held on April 12, 2002.

The rule shall now read as follows:

64B14-5.002 Continuing Education Requirement.

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

(c) For each biennium ending after May 31, 2001, each licensee's continuing education must include one hour of continuing education on cardiopulmonary resuscitation; one hour on infectious diseases including HIV/AIDS, two hours of continuing education relating to prevention of medical errors which shall include a study of root-cause analysis, error reduction and prevention, and patient safety and two hours on Chapter 456, 468, Part XIV, F.S., and Rule Chapter 64B14, F.A.C. The two hour course relating to the prevention of medical errors shall count toward the total number of continuing education hours required and shall be a course approved by the Board or Department.

(2) through (5)(a) No change.

(b) Courses offered for continuing education by FAOP and those approved by ABC or BCP for their respective professions.

(c) through (d) No change.

(6) through (8) No change.

Specific Authority 468.802, 468.806 FS. Law Implemented 456.024, 456.013, 468.806 FS. History--New 7-1-98, Amended 5-18-00, \_\_\_\_\_.

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

## Section IV Emergency Rules

### DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE:

Deleting Specified Uses of 1,4-Butanediol From the Substances Scheduled Under Section 893.03, Florida Statutes

RULE NO.:

2ER02-1

SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: 1,4-Butanediol was placed on Schedule I of Section 893.03, Florida Statutes, pursuant to Laws of Florida Chapter 2001-57, s. 5, effective July 1, 2001. As a substance listed on Schedule I and as provided in Section 893.01(1)(d), Florida Statutes, the possession in Florida of any material, compound, mixture, or preparation which contains any quantity of 1,4-Butanediol is subject to the appropriate penalties provided in Section 893.13, Florida Statutes. 1,4-Butanediol is not, however, listed as a controlled substance under the provisions of the Code of Federal Regulations as

promulgated by the United States Drug Enforcement Administration. As a result, the use of 1,4-Butanediol in manufacturing has not been exempted by the DEA from the penalties that would otherwise adhere to its possession under Section 21 C.F.R. 1308.23, no has it been placed on the list of Exempt Chemical Preparations as found in Section 21 C.F.R. 1308.24. Therefore, under present Florida Law, manufacturers that use 1,4-Butanediol as part of their legitimate manufacturing activities are not able to use the substance in any form insofar as no exemption which would allow for its use in manufacturing exists under Florida law.

1,4-Butanediol has numerous legitimate industrial uses, both as an intermediate for the chemical and textile industries and in the manufacture of polyurethanes, polybutyleneterephthalates and engineering grade thermoplastics and thermosetting plastics. 1,4-Butanediol is also used in the production of cellular plastics, thermoplastic polyesters, hot-melt adhesives and plasticizers. Thus, unless immediate action is taken to permit the use of 1,4-Butanediol in industrial activities, many legitimate businesses will likely suffer irreparable injury, including but not limited to, severe restrictions on present activities or even forced closure.

The Office of the Attorney General has reviewed the legislative history underlying the addition of 1,4-Butanediol to the list of Schedule I controlled substances set forth in Section 893.03, Florida Statutes. That review has resulted in no evidence that the Legislature intended that 1,4-Butanediol could not be used in industrial, chemical and other manufacturing activities even though possession of 1,4-Butanediol was clearly intended to be banned when its intended use was for human consumption.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: It is apparent that treating 1,4-Butanediol as a controlled substance intended for human consumption or use and therefore banning its use under all circumstances would result in an extreme hardship to numerous legitimate industries with no corresponding benefit to public health and safety. As a result, only by immediately permitting the use of 1,4-Butanediol in industrial, chemical and manufacturing activities can the plainly unintended consequence of dislocating and disrupting entire industries be forestalled.

SUMMARY OF THE RULE: The rule exempts from the prohibitions of Chapter 893 certain legitimate industrial, manufacturing and chemical uses of 1,4-Butanediol.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: John Rimes, Assistant Attorney General, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE EMERGENCY RULE IS:

2ER01-1 Deleting Specified Uses Of 1,4-Butanediol From the Substances Scheduled Under Section 893.03, Florida Statutes.

Pursuant to Sections 893.0355(2) and (4), Florida Statutes, the following substances are deleted from the schedule of controlled substances listed in Section 893.03, Florida Statutes:

(1) 1,4-Butanediol when it is in the possession of the manufacturer of 1,4-Butanediol and the manufacturer is in compliance with the Drug Enforcement Agency requirements for List I Chemicals.

(2) 1,4-Butanediol when it is in the possession of a person for the purpose of the legitimate manufacture of industrial products.

(3) 1,4-Butanediol when it is in the possession of a person with a finished product containing 1,4-Butanediol from which the 1,4-Butanediol cannot be extracted or synthesized.

Specific Authority 120.54(4), 893.0355(4) FS. Law Implemented 893.03(1)(d)1., 893.0355(2)(3) FS. History--New 5-16-02.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON FILING WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 16, 2002

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 428, "EZ BINGO" RULE NO.: 53ER02-27

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 428, "EZ BINGO" 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, procedures to be followed on how to play the game, the estimated odds of winning, value, 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, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-27 Instant Game Number 428, "EZ BINGO."

(1) Name of Game. Instant Game Number 428, "EZ BINGO."

(2) Price. EZ BINGO lottery tickets sell for \$1.00 per ticket.

(3) EZ BINGO 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 EZ BINGO lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In

the event a dispute arises as to the validity of any EZ BINGO lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The "CALLER'S CARD" play symbols are as follows:

INSERT SYMBOLS

(5) The "PLAYER'S CARD" play symbols 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. There is one Player's Card and one Caller's Card on each EZ BINGO ticket. A "FREE" space will appear in the center of each Player's Card. A "FREE" space can substitute as a number in a pattern of which it is a part. A ticket whose numbers on the Player's Card match the Caller's Card numbers in any complete vertical, horizontal or diagonal line pattern 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, \$20.00, \$25.00, \$50.00, \$100, \$500, and \$2,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail an EZ BINGO lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(9) Number and Size of Prizes. The estimated odds of winning, value, and number of prizes in Instant Game Number 428 are as follows:

<u>GAME PLAY</u>	<u>WIN</u>	<u>ODDS OF</u>	<u>NUMBER OF</u>
<u>TICKET</u>	<u>\$1 TICKET</u>	<u>1 IN</u>	<u>WINNERS IN</u>
			<u>42 POOLS OF</u>
			<u>180,000</u>
			<u>TICKETS</u>
			<u>PER POOL</u>
\$1	\$1	8.33	907,200
\$2	\$2	12.50	604,800
\$5	\$5	18.75	403,200
\$10	\$10	60.00	126,000
\$20	\$20	150.00	50,400
\$25	\$25	300.00	25,200
\$50	\$50	514.29	14,700
\$100	\$100	2,769.23	2,730
\$500	\$500	64,615.38	117
\$2,000	\$2,000	504,000.00	15
		756,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 428 are 1 in 3.54. Some prizes, including the top prizes, may be sold out at the time of ticket purchase.

(11) For reorders of Instant Game Number 428, the estimated odds of winning, value and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing an EZ BINGO lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for EZ BINGO 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, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 5-17-02.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 17, 2002

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 419, LUCKY ROLL                      RULE NO.: 53ER02-28

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 419, "LUCKY ROLL," 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, estimated odds of winning, value, and 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, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-28 Instant Game Number 419, LUCKY ROLL.

(1) Name of Game. Instant Game Number 419, "LUCKY ROLL."

(2) Price. LUCKY ROLL lottery tickets sell for \$1.00 per ticket.

(3) LUCKY ROLL 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 LUCKY ROLL lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any LUCKY ROLL lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(6) The bonus symbols and bonus symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners. There are five rolls and one bonus roll on a ticket.

(a) A ticket having two numbers in the play area of one roll that total 7 or 11 shall entitle the claimant to the corresponding prize shown for that roll. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$400, \$4,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a

LUCKY ROLL lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(b) A ticket having two numbers in the "BONUS ROLL" play area that total 7 or 11 shall entitle the claimant to all five prizes shown in the "PRIZE" play area.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 419 are as follows:

<u>GAME PLAY</u> <u>TICKET</u>	<u>WIN</u> <u>\$1 TICKET</u>	<u>ODDS OF</u> <u>1 IN</u>	<u>NUMBER OF</u> <u>WINNERS IN</u> <u>42 POOLS OF</u> <u>180,000 TICKETS</u> <u>PER POOL</u>
\$1	\$1	8.33	907,200
\$2	\$2	15.00	504,000
\$4	\$4	25.00	302,400
\$1 + (\$2 x 2)	\$5	100.00	75,600
\$1 x 5 (BONUS ROLL)	\$5	150.00	50,400
\$5	\$5	75.00	100,800
\$1 + (\$2 x 2) + \$5	\$10	75.00	100,800
\$10	\$10	300.00	25,200
\$2 x 5 (BONUS ROLL)	\$10	300.00	25,200
\$25	\$25	6,000.00	1,260
\$5 x 5 (BONUS ROLL)	\$25	6,000.00	1,260
\$5 + (\$10 x 2)	\$25	6,000.00	1,260
\$10 x 5 (BONUS ROLL)	\$50	36,000.00	210
\$25 x 2	\$50	36,000.00	210
\$50	\$50	36,000.00	210
\$20 x 5 (BONUS ROLL)	\$100	216,000.00	35
(\$25 x 2) + \$50	\$100	216,000.00	35
\$100	\$100	216,000.00	35
\$400	\$400	630,000.00	12
\$4,000	\$4,000	1,260,000.00	6

(10) The overall odds of winning some prize in Instant Game Number 419 are 1 in 3.56. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(11) For reorders of Instant Game Number 419, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a LUCKY ROLL lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for LUCKY ROLL 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, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History--New 5-17-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.  
EFFECTIVE DATE: May 17, 2002

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Florida Public Utilities Company, filed April 30, 2002, in Docket No. 020327-EI, seeking waiver from Rule 25-6.0436(8), Florida Administrative Code. The rule provides that investor-owned electric utility companies shall file depreciation studies at least once every four years from the date the previous depreciation study was filed.

Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services.

For additional information, please contact Cochran Keating, Office of the General Counsel, at the above address or telephone (850)413-6193.

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Florida Power Corporation's (FPC) petition for waiver of the filing deadline imposed by Rule 25-6.0436, Florida Administrative Code, filed November 28, 2001, in Docket No. 011611-EI was approved by the Commission by Order No. PSC-02-0242-PAA-EI, issued February 25, 2002, consummated by Order No. PSC-02-0366-CO-EI, issued March 20, 2002. The rule addresses the waiver of the requirement that investor-owned electric utilities file a study for each category of depreciable property for Commission review at least once every four years from the submission date of the previous study unless otherwise required by the Commission. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on December 21, 2001.

A copy of the Order can be obtained from: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT ON May 20, 2002, the Board of Clinical Laboratory Personnel received a Petition for Variance from Rule 64B3-5.003, F.A.C., from Adam Coovadia. The Petition requests a permanent variance from the rule that specifies the qualifications for licensure as a cytogenetics technologist. Comments on this Petition should be filed with: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259. This Petition shall be considered at the Board meeting scheduled for June 21, 2002, at the Tampa Airport Marriott.

For a copy of the petition or for additional information, contact: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN that on May 15, 2002, the Board of Hearing Aid Specialists filed an Order disposing of a petition for variance or waiver from Rule 64B6-8.002(2)(b), Florida Administrative Code, filed by Jane A. Lopez. Rule 64B6-8.002(2)(b), Florida Administrative Code, requires that the prospective sponsor of a trainee must not have been disciplined during the past two years. The petition was filed with the Board on March 22, 2002, and noticed in the Florida Administrative Weekly on April 15, 2002.

No written comments were received.

The Order provides in summary that Petitioner failed to establish:

(1) an emergency situation; (2) that the underlying purpose of the statute would be achieved; (3) any hardship other than that intended; and (4) violation of any principles of fairness. Accordingly, the petition on for variance or waiver from Rule 64B6-8.002(2)(b), Florida Administrative Code, has been DENIED.

A copy of the Order may be obtained from: the Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, Bin #C01, 4052 Bald Cypress Way, Tallahassee, FL 32399-3251, (850)245-4121.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed on behalf of Samuel Chan, M.D. The Board considered the Petition at its meeting held on April 6, 2002, in Ft. Lauderdale, Florida. The Board's Order, filed on May 9, 2002, grants the petition for waiver or variance finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed on behalf of David J. Jacobson, M.D. The Board considered the Petition at its meeting held on April 5, 2002, in Ft. Lauderdale, Florida. The Board's Order, filed on May 3, 2002, grants the petition for waiver or variance finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Ibrahim Khalil, M.D. The Board considered the Petition at its meeting held on April 5, 2002, in Ft. Lauderdale, Florida. The Board's Order, filed on May 3, 2002, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed on behalf of Janna Summerall, M.D. The Board considered the Petition at its meeting held on April 6, 2002, in Ft. Lauderdale, Florida. The Board's Order, filed on May 3, 2002, grants the petition for waiver or variance finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Mine A. Kurtay, M.D. The Board considered the Petition at its meeting held on April 5, 2002, in Ft. Lauderdale, Florida. The Board's Order, filed on May 9, 2002, grants the petition for waiver or variance finding that the underlying purpose of the statute, as implemented by subsection 64B8-2.001(2), F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed on behalf of Larry Fishman, M.D. The Board considered the Petition at its meeting held on April 6, 2002, in Ft. Lauderdale, Florida. The Board's Order, filed on May 9, 2002, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-12.006, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed on behalf of Carlos Govantes, M.D. The Board considered the Petition at its meeting held on April 6, 2002, in Ft. Lauderdale, Florida. The Board's Order, filed on May 6, 2002, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-12.006, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Optometry hereby gives notice that it has issued an Order on the Petition for Variance filed by Roberta Felici-Cook, O.D. The Board considered the Petition at its meeting held on April 5, 2002, in Ft. Lauderdale, Florida. The Board's Order, filed on May 14, 2002, denies the Petition for Variance finding that the Petitioner has not demonstrated that the underlying purpose of the statute, as implemented by Rule 64B13-4.004(2), has been met and that the Petitioner has not demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3757.

The Board of Psychology hereby gives notice that it has received a petition filed on behalf of Angela M. Glazer, Ph.D., on May 21, 2002, seeking a variance from Rule 64B19-11.001(4)(b) and (4)(c), F.A.C., with regard to the timeframe for validity of the application and examination scores.

Comments on the petition should be filed with Board of Psychology, MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact Kaye Howerton, Executive Director, Board of Psychology, at the above address.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on May 15, 2002, Florida Housing Finance Corporation ("Florida Housing") received a Petition to Waive Specific Application of Rule Chapter 67-44, F.A.C. ("Petition") from North Florida Education Development Corporation. The Petition seeks relief from the requirement of the second mortgage securing the HAP construction loan and permanent loan shall be a consolidated note and mortgage and is subordinate only to the first mortgage.

A copy of the Petition can be obtained from: Sheila A. Freaney, Public Records Clerk, Florida Housing Finance Corporation, 227 North Brough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Brough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**Section VI**

**Notices of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Department of Agriculture and Consumer Services**, Office of Agricultural Water Policy announces a meeting of the Soil and Water Conservation Council and the Executive Planning Committee of the Soil and Water Conservation Council.

DATE AND TIME: Executive Planning Committee of the Soil and Water Conservation Council, June 13, 2002, 7:00 p.m.

PLACE: The lobby of The Courtyard at Lake Lucerne, 211 North Lucerne Circle, East, Orlando, FL 32801

DATE AND TIME: Soil and Water Conservation Council, June 14, 2002, 10:00 a.m.

PLACE: Florida Fruit and Vegetable Association Headquarters, Board Room, 4401 East Colonial Drive, Orlando, FL 32814

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

1. Fill vacancies on the Council.
2. Discussion of changes to Chapter 582, F.S.
3. Receive reports from Institute of Food and Agricultural Sciences, Natural Resources Conservation Service, and the Florida Association of Conservation Districts.

## 4. Future role of the Soil and Water Conservation Council.

If any accommodation is needed for a disability in order to participate in this meeting, please notify the Office of Agricultural Water Policy, Department of Agriculture and Consumer Services, (850)488-6249, at least seven days prior to the meeting.

**DEPARTMENT OF EDUCATION**

The **Interagency Advisory Committee for the School Emergency Plans Project** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 14, 2002, 8:30 a.m. – 2:00 p.m.

PLACE: Nova Southeastern University, Health Professions Division, Executive Board Room, 5th Floor, Terry Building, University Drive, Fort Lauderdale, Florida 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Interagency Advisory Committee for the School Emergency Plans Project.

The Interagency Advisory Committee welcomes participation from any interested members of the public.

Any person who desires a copy of the proceedings should arrange to tape the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is requested to advise Felicia Elliott, Office of Safe Schools, Emergency Management Program, (850)414-7777, at least five calendar days before the meeting.

The Florida **Department of Education** (DOE) announces a meeting of the Partnership for School Safety and Security to which all persons are invited.

DATES AND TIMES: June 20, 2002, 10:00 a.m. – 5:00 p.m.; June 21, 2002, 9:00 a.m. – 2:00 p.m.

PLACE: Sanibel Harbour Resort & Spa, 17260 Harbour Pointe Drive, Fort Myers, Florida 33098

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Partnership for School Safety and Security Members appointed by Governor Jeb Bush in October 2000.

The Partnership for School Safety and Security welcomes participation from any interested members of the public.

Any persons requiring special accommodation at this meeting because of a disability or physical impairment should contact Felicia Williams-Elliott, Office of Safe Schools, (850)414-7777, at least five calendar days prior to the meeting.

Additional information may be obtained by writing: Department of Education, Office of Safe Schools, Room 301, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

The **Florida Art in State Buildings Program** (FAMU) announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Wednesday, June 5, 2002, 10:00 a.m.

PLACE: Florida A & M University, Carnegie Library Building, Conference Center, Tallahassee, Florida 32307, (850)599-3020

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation meeting to determine potential sites and media for artwork, establish project schedules and set the next meeting dates.

For more information or to obtain a copy of the agenda, please contact: Kenneth Falana, User Agency Representative, Art in State Buildings Program, Florida A & M University, Tallahassee, Florida 32307, (850)561-2842.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. The Art in State Buildings Program will not tape this meeting.

Pursuant to the provisions of the Americans with Disabilities, 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 Kenneth Falana, (850)561-2842. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

The **Florida Atlantic University**, Lab School, District 72, School Advisory Board announces a meeting to which all persons are invited:

DATE AND TIME: Friday, Wednesday, June 19, 2002, TBA

PLACE: Alexander D. Henderson University, Developmental Research School on the campus of Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: University School Business.

A copy of the agenda may be obtained by contacting: Dr. Gregory F. Aloia, Florida Atlantic University, College of Education, 777 Glades Road, Boca Raton, Florida 33458, (561)297-3564.

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 Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD, (561)297-2130.

The **Florida Community Colleges**, Risk Management Consortium announces a meeting to which all persons are invited:

DATE AND TIME: Monday, June 10, 2002, 8:00 a.m. – 12:00 Noon

PLACE: Embassy Suites, Orlando, Florida



GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General Business Meeting.

A copy of the agenda may be obtained by writing: Florida Community Colleges Risk Management Consortium, Suite 1205, 5700 Southwest 34th Street, Gainesville, FL 32608 or by telephoning (352)955-2190, Ext. 2.

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows.

DATE AND TIME: June 13, 2002, 10:00 a.m. (CDT)

PLACE: Gardner Seminar Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Regular monthly meeting.

Contact person for the meeting is: Dr. Robert L. McSpadden, President.

**DEPARTMENT OF TRANSPORTATION**

NOTICE OF CANCELLATION – The **Department of Transportation** announces the cancellation of the public workshop to which was scheduled as follows:

DATES AND TIME: May 30-31, 2002, 8:30 a.m. – 5:30 p.m.

PLACE: Florida Turnpike Headquarters, Turkey Lake Service Plaza, Winter Garden, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Workshop Regarding Outdoor Advertising Signs a 67-mile stretch of Interstate 75 that runs through Marion and Sumter Counties. The Department of Transportation is responsible for the State of Florida's compliance with federal and state law relating to outdoor advertising signs.

A Notice of the public workshop was published in Florida Administrative Weekly, Vol. 28, No. 21, dated May 24, 2002.

The **Florida Transportation Commission** announces a public meeting to which all persons are invited:

DATE AND TIME: June 11, 2002, 2:00 p.m. – 5:00 p.m.

PLACE: Hyatt Regency Tampa, 211 North Tampa Street, Esplande II Meeting Room, Tampa, Florida 33602

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Meeting of the Florida Transportation Commission.

DATE AND TIME: June 12, 2002, 8:00 a.m. – Conclusion of agenda

PLACE: Hyatt Regency Tampa, 211 North Tampa Street, Regency VI Meeting Room, Tampa, Florida 33602

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Joint Meeting of the Florida Transportation Commission and TEAMFL.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, MS #9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting Cathy Goodman, (850)414-4105.

The **Florida Scenic Highways Program** announces a Scenic Highways Advisory Committee meeting to which all persons are invited.

DATE AND TIME: Thursday, June 13, 2002, 8:30 a.m. – 12:00 Noon

PLACE: Rhyne Building, Room 330, 2740 Centerview Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and provide recommendation regarding the eligibility applications from scenic highway corridor(s).

SPECIAL ACCOMMODATIONS: Special accommodation requests should be made at least seven days prior to the meeting.

INFORMATION: Contact Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS #37, Tallahassee, Florida 32399-0450, (850)922-7221 or e-mail mariano.berrios@dot.state.fl.us or Fax (850)922-7217.

**STATE BOARD OF ADMINISTRATION**

NOTICE IS HEREBY GIVEN by the Florida Hurricane Catastrophe Fund (FHCF), which is part of the Florida **State Board of Administration** (SBA), of two meetings to which all persons are invited. Both meetings will be in regard to the Request for Information for Actuarial Consulting Services published by the FHCF.

DATE AND TIME: June 6, 2002, 10:30 a.m. – Conclusion of the meeting

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The members of the RFI evaluation team will determine the candidates to be invited to make an oral presentation to the evaluation team.

DATE AND TIME: June 18, 2002, 9:00 a.m. – Conclusion of the meeting

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Oral interviews for candidates for the Actuarial Consulting Services provider will be conducted.

Anyone wishing further information should contact: Anne Bert, Assistant Chief of Operations, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1342.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Patti Elsbernd, (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

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The Florida **State Board of Administration** announces a public hearing to which all persons are invited.

DATE AND TIME: Wednesday, June 12, 2002, 9:00 a.m. – Conclusion

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on June 12, 2002, will consider a proposed amended rule in Rule Chapter 19-9, F.A.C., and will be asked for permission to file this amended rule for adoption:

The proposed amended Rule 19-9.001, Investment Policy Statement, incorporates amendments to the Investment Policy Statement which implements the Public Employee Optional Retirement Program. Proposed amended Rule 19-9.001 incorporates amendments to the Investment Policy Statement which reflect the evolutionary nature of the program from implementation to operation. The rule development workshop was scheduled for March 12, 2002, but was not held because it was not requested. The Trustees granted permission to file for notice on April 9, 2002. The rule hearing was scheduled for May 21, 2002, but was not held because it was not requested. The Joint Administrative Procedures Committee had no comments.

A copy of the State Board of Administration's agenda for the June 12, 2002, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1350.

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The Florida **State Board of Administration** announces a public hearing to which all persons are invited.

DATE AND TIME: Wednesday, June 12, 2002, 9:00 a.m. – Conclusion

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on June 12, 2002, will consider a proposed amended rule in Rule Chapter 19-10, F.A.C., and will be asked for permission to file this amended rule for adoption:

The proposed amended Rule 19-10.001, Asset Transfer Procedures: Initial Transfers Occurring between 7/1/02 and 3/31/03, implements the asset transfer procedures of the Public Employee Optional Retirement Program. Proposed amended Rule 19-10.001 amends procedures for the asset transfer to comply with certain administration changes that have occurred

as the implementation has gone forward. The rule development workshop was scheduled for March 12, 2002, but was not held because it was not requested. The Trustees granted permission to file for notice on April 9, 2002. The rule hearing was scheduled for May 21, 2002, but was not held because it was not requested. Minor changes have been made to the rule in response to concerns raised by the Department of Banking and Finance. The Joint Administrative Procedures Committee had no comments.

A copy of the State Board of Administration's agenda for the June 12, 2002, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1350.

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The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 14, 2002, 9:00 a.m.

PLACE: Call: (850)488-2854 or Suncom: 278-2854, The Hermitage Centre, Hermitage Room, Plaza Level, 1801 Hermitage Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Investment Advisory Council (IAC). The IAC is a six-member advisory council, which reviews the investments made by the staff of the Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under Section 215.444, Florida Statutes.

A copy of the agenda may be obtained by writing: State Board of Administration, Attention: Cheryl D. Creel, Suite 600, 1801 Hermitage Boulevard, Tallahassee, Florida 32308 or (850)413-1015.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify Dorothy Westwood, (850)488-4406.

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NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a meeting of the Investment Advisory Council (IAC) and the Public Employee Optional Retirement Advisory Committee (PEORPAC) to which all persons are invited. Note that both these groups will meet concurrently.

DATE AND TIME: Friday, June 14, 2002, 1:00 p.m. – Conclusion of the meeting

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a joint business meeting of the IAC and PEORPAC. The two groups will discuss issues relating to the implementation of the Public Employee Optional Retirement Program. Although this meeting will be primarily in person, anyone wishing to participate by telephone is free to use the following conference call number: (850)488-5776 or Suncom 278-5776.

Anyone wishing further information should contact: Joan Haseman, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or via e-mail at: haseman\_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Joan Haseman, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

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## DEPARTMENT OF CITRUS

**NOTICE OF CANCELLATION** – The **Department of Citrus** announces the public meeting of the Advertising Review Committee scheduled for May 30, 2002, has been canceled. The meeting was to be held at Highlands County Agri-Civic Center, Conference Room 2, 4509 George Blvd., Sebring, FL. **GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Advertising Committee was meeting to discuss and evaluate the Department's advertising, review of Request For Proposals, selection of research and facilitators to assist with Committee's directives and any other issues that may properly come before the Committee.

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The **Department of Citrus** announces a public meeting of the Gift Fruit Advisory Council to which all persons are invited.

**DATE AND TIME:** Wednesday, June 12, 2002, 10:00 a.m.

**PLACE:** Florida Citrus Commission, Conference Room, 1115 E. Memorial Blvd., Lakeland, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Review of proposed Marketing and Promotional Plans for Florida Gift Fruit Marketing year 2002-2003. The Council will also discuss any other issues that may properly come before the Council.

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.

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The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

**DATE AND TIME:** June 19, 2002, 9:00 a.m. The Commission will convene for the purposes of standing committee meetings and for the regular monthly meeting.

**PLACE:** Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, rulemaking, licensing, balance scorecards and other matters that are addressed during monthly meetings of the Commission. The

Commission will also have a public hearing regarding the remedy as it relates to the Equalization Tax pursuant to the Court's order.

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.

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## FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, June 12, 2002, 9:00 a.m.

**PLACE:** Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, Building C, 2601 Blairstone Road, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

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The **Office of Executive Clemency** announces a public meeting to which all persons are invited.

**DATE AND TIME:** June 13, 2002, 9:00 a.m.

**PLACE:** Cabinet Meeting Room, The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Quarterly Meeting of the Executive Clemency Board.

A copy of the agenda may be obtained by writing: Office of Executive Clemency, Room 229, Bldg. C, 2601 Blairstone Road, Tallahassee, Florida 32399-2450.

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## PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

**DOCKET NO.:** 010823-WS – Application for Staff Assisted Rate Case for CWS Communities LP d/b/a Palm Valley in Seminole County.

**DATE AND TIME:** June 6, 2002, 6:00 p.m.

PLACE: Palm Valley Clubhouse, 3700 Palm Valley Circle, Oviedo, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss CWS Communities d/b/a Palm Valley's application for a Staff Assisted Rate Case.

A copy of the agenda for any meeting may be obtained by writing: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this customer meeting 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 meeting. Any person who is hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

One or more Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

For further information, contact Larry Harris: (850)413-6076.

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The Florida **Public Service Commission** announces a Commission workshop in the following docket to which all persons are invited.

DOCKET NO. 011605-EI – Review of Investor-Owned Electric Utilities' Risk Management Policies and Procedures.

DATE AND TIME: Monday, June 17, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to provide all parties of record the opportunity to address the issue of whether an incentive or incentives should be established by the Commission to encourage investor-owned electric utilities to optimally manage the risks to ratepayers associated with fuel and purchased power price volatility and, if so, what such an incentive should be.

Copies of the agenda for this workshop may be obtained by writing: Director, Division of the Commission Clerk and Administrative Services, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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 workshop. Any person who is hearing or speech impaired should contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

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The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

DOCKET NO: 990054-WU – Application for amendment of Certificate No. 106-W to add and delete territory in Lake County by Florida Water Services Corporation.

DATE AND TIME: June 17, 2002, 1:30 p.m.

PLACE: The Betty Easley Conference Center, Hearing Room 152, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing 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 prehearing. 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).

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The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: June 18, 2002, 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 consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

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, Statement of Agency Organization and Operations), by contacting: Division of the Commission Clerk and Administrative Services, Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870, (850)413-6770. The agenda and recommendations 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 to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which 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 its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: June 18, 2002, Immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148.

PLACE: The Betty Easley Conference Center, Conference Room 140, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting 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 meeting. 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).

**\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\***

### EXECUTIVE OFFICE OF THE GOVERNOR

The **Visit Florida** announces a public meeting as follows:

MEETING: Advertising Agency Review

DATE AND TIME: Monday, June 3, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Amelia Island Plantation, 1501 Lewis Street, Amelia Island, Florida 32034, (904)261-6161

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review ad agency presentations.

For further information contact: Jeanne Drewes, Visit Florida, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 313.

Any person requiring special accommodations at this meeting because of a disability should contact Visit Florida, at least five business days prior to the meeting. Persons who are hearing or

speech impaired can contact Visit Florida by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

### REGIONAL PLANNING COUNCILS

The **Charlotte Harbor National Estuary Program** announces a scheduled Policy Committee meeting to which all persons are invited:

DATE AND TIME: Friday, June 7, 2002, 9:00 a.m.

PLACE: SunTrust Bank Building in Arcadia, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the CHNEP Policy Committee.

Please note that if a person decides to appeal any decision made by the Charlotte Harbor National Estuary Program Policy Committee with respect to any matter considered at the above cited workshop, 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 based.

A copy of the agenda may be obtained by writing: CHNEP, 4980 Bayline Dr., N. Ft. Myers, FL 33917 or by calling Ms. Darcy Bowen, (239)995-1777.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations due to disability or physical impairment should contact Ms. Darcy Bowen, (239)955-1777, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Daltry using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **South Florida Regional Planning Council** announces the following Clean Cities meeting to which all persons are invited.

MEETING: Clean Cities Coalition Meeting

DATE AND TIME: Monday, June 17, 2002, 1:30 p.m.

PLACE: South Florida Regional Planning Council, Conference Room, Suite 140, 3440 Hollywood Boulevard, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Gold Coast Clean Cities Coalition consists of Broward, Martin, Miami-Dade, Monroe and Palm Beach Counties. The Coalition was formed through a Governor's Executive Order to accelerate the widespread use of cleaner, alternatively fueled fleet vehicles in the Florida Gold Coast area. The purpose of these meetings is to discuss relevant Coalition issues.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, Florida 33021.

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, and for such purpose, he 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.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

**The Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: June 21, 2002, 9:30 a.m.

PLACE: Ramada Inn, 1200 S. Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning, 301 E. Ocean Boulevard, Suite 300, 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.

**WATER MANAGEMENT DISTRICTS**

**The Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: June 11, 2002, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

Public hearing in accordance with Section 373.139(3)(a), F.S., concerning the proposed purchase of property for the Southern Timber Venture, LLC, Tract, multiple parcels totaling 1,506 acres +/-, Columbia and Hamilton Counties, Florida; the proposed purchase of the John Curtis Tract, 94 acres +/-, Hamilton County, Florida; the proposed purchase of the Lenvil Dicks/Alligator Lake Stormwater Restoration Tract, 17 acres +/-, Columbia County, Florida; the proposed purchase of the Emerging Growth Timberland Fund/Jennings Wastewater Tract, 107 acres +/-, Hamilton County, Florida; the proposed purchase of the Robert Whiddon/Greenville Wastewater Tract,

210 acres +/-, Madison County, Florida; and proposed acceptance of the M.C. Davis/Withlacoochee East Donation, 90 acres +/-, Hamilton County, Florida; all using funds from the Florida Forever Trust Fund.

DATE AND TIME: June 11, 2002, following Board Meeting

PLACE: Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Live Oak Stormwater Board Trip/Workshop.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, 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 who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

**The St. Johns River Water Management District** announces the following Projects and Land Committee meetings and field trip.

PROJECTS AND LAND COMMITTEE PUBLIC MEETING

DATE AND TIME: June 6, 2002, 6:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: For a Middle St. Johns River Basin Overview.

PROJECTS AND LAND COMMITTEE

DATE AND TIME: June 7, 2002, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business Meeting. Business Meeting will be followed by a Field Trip.

PLACE: St. Johns River Water Management District, Altamonte Springs Service Center, Wekiva/Econ Room, 975 Keller Road, Altamonte Springs, FL

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 Sonia Kuecker, BRS IV/Water Resources, (904)312-2330.

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).

**The Southwest Florida Water Management District** announces the following meeting to which all interested parties are invited.

ENVIRONMENTAL ADVISORY COMMITTEE

DATE AND TIME: Wednesday, June 12, 2002, 4:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business. Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

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The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: June 19, 2002, 10:00 a.m. – 12:00 Noon

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD Budget and finance-related matters.

PLACE: South Florida Water Management District, Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6260, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or wishing to submit written or physical evidence may contact Marcie Daniel, District Headquarters, Budget Department, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6469.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, June 24, 2002, 2:00 p.m.

PLACE: Northern Palm Beach County Improvement District, Auditorium, 357 Hiatt Drive, Palm Beach Gardens, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Loxahatchee River Management Coordinating Council.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 4770, 210 Atlanta Avenue, Stuart, Florida 34994.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who would like more information, please contact: Kathy LaMartina, Martin/St.Lucie Service Center, 210 Atlanta Avenue, Stuart, FL 34994, (772)223-2600, Ext. 3603.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: July 11, 2002, 8:50 a.m.

PLACE: The South Florida Water Management, Headquarters, Auditorium, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

A copy of the agenda may be obtained at the (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Blair R. LittleJohn, III, Deputy Department Director, Land Acquisition, Real Estate Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 3310, West Palm Beach, FL 33406, (561)682-6206.

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The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications technology, to which all interested parties are invited:

DATE AND TIME: June 12, 2002, 9:00 a.m.

PLACE: South Florida Water Management District, Headquarters, Auditorium, Building B-1, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-8800.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

- A. Regular Governing Board Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matters.
- B. Conduct meeting of the Audit Committee.
- C. Conduct meeting of the Budget Committee.

All of part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members. In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference in order to take action on items listed on the Thursday, May 9th meeting agenda, including regulatory and non-regulatory items.

NOTE: Due to extensive demolition and construction at the main complex, parking will be severely impacted. Additional parking for the public will be available at Lake Lytel Park, located west of the main complex.

DATE AND TIME: June 13, 2002, 8:30 a.m.

PLACE: District Headquarters Auditorium, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, including public meetings.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680 or may be acquired via the SFWMD Web Site at <http://www.sfwmd.gov/agenda.html>.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, Assistant District Clerk, (561)682-6447, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Garrett Wallace, District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

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**EXPRESSWAY AUTHORITIES**

The **Transportation and Expressway Authority**, Membership of Florida and **Florida Transportation Commission** announces joint public meetings to which all persons are invited:

DATE AND TIMES: General Meeting, June 12, 2002, 8:00 a.m. – 12:00 Noon; TEAMFL Financial Focus Session, 1:00 p.m. – 5:00 p.m.

PLACE: Hyatt Regency Tampa, Tampa, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

1. Florida Open Road Toll Study.
2. Open Road Tolling Applications in Florida.
3. Open Road Tolling Around the World – specifically, Melbourne, Australia and Texas.
4. Q & A Panel consisting of Florida Transportation Commission and TEAMFL Board.

A copy of the agenda may be obtained by contacting: Robert C. Hartnett, Executive Director, TEAMFL, Suite B, 2121 Camden Road, Orlando, FL 32803, (407)896-0035, Fax (407)897-7012, email: [teamfl2@aol.com](mailto:teamfl2@aol.com).

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**REGIONAL UTILITY AUTHORITIES**

The **Walton/Okaloosa/Santa Rosa Regional Utility Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: June 19, 2002, 2:00 p.m.

PLACE: Ft. Walton Beach City Hall, 107 Miracle Strip Parkway, S. W., Ft. Walton Beach, FL 32549

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct general business of the Regional Utility Authority. The RUA-TAC will meet at 1:00 p.m.

A copy of the agenda may be obtained by contacting: Lel Czeck, Executive Director, West Florida Regional Planning Council, P. O. Box 9759, Pensacola, Florida 32513-9759.

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**DEPARTMENT OF ELDER AFFAIRS**

The Florida **Department of Elder Affairs** announces a workshop to which all person are invited.

DATE AND TIME: June 7, 2002, 1:00 p.m. – 4:00 p.m.

PLACE: Department of Elder Affairs, Conference Room 335M, 4040 Esplanade Way, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Refer to the Notice of Rule Development published in Vol. 28, No. 11, March 15, 2002 issue of the Florida Administrative Weekly to amend Rules 58A-2.004, 58A-2.005, 58A-2.0236, Florida Administrative Code and propose Rule 58A-2.025.



A copy of the agenda may be obtained by contacting: Linda Macdonald, Office of General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000.

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#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** will hold an Advocacy and Consumer Workgroup meeting on:

DATE AND TIME: June 4, 2002, 2:00 p.m. – 4:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The anticipated agenda includes the following topics: legislative update; update on proposed Medicaid HMO contract provisions; the status of the choice counseling program; Medicaid HMO marketing complaints; and monitoring of Medicaid HMOs.

Please contact Mr. Michael Alsentzer, (850)414-8964 with any questions.

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#### DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Department of Management Services** announces a meeting of the Statewide Florida State Employees' Charitable Campaign (FSECC) Steering Committee to which all persons are invited:

DATE AND TIME: June 4, 2002, 10:00 a.m.

PLACE: Governor's Large Conference Room, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the FSECC Steering Committee to review general FSECC campaign-related issues.

For more information about the meeting, for a copy of the agenda, or if special accommodations are needed to attend this meeting because of a disability, please contact: Kathleen Anders, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, FL 32399-0950, (850)921-5266.

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The **Department of Management Services** announces a meeting of the Commission for Purchase from the Blind or Other Severely Handicapped to which all persons are invited.

DATE AND TIME: June 12, 2002, 10:00 a.m.

PLACE: Offices of GTO, 3121 Hartsfield Road, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider the Commission's relationship with its designated CNA.

Written public comments relative to the above items are invited. Please mail comments prior to the scheduled meeting: William S. Thompson or Sandra Lamb, 7810 South Dixie Highway, West Palm Beach, Florida 33405.

**SPECIAL ACCOMMODATION:** Any person requiring a special accommodation at the meeting because of a disability should call William S. Thompson or Sandra Lamb, (561)586-5600, at least five (5) workdays prior to the meeting. If you are hearing or speech impaired, please contact William S. Thompson or Sandra Lamb by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Division of Hotels and Restaurants** announces the following meetings of the Elevator Safety Technical Advisory Sub-Committee to which all persons are invited:

DATE AND TIME: Monday, June 17, 2002, 10:00 a.m.

PLACE: Conference Call: Suncom 291-6545 or (850)921-6545

DATE AND TIME: Monday, July 22, 2002, 10:00 a.m.

PLACE: Conference Call: Suncom 291-6545 or (850)921-6545, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32300-1012.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meetings is to discuss the adoption of A.S.M.E. A17.1 2000 edition.

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 Rick Spikes, (850)410-1492. Hearing or speech impaired, please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The person to be contacted regarding the meeting is: Rick Spikes, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, (850)410-1492 or The Johns Building, 725 South Bronough Street, Tallahassee, Florida.

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The **Florida Engineers Management Corporation** announces a Legislative Committee meeting to conduct the business of the Committee, which all persons are invited.

DATE AND TIME: Wednesday, June 12, 2002, 11:00 a.m.

PLACE: The Hampton Inn, 3434 S. W. College Road, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion on proposed legislation and review of current proposed rules.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such

purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The **Florida Engineers Management Corporation** announces a Legislative Committee meeting to conduct the business of the Committee, which all persons are invited.

DATE AND TIME: Thursday, June 13, 2002, 11:00 a.m.

PLACE: The Hampton Inn, 3434 S. W. College Road, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion on proposed legislation and review of current proposed rules.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The **Florida Engineers Management Corporation** announces a Legislative Committee meeting to conduct the business of the Committee, which all persons are invited.

DATE AND TIME: Friday, June 14, 2002, 11:00 a.m.

PLACE: The Hampton Inn, 3434 S. W. College Road, Ocala, Florida 34474.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion on proposed legislation and review of current proposed rules.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The **Board of Accountancy** announces the following public meeting of the New Board Members Orientation to which all person are invited:

DATE AND TIME: June 20, 2002, 10:00 a.m.

PLACE: Board of Accountancy Office, Suite A, 240 N. W. 76th Drive, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is an orientation for new Board Members to be introduced to the procedures of the Board's meetings. This is a public meeting.

A copy of the agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, Suite 1, 240 N. W. 76th Drive, Gainesville, Florida 32607.

NOTE: If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, 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.

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 agency at least 48 hours before the workshop/hearing/meeting by contacting Martha Willis, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Florida **Department of Environmental Protection**, Southeast District announces a public meeting to which all persons are invited:

DATE AND TIME: June 12, 2002, 2:00 p.m.

PLACE: Loxahatchee River District, 2500 Jupiter Park Drive, Jupiter, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the bi-monthly meeting of the Loxahatchee River Watershed Planning Committee. The purpose of the meeting is to discuss issues related to the management of the Loxahatchee River and its watershed.

A copy of the agenda may be obtained by contacting: Cheryl McKee, Florida Department of Environmental Protection, Southeast District, P. O. Box 15425, West Palm Beach, Florida 33416, (561)681-6708.

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 the Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, June 12, 2002, 6:00 p.m.

PLACE: Guana Tolomata Matanzas National Estuarine Research Reserve, 9741 Ocean Shore Blvd., Town of Marineland, St. Augustine, Florida 32080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group (MAG) for the Guana Tolomata Matanzas National Estuarine Research Reserve (GTMNERR) meets regularly on the second Wednesday of the third month of each quarter. The MAG is composed of ten citizens appointed by the three state legislators with overlapping jurisdictions within the reserve boundaries, ten representatives of the local, state and federal government entities with authority and responsibility in the reserve, and one member of the Friends of Guana River State Park (FroG), a private non-profit Citizen Support Organization. The government entities are the National Park Service; the Florida Park Service; the Florida Fish and Wildlife Conservation Commission; the St. Johns River Water Management District; the Florida Inland Navigation District; the Flagler County Board of County Commissioners; the St. Johns County Board of County Commissioners; the St. Augustine Port, Waterway and Beach Authority; the City of St. Augustine; and the Town of Marineland. The MAG provides advisory input to the Office of Coastal and Aquatic Managed Areas for the management of the GTMNERR.

The meeting agenda will include MAG member reports, and progress reports on a variety of GTMNERR activities including the planned construction of an environmental education center at the Guana River State Park.

A copy of the agenda may be obtained by contacting: Mr. Kenneth Berk, GTMNERR, Town of Marineland, 9741 Ocean Shore Blvd., St. Augustine, Florida 32080, (904)461-4054.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey, (850)488-0450, 1(800)955-8771 (TDD), at least seven days prior to the event.

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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, June 18, 2002, 7:00 p.m. (EDT)

PLACE: Roy E. Campbell Civic Center, Ravine State Gardens, 1600 Twigg Street, Palatka, Florida 32178

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment regarding management and land use for Dunns Creek State Park before development of a management plan.

The full text of this notice is published on the Internet at the Department of Environmental Protection's homepage at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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The Florida **Department of Environmental Protection**, **Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Wednesday, June 19, 2002, 7:00 p.m. (EDT)

PLACE: Roy E. Campbell Civic Center, Ravine State Gardens, 1600 Twigg Street, Palatka, Florida 32178

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment regarding management and land use for Palatka to Lake Butler Rail Trail before development of a management plan.

The full text of this notice is published on the Internet at the Department of Environmental Protection's homepage at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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The **Department of Environmental Protection** gives notice of a rule development workshop to consider potential amendments to Chapters 62-4 – Permits, 62-620 – Wastewater Facility and Activities Permitting, 62-621 – Generic Permits and 62-624 – Municipal Separate Storm Sewer Systems, F.A.C., necessary to implement Phase II of the DEP NPDES stormwater program. The workshop will be held at:

DATE AND TIME: June 27, 2002, 9:00 a.m.

PLACE: Coastal Library, 336 Greenway Trail, Santa Rosa Beach, FL 32459

DOCKET NO.: 01-57R

Contact Fred Noble, P.E., (850)921-9904.

The full text of this notice is published on the Internet at the DEP homepage at <http://www.dep.state.fl.us/> under the link or button entitled "Official Notices."

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The **Department of Environmental Protection** gives notice of a rule development workshop to consider potential amendments to Chapters 62-4 – Permits, 62-620 – Wastewater Facility and Activities Permitting, 62-621 – Generic Permits and 62-624 – Municipal Separate Storm Sewer Systems, F.A.C., necessary to implement Phase II of the DEP NPDES stormwater program. The workshop will be held at:

DATE AND TIME: June 27, 2002, 9:00 a.m.

PLACE: Coastal Library, 336 Greenway Trail, Santa Rosa Beach, FL 32459

DOCKET NO.: 01-58R

Contact Fred Noble, P.E., (850)921-9904.

The full text of this notice is published on the Internet at the DEP homepage at <http://www.dep.state.fl.us/> under the link or button entitled "Official Notices."

The **Department of Environmental Protection** gives notice of a rule development workshop to consider potential amendments to Chapters 62-4 – Permits, 62-620 – Wastewater Facility and Activities Permitting, 62-621 – Generic Permits and 62-624 – Municipal Separate Storm Sewer Systems, F.A.C., necessary to implement Phase II of the DEP NPDES stormwater program. The workshop will be held at:

DATE AND TIME: June 27, 2002, 9:00 a.m.

PLACE: Coastal Library, 336 Greenway Trail, Santa Rosa Beach, FL 32459

Contact Fred Noble, P.E., (850)921-9904.

The full text of this notice is published on the Internet at the DEP homepage at <http://www.dep.state.fl.us/> under the link or button entitled "Official Notices."

The **Department of Environmental Protection** gives notice of a rule development workshop to consider potential amendments to Chapters 62-4 – Permits, 62-620 – Wastewater Facility and Activities Permitting, 62-621 – Generic Permits and 62-624 – Municipal Separate Storm Sewer Systems, F.A.C., necessary to implement Phase II of the DEP NPDES stormwater program. The workshop will be held at:

DATE AND TIME: June 27, 2002, 9:00 a.m.

PLACE: Coastal Library, 336 Greenway Trail, Santa Rosa Beach, FL 32459

DOCKET NO.: 01-60R

Contact Fred Noble, P.E., (850)921-9904.

The full text of this notice is published on the Internet at the DEP homepage at <http://www.dep.state.fl.us/> under the link or button entitled "Official Notices."

**DEPARTMENT OF HEALTH**

The Florida **Department of Health** announces a meeting of The KidCare Coordinating Council to which all persons are invited:

DATE AND TIME: Monday, June 10, 2002, 1:00 p.m. – 4:00 p.m.

PLACE: Capital Health Plan Building, 1491 Governor’s Square Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The KidCare Coordinating Council, an advisory body appointed by the Secretary of the Florida Department of Health, will meet on Monday, June 10, 2002, 1:00 p.m. – 4:00 p.m. in Tallahassee to

discuss Florida KidCare, Florida’s child health insurance program. The Council is charged with offering guidance to the Department and to the Secretary as well as other state government groups about possible changes and adjustments to the KidCare Program which may result in recommendations for legislative action, state agency rule change, federal agency rule or policy change or Congressional action.

A copy of the agenda may be obtained from: Gail Vail, The Chiles Center, (850)487-0037, [gvail@hsc.usf.edu](mailto:gvail@hsc.usf.edu).

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Thursday, June 13, 2002, 9:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, BIN #C07, Tallahassee, FL, at Meet Me Number (850)921-6599

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Chiropractic Medicine, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System 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 item may be obtained by writing: Joe Baker, Jr., Board of Chiropractic Medicine, Executive Director, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Board of Clinical Laboratory Personnel**, Rules Committee will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Thursday, June 20, 2002, 9:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Rule Chapter 64B3, Florida Administrative Code.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Clinical Laboratory Personnel, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System 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 item may be obtained by writing: Joe Baker, Jr., Board of Clinical Laboratory Personnel, Executive Director, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Board of Clinical Laboratory Personnel** will hold a Legislative Workshop to which all persons are invited to attend.

DATE AND TIME: Thursday, June 20, 2002, 1:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Prior Legislative Initiatives, Chapter 483, Part III, Florida Statutes.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Clinical Laboratory Personnel, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System 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 item may be obtained by writing: Joe Baker, Jr., Board of Clinical Laboratory Personnel, Executive Director, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: June 11, 2002, 2:00 p.m.

PLACE: Call: (850)488-8295, Suncom 278-8295

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 (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: June 14, 2002, 2:00 p.m.

PLACE: Call: (850)488-8295, Suncom 278-8295

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 The Rules Committee of the **Board of Medicine** hereby gives notice that a public workshop for the purposes of rule development on 64B8-9.014 – Standards for Telemedicine Prescribing Practice will be held. The notice of rule development was published in Vol. 28, No. 8, of the February 22, 2002, Florida Administrative Weekly.

The rule development workshop is scheduled as follows:

DATE AND TIME: June 20, 2002, 11:00 a.m., or as soon thereafter as can be heard

PLACE: The Sheraton Ft. Lauderdale Airport, 1825 Griffin Road, Dania, Florida 33004.

The person to be contacted regarding the rule development workshop is: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior

to the hearing. If you are hearing or speech impaired, please contact the Board office 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 **Board of Medicine**, Rules/Legislative Committee announces a meeting to which all persons are invited.

DATE AND TIME: June 20, 2002, 11:00 a.m.

PLACE: Sheraton Ft. Lauderdale Airport, 1825 Griffin Road, Dania, Florida 33044, (954)920-3500

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: Larry McPherson, 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 committee 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, he 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 **Department of Health, Board of Occupational Therapy Practice** announces a General Board Meeting to which all persons are invited:

DATE AND TIME: June 24, 2002, 10:00 a.m. (EST) or soon thereafter

PLACE: Department of Health, Room 301, 4042 Bald Cypress Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by writing: Department of Health, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Board Office, (850)245-4373.

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 the Board Office, (850)245-4373. 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 Board 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 **Department of Health, Board of Respiratory Care** announces meetings to which all persons are invited.

DATE AND TIMES: July 12, 2002, Probable Cause Panel, 8:00 a.m. or soon thereafter; General Board Meeting, 9:15 a.m. or soon thereafter.

PLACE: The Embassy Suites, 555 North Westshore Blvd., Tampa, FL 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel and General Business Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the Board Office, (850)245-4373.

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 the Board Office, (850)488-0595. 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 Board 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.

#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Big Bend Community Based Care Alliance and the **Department of Children and Family Services**, Subdistrict 2B announces a meeting to which all persons are invited. The Alliance encompasses: Leon, Franklin, Gadsden, Liberty, Madison, Jefferson, Taylor and Wakulla counties.

DATE AND TIME Thursday, June 6, 2002, 2:30 p.m. – 4:00 p.m. (EST)

PLACE: Department of Children and Family Services, Cedars Executive Center, Conference Room 201, Second Floor, Building A, 2639 North Monroe Street, Tallahassee, FL 32399-2949

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Meeting of the Big Bend Community Based Care Alliance to review evaluation criteria and guiding principles for inclusion in the Phase II, Invitation to Negotiate for a lead agency for child welfare in Subdistrict 2B.

A copy of the agenda can be obtained by calling: Anissa Pitti, Department of Children and Family Services, (850)488-0569 or Suncom 278-0569.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Anissa Pitti), at least 2 working days prior to the meeting, (850)488-0569 or 1(800)226-6223 (TDD).

The **Department of Children and Family Services**, Community Alliance of Northeast Florida, Task Force for Foster Care announces a meeting to which all persons are invited.

**DATE AND TIME:** June 4, 2002, 10:00 a.m. – 12:00 Noon

**PLACE:** Meeting Room B, 5920 Arlington Expressway, Jacksonville, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Quality Foster Care and Permanency.

The **Department of Children and Family Services**, Alcohol, Drug Abuse and Mental Health Program Office announces a public meeting to which all persons are invited:

**DATE AND TIME:** Friday, June 7, 2002, 2:00 p.m.

**PLACE:** Department of Children and Family Services, Conference Room A, 4720 Old Highway 37, South, Lakeland, Florida 33813, (863)619-4171

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Department is seeking public input and information regarding the re-designation of the Baker Act Receiving Facility in Polk County. The Facility is Peace River Center for Personnel Development, Inc. in Bartow.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Department of Children and Family Services, not later than five working days prior to the proceeding, at the Alcohol, Drug Abuse and Mental Health Program Office, 4720 Old State Road 37, Lakeland, Florida 33813.

For further information contact: Royanne McMillan, (863)619-4171.

**FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

**DATE AND TIME:** Monday, June 10, 2002, 1:30 p.m.

**PLACE:** Rick Seltzer Conference Room, 6th Floor, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, FL 32301-1329

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss the evaluation of responses submitted for Florida Housing Finance Corporation’s Request for Proposals # 2002/01 for the Development, Rehabilitation and/or Refinancing of Affordable Assisted Living Facilities.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Laurie Camp, Human Resources Administrator, at Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)55-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

**DATE AND TIME:** Tuesday, June 11, 2002, 1:30 p.m.

**PLACE:** Rick Seltzer Conference Room, 6th Floor, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, FL 32301-1329

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss the evaluation of responses submitted for Florida Housing Finance Corporation’s Request for Proposals # 2002/04 for Investment Manager services.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Laurie Camp, Human Resources Administrator, at Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance 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 Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

DATE AND TIME: Wednesday, June 12, 2002, 1:30 p.m.  
PLACE: Florida Housing Finance Corporation, Rick Seltzer Conference Room, 6th Floor, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluation of responses submitted for Florida Housing Finance Corporation's Request for Proposals #2002/02 for Program Administrator/Master Servicer.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Laurie Camp, Human Resources Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance 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 Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a public meeting of the Corporation to which all persons are invited:

DATES AND TIME: Concurrent Wednesdays, July 3, 2002 through September 25, 2002, 2:00 p.m.  
PLACE: Florida Housing Finance Corporation, Seltzer Room, 6th Floor, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Corporation's State Housing Initiatives Partnership (SHIP) Program Review Committee. The purpose of these Review Committee Meetings is to consider SHIP related matters and approve New and Amended Local Housing Assistance Plans submitted by any of the 67 counties or 48 entitlement municipalities participating in the SHIP Program.

A copy of the weekly agenda may be obtained through the Corporation's SHIP Web Page at [www.floridahousing.org](http://www.floridahousing.org). Any change to the agenda or the cancellation to the meeting will be posted on the SHIP web page five calendar days prior to the meeting.

Any person requiring a special accommodation at these meetings because of a disability or physical impairment should contact Florida Housing Finance Corporation, (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, 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.

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**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: June 12, 2002, 8:00 a.m.  
PLACE: Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

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**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Par-Kut International, Inc. on December 20, 2001, which was subsequently amended on January 18, 2002. The request was assigned the number DCA01-DEC-252. This Declaratory Statement was issued May 17, 2002, and determined that the building proposed by the Petitioner falls within the exception pertaining to employee toilet facilities contained in Section 403.4, Florida Building Code, Plumbing Volume.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Interplan LLC on January 7, 2002. The request was assigned the number DCA02-DEC-002. This Declaratory Statement was issued May 21, 2002, and determined that unisex toilet facilities are required in buildings which have an aggregate of greater than six male and female water closets pursuant to Section 403.7, Florida Building Code, Plumbing Code.



A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Miami Dade Permitting and Inspection Center on February 13, 2002. The request was assigned the number DCA02-DEC-040. This Declaratory Statement was issued May 17, 2002. As Section 424.2.17 of the Florida Building Code, Building Volume, applies to sectional barriers, the Building Commission concluded that only one pole need be attached such that it is not removable without the aid of tools and that a gate is not a required element of a barrier.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Lake County Building Division on February 18, 2002. The request was assigned the number DCA02-DEC-046. This Declaratory Statement was issued May 17, 2002. Use of alarms which are hard-wired or plug-in type are necessary to comply with the requirements of the Code.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Lake County Building Division on February 18, 2002. The request was assigned the number DCA02-DEC-047. This Declaratory Statement was issued May 17, 2002. Pursuant to Section 424.2, Florida Building Code, Building Volume, use of an approved safety pool cover complying with ASTM F 1346-91 in the absence of any other safety measures is sufficient to comply with that section of the Code.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Lake County Building Division on February 18, 2002. The request was assigned the number

DCA02-DEC-051. This Declaratory Statement was issued May 21, 2002. Pursuant to Section 424.2.17, Florida Building Code, Building Volume, a standard screen enclosure may be used as part or all of the barrier provided that one end of the enclosure is not removable without the use of tools.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received on February 20, 2002, from Wayne H. Russ, Building Official, Indian River County. The request was assigned the number DCA02-DEC-052. This Declaratory Statement was issued May 17, 2002. The Building Commission concluded that the last wind speed contour lines in the subject county was the 140 mile per hour line, pursuant to Section 1606, Florida Building Code, Building Volume.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Ward Gould of Go-Bolt, Inc. on March 1, 2002. The request was assigned the number DCA02-DEC-075. This Declaratory Statement was issued May 17, 2002. The Commission is without authority to determine what constitutes good engineering practices; therefore, the designer of record and the Building Official must use their own discretion with respect to the coating on connectors.

A copy of the Declaratory Statement may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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#### **PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has received a petition for a Declaratory Statement from BellSouth Telecommunications, Inc., requesting the agency's opinion regarding the applicability of its General Subscriber Service Tariff, Section A35, "Interconnection Services for Mobile Service Providers," to Sprint PCS's request for the provision of telecommunications service in Macclenny, Florida. Docket No. 020415-TL.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received an amended petition for declaratory statement In Re: Amendment to Petition for Declaratory Statement, John J. Johnson, Unit Owner, Baywatch Condominium, Petitioner, on May 10, 2002.

The Petitioner requests an interpretation as to whether:

1. Is the action of the members of the association to waive the requirement to provide audited financial statements for the year 2002 in compliance with Rule 61B-22.006? Is the requirement for audited financial statements for the year 2002 still in effect regardless of the action taken by the members at the annual meeting on April 27, 2002?
2. Is the board responsible to the members for compliance with the condominium documents in accordance with Chapter 718, Florida Statutes, and Rule 61B-22, Florida Administrative Code? Which actions of the board, if any, described in this petition appear to be in violation of the condominium documents in accordance with Chapter 718, Florida Statutes, and Rule 61B-22, Florida Administrative Code? What liability does the board assume by failing to comply after becoming aware of a noncompliance?

A copy of the Amendment to Petition for Declaratory Statement, Docket Number CD2002-025, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to Joseph Garwood, Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed on behalf of John Sokolowicz, M.D. The Board reviewed the petition at its meeting held on April 6, 2002, in Jacksonville, Florida. The Board's Final Order, filed in this cause on May 6, 2002, finds that under the specific facts of the petition, the proposed contractual arrangement does not constitute prohibited patient self-referral.

A copy of the Petition and the Board's Final Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

NOTICE IS HEREBY GIVEN THAT on May 20, 2002, the Board of Physical Therapy Practice received a Petition for Declaratory Statement from Nick Galvez. The petition seeks

the agency's opinion as to the applicability of Section 486.021, Florida Statutes, and how the statutory provision, particularly subsection (11), affects petitioner.

A copy of the Petition for Declaratory Statement may be obtained by writing: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, Department of Health, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255.

The Board of Psychology hereby gives notice that it has received a Petition for Declaratory Statement filed by Mark D. Cunningham, Ph.D. The Petitioner seeks the Board's interpretation of Section 490.014(2)(e), Florida Statutes, with regard to a licensure exemption to provide forensic services in Florida.

A copy of the petition may be obtained by writing: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255.

The Board of Psychology hereby gives notice that it has received a Petition for Declaratory Statement filed by Timothy J. Deming, Ph.D. The Petitioner seeks the Board's interpretation of Section 490.014(2)(e), Florida Statutes, with regard to a licensure exemption in Florida.

A copy of the petition may be obtained by writing: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255.

**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:**

Killingsworth Environmental, Inc., Environmental Security, Inc., Environmental Security of Okaloosa, Inc., Environmental Security of Panama City, Inc. and Environmental Security of Gainesville, Inc. vs. Department of Agriculture and Consumer Services; Case No.: 02-1287RX; Rule No.: 5E-14.102(5)

Par Gas, Inc. d/b/a 1st Propane of Bushnell vs. Department of Agriculture and Consumer Services; Case No.: 02-1617RX; Rule No.: 5F-11.047(1)

Florida Pool and Spa Association, Inc. vs. Florida Building Commission; Case No.: 02-1192RX; Rule No.: 9B-3.047

City of Marathon vs. Florida Administration Commission;  
Case No.: 02-1075RP; Rule No.: 28-18

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Maria Albo vs. Department of Elder Affairs; Case No.:  
02-1482RX; Rule Nos.: 58A-1.001(45), 58A-1.007(3)(f)

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North Miami Medical Center, Ltd., d/b/a Parkway Regional  
Medical Center vs. Agency for Health Care Administration;  
Case No.: 02-1656RP; Rule Nos.: 59E-5.201, 59E-5.605

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Florida Pharmacy Association vs. Agency for Health Care  
Administration; Case No.: 02-1288RP; Rule No.: 59G-4.250

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Maria Albo vs. Agency for Health Care Administration; Case  
No.: 02-1483RX; Rule No.: 59G-8.200(6)(b),(10)(c)

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Beal St., Inc. vs. Department of Business and Professional  
Regulation, Division of Alcoholic Beverages and Tobacco;  
Case No.: 02-1428RX; Rule No.: 61A-5.010(2)(a),  
61A-5.015(5)

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Badger Meter, Inc. vs. Department of Environmental  
Protection; Case No.: 02-1267RX; Rule No.: 62-555.320

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Florida Academy of Physician Assistants and Raymond Jeffrey  
Hulley, MS PA-C vs. Department of Health, Board of  
Medicine; Case No.: 02-2005RP; Rule No.: 64B8-2.001

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Michael J. Hason, M.D., J.D. vs. Department of Health; Case  
No.: 02-1612RX; Rule No.: 64B8-4.022

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Maria Albo vs. Department of Children and Family Services;  
Case No.: 02-1481RX; Rule No.: 65A-1.711(4)(f)

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Orange County vs. South Florida Water Management District;  
Case No.: 02-1622RU

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Commcare Pharmacy, Inc. vs. Agency for Health Care  
Administration; Case No.: 02-1938RU

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Florida Association of Medical Equipment Services vs.  
Agency for Health Care Administration; Case No.: 02-1314RU

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Beal St., Inc. vs. Department of Business and Professional  
Regulation, Division of Alcoholic Beverages and Tobacco;  
Case No.: 02-1431RU

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**Notice of Disposition of Petition for Administrative  
Determination have been filed by 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); Dismissed

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Angelo's Aggregate Materials, Ltd. vs. Suwannee River Water  
Management District; Case No.: 01-4383RX; Rule Nos.:  
40B-1.702(4), 40B-4.1020(12), (30), 40B-4.1030,  
40B-4.1040(1)(b), (c), 40B-4.2030(4), 40B-4.3000(1)(a),  
40B-4.3010, 40B-4.3020, 40B-4.3030, 40B-4.3040,  
40B-400.103(1)(h); Dismissed

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Angelo's Aggregate Materials, Ltd. vs. Suwannee River Water  
Management District; Case No.: 01-4026RU; Rule Nos.:  
40B-4.3010, 40B-1.702(4), 40B-4.1020(12); Dismissed

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Southern Baptist Hospital of Florida, Inc. vs. Agency for  
Health Care Administration and St. Vincent's Medical Center,  
Inc. and St. Luke's Hospital Association d/b/a St. Luke's  
Hospital; Case No.: 02-0575RX; Rule No.: 59C-1.012(2);  
Denied

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Jacqueline M. Lane, Apalachicola Bay and River Keeper, Inc.,  
Save Our Bays, Air and Canals, Inc., Florida Public Interest  
Research Group, Citizen Lobby, Inc., Santa Rosa Sound  
Coalition, Friends of Saint Sebastian River, Linda Young and  
Save our Suwannee, Inc. vs. Department of Environmental  
Protection and Florida Electric Power Coordinating Group,  
Inc., Florida Pulp and Paper Association Environmental  
Affairs, Inc., Florida Manufacturing and Chemical Council,  
Inc. and Florida Water Environment Association, Inc.; Case  
Nos.: 01-1332RP, 01-1462RP, 01-1463RP, 01-1464RP,  
01-1465RP, 01-1466RP, 01-1467RP, 01-1797RP; Rule No.:  
62-303; Dismissed

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The Florida Electric Power Coordinating Group, Inc. vs.  
Department of Environmental Protection; Case No.:  
01-4257RU; Rule No.: 62-620.610; Dismissed

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Columbia Hospital Corporation of South Broward d/b/a  
Westside Regional Medical Center vs. Department of Health  
and North Broward Hospital District d/b/a Broward General  
Medical Center and d/b/a North Broward Medical Center; Case  
No.: 02-0400RU; Rule No.: 64E-2.022(3); Denied

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Brisas Del Mar, Ltd. vs. Florida Housing Finance Corporation; Case No.: 01-3946RU; Rule No.: 67-11; Dismissed

Beal St., Inc. and Timothy James Beal vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 02-1431RU; Rule Nos.: 61A-5.0105(5), 61A-5.010(2)(a); 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 PROFESSIONAL CONSULTANTS**

The University of South Florida St. Petersburg announces that Qualifications Based Development Services Team for the design and construction of a student residential facility will be required for the project listed below:

**PROJECT NAME:** USF St. Petersburg Student Residential Facility (Phase II)

**PROJECT AND LOCATION:** University of South Florida St. Petersburg, St. Petersburg, Florida.

**Project Description:**

The University of South Florida St. Petersburg will provide approximately 240 beds of student housing in a newly-built residence hall on campus land for occupancy in Fall 2004. The University will create such a facility through a ground lease with an independent not-for-profit foundation which would develop and manage the residence. The project team will include a mix of 4-bedroom single apartments and 2-bedroom double suites in 4-story buildings, to minimize rental risk and provide flexibility in housing assignments. A site at the northeast corner of campus is recommended for this use, which is consistent with the Campus Master Plan.

The project must comply with and adhere to the program to meet financial proforma requirements. The Development Services Team shall be responsible for management of the process and project to meet project scope, budget and schedule requirements. The management of the process and project by the Development Services Team shall facilitate the Owner's organization's needs, and accomplishing those needs within the mandatory project schedule for occupancy requirements.

The Development Services Team contract shall be in compliance with the qualifications based Development Services Team selection provisions in Rule 6C-14.007, F.A.C., including pre-construction fees, construction related services costs and a guaranteed maximum price.

The University will contract with the selected team for all services including, but not necessarily limited to, budgeting, labor, materials, and equipment required to design, construct, and furnish the project. The selected team will be required to provide computer generated drawings in accordance with the standards of the University of South Florida.

Blanket professional design liability insurance will be required for this project in the amount of \$250,000.00 and will be provided as a part of Basic Services.

The proposed contractual value of this project can be as high as \$8,886,600.00. The respondent must be capable of bonding at 100% of the value of the contract with a surety licensed to do business in the State of Florida with a Best Rating of "A".

**INSTRUCTIONS**

Teams desiring to apply for consideration shall submit a completed "Design and Construction Services Qualifications Supplement", which may be obtained by contacting: Norma Schnapp, Contracts Administrator, Facilities Planning and Construction, University of South Florida, St. Petersburg, 140 7th Avenue, South, DAV 125, St. Petersburg, Florida 33701, (727)553-1822, Fax (727)553-3194 or email nschnapp@stpt.usf.edu.

All teams 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.

Interested teams are requested to attend a presubmittal meeting at the University of South Florida St. Petersburg to be held at 2:00 p.m. (Eastern Standard Time), Thursday, June 13, 2002, in Davis Hall, Room 130, USF, St. Petersburg, 140 7th Avenue, South, St. Petersburg, Florida, to review the scope and requirements of this project. Requests for meetings by individual teams will not be granted.

**MINORITY PROGRAM:** Teams are required to utilize Minority Business Enterprises certified by the Minority Business Advocacy and Assistance Office, State of Florida Department of Labor and Employment Security. A minimum goal of 21% participation has been established.

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 \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Six (6) copies of the required information shall be submitted to the attention of James A. Grant, Director, Facilities Planning and Construction, University of South Florida St. Petersburg, 140 7th Avenue, South, DAV 125, St. Petersburg, FL 33701 by or no later than 3:00 p.m. (Eastern Standard Time), Friday, June 28, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions or qualifications or Design/Build proposals without obligation to the respondent. The award of this contract is subject to availability of funds. If additional funding is realized, the University has the option to incorporate additional scope/funding under this contract.

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#### NOTICE TO CONSTRUCTION MANAGERS

Florida Atlantic University, on behalf of the State of Florida, Board of Education announces that Construction Management services will be required for the project listed below:

Project No.: BR-601, Parking Garage II  
 Florida Atlantic University  
 Boca Raton Campus

The project consists of site development and construction of a 1,026 car Parking Garage. The proposed five level Parking Garage will be located on Florida Atlantic University's Boca Raton Campus, on the west side of Broward Boulevard and on the southern portion of lot 1. The estimated construction cost is \$8,660,000.

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, construct ability 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 (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; 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 Florida Board of Education – Division of Colleges and Universities "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 \$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 Florida Board of Education – Division of Colleges and Universities "Construction Manager Qualifications Supplement" form 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, 777 Glades Road, Building T-10, Room 16, Boca Raton, Florida 33431, (561)297-2663, (561)297-0224 Fax.

Five (5) bound copies of the required proposal data shall be submitted to: Mr. Tom Donaudy, Associate Vice President, Florida Atlantic University, 777 Glades Road, Building T-10, Room 16, Boca Raton, Florida 33431.

Submittals must be received and addressed to Mr. Tom Donaudy, Associate Vice President to the University Architect at the above address, by 5:00 p.m. (Local Time), Tuesday, July 9, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

RFBP No. 54007310

Large Equipment Items for School Food Service

The Putnam County District School Board, Palatka, Florida is soliciting sealed bids from responsible vendors to furnish large equipment items as specified in RFBP 54007310 to the Food Service Department. Bid proposals will be received in the Purchasing Office, 1314 Reid Street, Palatka, FL 32177 until 2:00 p.m. (Local Time), Wednesday, June 12, 2002. Interested vendors may obtain a copy of the RFBP from the Purchasing Department, Putnam County District Schools. Phone (904)329-0525.

BID REQUEST FOR  
ANNUAL SUPPLY OF ICE CREAM AND  
FROZEN SPECIALTY ITEMS

Bid No.: 6023 Opening Date: June 13, 2002, 2:00 p.m.  
Request a bid package by:  
Phone: (941)479-4250; Fax: (941)337-8200; In Person or  
Mail: 3308 Canal Street, Fort Myers, Florida 33916-6594  
Requests must be received by June 6, 2002, 2:00 p.m.  
Complete Bid Package available only upon request.  
By: Linda Owen, Senior Buyer

**WATER MANAGEMENT DISTRICTS**

INVITATION TO BID

Sealed bids will be received by the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060 for:

PROJECT TITLE: CEDAR KEY SANITARY PUMP OUT

PROJECT NUMBER: RFB 01/02-057 RM

PROJECT SCOPE: The project involves the installation of a marine sanitary pump out facility on the pier located in Cedar Key, Florida. Estimated cost is under \$25,000.

PROJECT LOCATION: The project is located in Cedar Key, Florida.

BID DOCUMENTS: Any individual or firm desiring to bid on this project may obtain a copy of the plans, specifications, and request for bid by contacting:

Sandra Keiser, Administrative Assistant  
Suwannee River Water Management District  
9225 County Road 49

Live Oak, Florida 32060

(386)362-1001 or 1(800)226-1066, Florida only

BID DATE AND TIME: Sealed bids will be received until 4:00 p.m., Friday, June 21, 2002, at the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060. Clearly label all bids, "Cedar Key Sanitary Pump Out, RFB 01/02-057 RM". Faxed bids will not be accepted.

BID REQUIREMENTS: Bids must be submitted in full accordance with the requirements of the drawings, specifications, and bid documents. Bidders are encouraged to inspect the work site prior to bidding.

**EXPRESSWAY AUTHORITIES**

NOTICE OF REQUEST FOR PROPOSALS

FOR DESIGN-BUILD SERVICES

MDX PROJECT NO. ITS-002

The Miami-Dade Expressway Authority (MDX) seeks the services of a qualified design consultant-contractor team ("Firm") with the necessary expertise in the delivery of Design-Build projects to provide design and construction services to implement an Advanced Traffic Management System (ATMS) on State Road (SR) 836 for MDX Project No. ITS-002 (the "Project").

As part of a Federal Highway Administration (FHWA) earmark appropriated to MDX, in partnership with the Florida Department of Transportation (FDOT), MDX will implement a series of Intelligent Transportation Systems (ITS) components that will integrate the FDOT SunGuide Control Center (SGCC) with the MDX Headquarters Traffic Management Center (TMC) for the management and operation of the ATMS. The proposed ATMS components will be integrated with the existing SGCC software, such that they will become a seamless extension to the SunGuide surveillance system and also integrate with the MDX TMC. The Firm shall design, furnish, install, integrate, test and document a fully operational ATMS enabling:

- Incident management,
- Network surveillance, and
- Information dissemination.

Copies of the Request for Proposals will be available on Monday, July 15, 2002 after 12:00 Noon at the MDX Headquarters Building, 3790 N. W. 21st Street, Miami, Florida 33142.

MDX has scheduled a Mandatory Pre-Proposal Conference to discuss the Project with interested Firms on Monday, July 22, 2002, 2:00 p.m., at the MDX Headquarters Building. Attendance to this meeting is mandatory.

COMMUNICATION. Communications between any respondent and any MDX board member or MDX's consultants and/or staff is strictly prohibited from the date of publication of the Notice of Request for Proposals through the

date of final MDX action with respect to the selection of the successful Firm for this engagement. The only exceptions to this are communications at the pre-proposal conference or a publicly noticed meeting of MDX and/or its Operations Committee, and written communications regarding questions about the Request for Proposals. Such written communication should be directed to: Helen M. Cordero, MDX Procurement Officer, via e-mail at hcordero@mdx-way.com or Facsimile (305)637-3283. ANY VIOLATION OF THE REQUIREMENTS SET FORTH IN THIS PARAGRAPH SHALL CONSTITUTE GROUNDS FOR IMMEDIATE AND PERMANENT DISQUALIFICATION OF THE OFFENDING RESPONDENT.

**SUBCONSULTANTS.** The Firm must submit a complete list of Subconsultants and Subcontractors that may perform Work on the Project in the Firm's Response to the Request for Proposals. No changes to the list of Subconsultants and Subcontractors can be made after the deadline for submitting of Responses without approval by MDX.

**SMALL BUSINESS ENTERPRISES PROGRAM AND EQUAL EMPLOYMENT OPPORTUNITIES.** Please see the RFP for MDX's policies and requirements regarding these issues.

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Notice to Construction Managers  
Request For Statements Of Qualifications (RSOQ)  
MDX PROJECT #000-017

The Miami-Dade Expressway Authority ("MDX") is seeking the services of Construction Management Firms (the "Firm") with the necessary experience in general construction and construction management to assist MDX in the delivery of miscellaneous construction projects associated with the MDX Capital Improvement Program (the "Project"). Such projects include, but are not limited to, buildings, roadways, bridge rehabilitation, miscellaneous repairs and minor improvement projects.

**FEDERAL AND STATE DEBARMENT:** By signing and submitting a Statement of Qualifications (SOQ), the Firm certifies that no principal (which includes shareholders, partners, officers, directors or executives) is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal or state or local department or agency.

**SYSTEM:** The Miami-Dade Expressway System is comprised of State Road (SR) 112, SR 836, SR 874, SR 878, and SR 924.

**DESCRIPTION OF WORK:** Work anticipated under this agreement may consist of any of the following:

The selected Firms will provide construction management and general construction services associated with the miscellaneous improvements of various projects within the renewal and replacement portion of the MDX Capital Improvement Program. The scope of work includes, but is not limited to, minor construction related to building facilities,

roadway improvements, maintenance upgrades and rehabilitation, landscaping, bridge rehabilitation, permitting, and coordination with other state and local agencies. The Firm will provide these services for projects with a maximum budget amount of One Million Five Hundred Thousand Dollars (\$1,500,000).

**SELECTION PROCEDURE:** A maximum of five (5) Firms will be shortlisted using the Evaluation Criteria shown below. The shortlisted Firms will be requested to provide written Technical Proposals based on the information and criteria requirements contained in the Request for Proposals ("RFP") to be issued by MDX. Oral interviews with the shortlisted firms may be required. MDX reserves the right to select more than one Firm.

**RESPONSE PROCEDURE.** Qualified firms are encouraged to submit a SOQ package to MDX. One (1) original (unbound) SOQ, and nine (9) copies (ten (10) in total), MUST be received by the Miami-Dade Expressway Authority, 3790 N. W. 21st Street, Miami, Florida 33142, Attn: Ms. Helen M. Cordero, MDX Procurement Officer, by, Wednesday, July 3, 2002, by 12:00 Noon (Eastern Time) (the "Deadline Date"). SOQs submitted past the Deadline Date will be deemed non-responsive.

After reviewing the documentation submitted, evaluating the SOQs using the Evaluation Criteria shown herein, and ranking the Firms, MDX will notify all Firms in writing if they have been shortlisted and will mail one (1) copy of the RFP Package to each shortlisted Firm.

The deadline to submit questions in reference to this Request for Statements of Qualifications (RSOQ) is Monday, June 24, 2002, by 5:00 p.m. Questions should be submitted in compliance with the Communication Provision below. The responses to questions received will be posted on MDX's website [www.mdx-way.com](http://www.mdx-way.com) as an extension of this advertisement, or available by contacting MDX's Procurement Officer pursuant to the Communication Provision below. It is the Firm's responsibility to check the website or with MDX's Procurement Officer for these responses.

**RESPONSIVENESS OF SOQ'S AND CONDITIONS CAUSING DISQUALIFICATIONS OF FIRMS.** A responsive SOQ is one that conforms, in all material respects, to the requirements and instructions of the RSOQ.

SOQs will be rejected if found to be irregular, conditional or not in conformance with the requirements and instructions contained herein.

An SOQ will be found to be irregular or non-responsive for reasons including, but not limited to, violation of the Cone of Silence (as defined below), failure to strictly comply with and satisfactorily address the Prerequisite Criteria, failure to submit the information needed to evaluate the SOQ based on the Evaluation Criteria, incomplete SOQs, failure to provide or complete required forms, improper signatures, submittal of

more than one SOQ by the same Firm, evidence of collusion among Firms or evidence that a Firm has a financial interest in another Firm submitting an SOQ for this engagement.

SOQs will be rejected if more than one SOQ is received from an individual, firm, partnership, or corporation, or combination thereof (furnished as the prime proposer), under the same or different names. Such duplicate interest will cause the rejection of all SOQs in which such Firm has participated. A Firm or any of the entities comprising the Firm shall not appear as a Proposer in any other SOQ for the Project.

MDX, at its sole and absolute discretion, reserves the right to reject any and all SOQs or part of any and all SOQs, readvertise the RSOQ, postpone or cancel, at any time, this procurement process for the Project, waive irregularities in the SOQs or to withdraw the RSOQ, if it is in the best interest of MDX. All expenses involved with the preparation and submission of an SOQ to MDX, or any work performed in connection therewith, shall be solely the Firm's responsibility.

**SUBMITTAL OF STATEMENT OF QUALIFICATIONS.** The Statement of Qualifications shall be in writing, submitted on the letterhead of the Firm. The SOQ must not exceed twenty (20) pages. Resumes, MDX forms, and certificates/licenses are not included in the 20-page limit. The SOQ MUST include at a minimum, the documentation and/or information required in the Prerequisite Criteria and Evaluation Criteria.

**REQUIRED INFORMATION:** The SOQ shall contain the following Required Information:

1. Project name and number
2. Firm's name and address.
3. Name of contact person including phone number, fax number, and Internet e-mail address (one contact person per Firm).
4. An executed Vendor's Certificate (copy may be obtain from MDX's website)

**PREREQUISITE CRITERIA:** SOQs will not be considered from Firms that do not satisfy, at a minimum, the following Prerequisite Criteria. All requested documentation and/or information must be provided in the SOQ to confirm that the Firm has satisfied all of the Prerequisite Criteria.

1. Firm shall have a minimum of five (5) years experience as a general contractor.
2. Proof that all Proposers are licensed to practice as general contractors in the State of Florida at the time of application. As required by Section 287.133, Florida Statutes, a firm may not submit a proposal for the Project if it is on the convicted vendor list for a public entity crime committed within the past 36 months.
3. Firms must have a full service operational office located in either Miami-Dade, Monroe, Broward or Palm Beach County. Information must also be provided as to the location of the Firm's office in any of these counties.

4. Any and all licenses and/or certifications necessary to perform the Project, including but not limited to, those pertaining to construction management.
5. Certificates of Good Standing evidencing that the Firm is qualified to do business in the State of Florida.
6. Execution of the attached Commitment Letter stating that the Firm shall satisfy the 10% Small Business Participation Goal for the Project, in compliance with MDX's Small Business Participation Policy (a copy of this Policy may be obtain from MDX website). Further documentation addressing this requirement shall be required of shortlisted firms, pursuant to requirements in the RFP.

**EVALUATION CRITERIA.** The SOQ will be reviewed, evaluated and ranked using the following Evaluation Criteria:

- Firm's qualifications, experience and ability; current bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability. 20%
- Firm's specific experience with construction management services as it relates to general building construction and general roadway construction. 35%
- Proposed key personnel of the Firm, their qualifications and their roles (including resumes). 15%
- An estimate of the Firm's current workload, and available resources. The Firm should specifically address this criterion with respect to the proposed key personnel for this engagement. 10%
- A list of similar construction management services, in particular, representation of governmental entities completed NOT EARLIER THAN January 1, 1996, with references and phone numbers, including a general description of the role of the Firm and the services provided (This information should pertain to similar services requested in the RSOQ). 20%

**COMMUNICATION:** Communications between any respondent and any MDX board member or MDX's consultants and staff is strictly prohibited from the date of publication of the RSOQ through the date of final MDX action with respect to the Project and the selection of the successful Firm for this engagement (this communication prohibition is also referred to herein as the Cone of Silence). The only exception to this are communications at a pre-proposal conference or a publicly noticed meeting of MDX and/or its Operations Committee, and written communications regarding questions about the RSOQ. Such written communication should be directed to Helen M Cordero, MDX Procurement Officer, via e-mail at hcordero@mdx-way.com or facsimile at (305)637-3283. ANY VIOLATION OF THE REQUIREMENTS SET FORTH IN THIS PARAGRAPH SHALL CONSTITUTE GROUNDS FOR IMMEDIATE AND PERMANENT DISQUALIFICATION OF THE OFFENDING RESPONDENT.

**PROTEST RIGHTS.**



1. Any Firm must file a written protest with the Secretary of the MDX Board after the MDX Operations Committee's decision on the shortlist for the Project, if the protest is directed towards any part of the procurement process that has occurred as of the time of that decision.

It is intended that this provision be utilized to address any issues concerning the manner or process by which Firms are identified as qualified to receive the Request for Proposal for the Project. Should issues arise after the time period for filing a protest has past pursuant to this provision, which issues are determined by MDX to be covered by this provision, the protesting party shall be deemed to have waived any right to protest same.

2. A protest bond in the amount of \$20,000.00 will be required for any protest.
3. After the MDX Operations Committee renders its decision regarding the firms to be shortlisted, a copy of the final shortlist of firms invited to submit proposals in response to the Request for Proposals ("Final Shortlist") shall be sent to all firms who submitted a Statement of Qualifications for the Project by MDX's Chief Purchasing Officer or his designee. To be considered, a protest must be in writing and filed with the Secretary of the MDX Board within seventy-two (72) hours, excluding Saturdays, Sunday and legal holidays, after receipt of the Final Shortlist.
4. Within five (5) calendar days from the date of filing of the protest, the protesting party shall provide MDX with the grounds for its protest.
5. Upon receipt of a timely filed written protest, MDX and the protesting party shall attempt to resolve the protest by mutual agreement within ten (10) business days from the date of filing of the protest.
6. If the protest is not resolved by mutual agreement within ten (10) business days from the date of filing, MDX and the protesting party shall select a mutually agreed-upon mediator and participate in mediation within thirty (30) calendar days after the failure to reach a mutual agreement. All costs of mediation shall be borne by the protesting party, unless otherwise agreed upon by MDX. No court proceedings regarding any protest may be filed until the parties have first participated in mediation.
7. In the event mediation is unsuccessful, the party filing a protest pursuant to this provision shall file and serve the requisite legal action within fifteen (15) calendar days of the date of mediation.
8. In the event that a party serving a protest in accordance with this provision fails to: (1) resolve the protest by mutual agreement within ten (10) business days from the date of filing of the protest; (2) work with MDX to select an agreed-upon mediator and participate in mediation within thirty (30) calendar days after the failure to reach a mutual agreement; or (3) file and serve the requisite legal proceeding within fifteen (15) calendar days after the

termination of an unsuccessful mediation, the protest shall be deemed withdrawn and have no further force and effect. Any waiver of this provision must be in writing and signed by MDX's Executive Director.

9. Failure to file a protest in accordance with the requirements set forth herein with respect to any decisions made prior to the issuance of the Final Shortlist in accordance with this provision shall constitute a waiver of any right to initiate any protest proceedings regarding those decisions.

**EQUAL EMPLOYMENT OPPORTUNITIES AND SMALL BUSINESS ENTERPRISES PROGRAM:** MDX, in accordance with the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §200c et seq., the Florida Civil Rights Act of 1992, as amended, §760.10 et. seq., Fla. Stat. (1996) and other federal and state discrimination statutes, prohibits discrimination on the basis of race, color, sex, age, national origin, religion and disability or handicap. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women as employees in the work force.

MDX strongly encourages small, minority and woman owned business to have full opportunity to submit bids in response to Solicitation Documents issued by MDX, and commits that bidders will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain an M/WMBE participation of twenty-five percent (25%) for the aggregate of its projects. However, compliance with MDX's overall goal is not a pre-requisite for bidders or proposers on MDX projects. Please be advised that MDX has adopted a Small Business Participation Policy and a 10% Small Business Goal shall be required for the Project (see Prerequisite Criteria above.)

**MDX RESERVES THE RIGHT TO REJECT ANY OR ALL STATEMENTS OF QUALIFICATIONS RECEIVED.**

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## **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

### **REQUEST FOR SOLICITATION OF QUALIFICATIONS RFSOQBDRS 04-01/02**

PROPOSAL DUE DATE: 3:30 p.m., Tuesday, July 9, 2002

This Request for Solicitation of Qualifications (RFSOQ) is for State of Florida licensed contractors, as part of a state wide continuing services contract, to provide labor, material and equipment for marine contracting services at Florida State Parks and other state owned facilities throughout the state. All responses to the solicitation are welcome.

Solicitation packages may be obtained at the above address by calling (850)488-5372. Please specify the solicitation package by the DEP Solicitation Number provided above. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all proposals.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**REQUEST FOR PROPOSALS**

The Federal Emergency Shelter Grants Program, State of Florida, Department of Children and Family Services, Office on Homelessness announces the following Request For Proposals:

The Florida Department of Children and Family Services is requesting proposals for Federal Emergency Shelter Grants for the Homeless. A total of \$2,308,500 is available statewide. The maximum amount of funds that any one grantee can receive is \$200,000. The grants are for one year. Non-profit agencies and local units of government are eligible to apply.

Federal grant funds can be used to help improve the quality of emergency shelters and transitional facilities for homeless persons, to help make available additional emergency shelters, to help cover the costs of operating emergency shelters, and to provide essential supportive services to homeless individuals so that they have access not only to safe and sanitary shelter, but also to the services and other types of assistance they may need to improve their situations. In addition, funds may be used to provide an array of financial assistance and supportive services to help prevent persons from becoming homeless.

Copies of the Request for Proposal may be obtained from the Department of Children and Family Services on or after Friday, May 31, 2002. Written notices of intent to submit proposals are to be received by the department by Wednesday, June 12, 2002. A prospective Offeror's conference call will be held on Wednesday, June 19, 2002, 10:00 a.m. The department must receive all proposals for Federal Emergency Shelter Grants no later than Friday, July 19, 2002, 5:00 p.m. Proposals received after that time will not be considered. All times are local times in Tallahassee, Florida. Notification of grant awards will be issued on Monday, August 5, 2002.

All requests for proposals, inquiries, notices of intent to respond to the Request for Proposals and submission of proposals for Emergency Shelter Grants are to be directed in writing to the following:

Ms. Sharon Shivar, Administrative Assistant  
 Office on Homelessness  
 Department of Children and Family Services  
 1317 Winewood Boulevard  
 Building 2, Room 103-C  
 Tallahassee, Florida 32399-0700  
 Phone (850)922-9760

Fax (850)487-1361

The State of Florida, Department of Children and Family Services, District 7 is soliciting bids for service of courier pickup and delivery to and from District 7 offices in Osceola, Orange and Seminole counties. Copies of the bid package GS-02-06-14 are available from: John P. LeGrande, 400 W. Robinson Street, Suite S-730, Orlando, FL 32801 beginning June 4, 2002.

The Department must receive all completed bid packages at the above location by 4:00 p.m. June 14, 2002. The Department reserves the right to reject any and all bids, or accept minor irregularities in the bid proposal in the best interest of the State. Certified Minority Business Enterprises are encouraged to participate.

**FLORIDA HOUSING FINANCE CORPORATION**

Request for Qualifications  
 2002/02 Market Study Services

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide Market Study services to submit qualifications for consideration.

Written, sealed qualifications shall be accepted until 12:00 Noon (Eastern Time), June 14, 2002, to the Attention: Robin Grantham, Senior Contracts Analyst, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Robin Grantham, (850)488-4197 or [robin.grantham@floridahousing.org](mailto:robin.grantham@floridahousing.org). To obtain a copy of the Request for Qualifications, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Qualifications from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/rfps.html>. Any modifications that occur to the Request for Qualifications will be posted at the web site and may result in an extension of the deadline.

**GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY**

REQUEST FOR STATEMENTS OF QUALIFICATIONS  
 AIRPORT PLANNING SERVICES  
 PROPOSAL 02-005

The Gainesville-Alachua County Regional Airport Authority (GACRAA) is soliciting Statements of Qualifications (SOQ's) for the purpose of obtaining airport planning services for the Gainesville Regional Airport. Planning services may include, but are not limited to the following:

- Airport master plan
- Environmental assessment for extension of Runway 6-24
- FAR Part 150 noise study
- Architectural design of passenger terminal renovation

The SOQ documents will be available beginning June 3, 2002, at the Gainesville Regional Airport's Administration Office, 3880 N. E. 39th Avenue, Gainesville, FL 32609.

SOQ's must be signed by an authorized official, enclosed in a sealed envelope or package clearly marked "Proposal No. 02-005 – Airport Planning" and mailed or delivered to the Authority's Administrative Office, Gainesville Regional Airport, Attn: Airport Engineer, 3880 N. E. 39th Avenue, Gainesville, FL 32609. SOQ's received after 4:00 p.m., June 28, 2002, will not be considered. The official clock is located in the Authority's Administrative Office. Only SOQ's received by this time and date will be considered.

GACRAA reserves the right to reject any or all SOQ's received in response to this Request for Qualifications as determined to be in the best interest of the Airport.

For additional information contact: Craig Hedgecock, (352)373-0249.

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**REQUEST FOR STATEMENTS OF QUALIFICATIONS  
AIRPORT ENGINEERING SERVICES  
PROPOSAL 02-006**

The Gainesville-Alachua County Regional Airport Authority (GACRAA) is soliciting Statements of Qualifications (SOQ's) for the purpose of obtaining airport engineering services for the Gainesville Regional Airport. Planning services may include, but are not limited to the following:

- Runway 10-28 Rehabilitation
- Airfield Drainage
- Extension of Runway 6-24
- Passenger Terminal Automobile Parking Lots
- Aircraft Parking Ramp
- Installation of an Instrument Landing System (ILS)
- Airport Maintenance Facility
- Access Roadways
- Taxiway Construction and Rehabilitation

The SOQ documents will be available beginning June 3, 2002 at the Gainesville Regional Airport's Administration Office, 3880 N. E. 39th Avenue, Gainesville, FL 32609.

The term of the contract is for five (5) years.

SOQ's must be signed by an authorized official, enclosed in a sealed envelope or package clearly marked "Proposal No. 02-006 – Airport Engineering" and mailed or delivered to the Authority's Administrative Office, Gainesville Regional Airport, Attn: Airport Engineer, 3880 N. E. 39th Avenue, Gainesville, FL 32609. SOQ's received after 4:00 p.m., June 28, 2002, will not be considered. The official clock is located in the Authority's Administrative Office. Only SOQ's received by this time and date will be considered.

GACRAA reserves the right to reject any or all SOQ's received in response to this Request for Qualifications as determined to be in the best interest of the Airport.

For additional information contact: Craig Hedgecock, (352)373-0249.

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**TAMPA INTERNATIONAL AIRPORT**

**NOTICE TO PROFESSIONAL CONSULTANTS**

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Section 287.055, Florida Statutes, Letters of Interest from Architectural, Engineering firms or individuals desiring to render Professional Services for the following project at Tampa International, Peter O. Knight, Plant City, and Vandenberg Airports:

**ENVIRONMENTAL ENGINEERING SERVICES  
AND RELATED WORK**

Services to be provided shall include, but not be limited to, consulting and environmental engineering services related to environmental audits, site assessments, remediation planning and construction oversight for sites contaminated with petroleum and/or non-petroleum products, underground and aboveground fuel storage tanks and hydrant piping system compliance, Stormwater Pollution Prevention Plans (SWPPP) training, updates and implementation, Spill Prevention Control and Countermeasure (SPCC) plans updates, training and implementation, asbestos survey, sampling, and abatement oversight, and other environmental services as requested by the Authority. A more detailed scope of services will be included in the formal Request for Proposals.

Qualified Consultants desiring consideration for this Project must give written notification in the form of a Letter of Interest to:

William J. Connors, Jr.  
Senior Director of Planning and Development  
Hillsborough County Aviation Authority  
Post Office Box 22287  
Tampa, Florida 33622

Interested parties may inquire as to project description, details, and required data submissions, to William J. Connors Jr., Senior Director of Planning and Development, (813)870-8704. **ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR PROPOSALS IS REQUIRED AT THIS TIME.**

The Letters of Interest (Only) must be received at or before 5:00 p.m. (Local Time), Tuesday, June 11, 2002. Subsequent to receiving Letters of Interest, a Request for Proposal will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Proposal Conference will then be held on Friday, June 21, 2002, 10:00 a.m. (Local Time), at the offices of Hillsborough County Aviation Authority located in the Landside Terminal Building, Third Floor, Blue Side at Tampa International Airport. Details of this conference will be included in the Request for Proposals.

**HILLSBOROUGH COUNTY AVIATION AUTHORITY**

By: /s/ Louis E. Miller  
 Louis E. Miller, Executive Director

**NOTICE TO PROFESSIONAL CONSULTANTS**

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Section 287.055, Florida Statutes, Letters of Interest from Architectural, Engineering firms or individuals desiring to render Professional Services for the following project at Tampa International, Peter O. Knight, Plant City and Vandenberg Airports:

**ENVIRONMENTAL TESTING LABORATORY SERVICES**  
 Services to be provided shall include, but not limited to, analytical services in support of environmental testing and sampling activities including sampling of groundwater, surface water, drinking water, soil, sediment, sludge, and other media as requested by the Authority. The laboratory must have all required certifications needed to furnish these services including NELAC and DOH certifications and shall be capable of delivering analytical data electronically in the format specified by the Authority. A more detailed scope of services will be included in the formal Request for Proposals.

Qualified Consultants desiring consideration for this Project must give written notification in the form of a Letter of Interest to:

William J. Connors, Jr.  
 Senior Director of Planning and Development  
 Hillsborough County Aviation Authority  
 Post Office Box 22287  
 Tampa, Florida 33622

Interested parties may inquire as to project description, details, and required data submissions, to William J. Connors Jr., Senior Director of Planning and Development, (813)870-8704. **ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR PROPOSALS IS REQUIRED AT THIS TIME.**

The Letters of Interest (Only) must be received at or before 5:00 p.m. (Local Time), Tuesday, June 11, 2002. Subsequent to receiving Letters of Interest, a Request for Proposal will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Proposal Conference will then be held on Friday, June 21, 2002, 2:00 p.m. (Local Time), at the offices of Hillsborough County Aviation Authority located in the

Landside Terminal Building, Third Floor, Blue Side at Tampa International Airport. Details of this conference will be included in the Request for Proposals.

**HILLSBOROUGH COUNTY AVIATION AUTHORITY**

By: /s/ Louis E. Miller  
 Louis E. Miller, Executive Director

**DEPARTMENT OF MILITARY AFFAIRS**

**NOTICE TO CERTIFIED OR REGISTERED CONTRACTORS AND PROFESSIONAL CONSULTANTS REQUEST FOR DESIGN-BUILD SERVICES**

The State of Florida, Department of Military Affairs, request qualifications from Design-Build firms for the following Design-Build project.

**PROJECT NUMBER:** 202084

**PROJECT NAME:** Physical Fitness Center, Camp Blanding Training Site (CBTS), Starke, Florida.

**PROJECT DESCRIPTION:** Design and Construct a new Physical Fitness Center of approximately 3,600 SF. To include all A/E services, permitting, site investigation, site preparation, utility hook-ups and all necessary work required for a complete and usable facility. Basic exterior construction of the structure will be of masonry type walls, concrete floors, and a pitched standing seam metal roof. The interior of the building will consist of the following functional areas; Exercise area, 1,600 SF; Office, 180 SF; Male and Female Latrine, 240 SF each; Male and Female Locker room and Shower, 280 SF each; Storage Room, 90 SF; and a Mechanical Room, 70 SF. Conceptual drawings available upon request.

**ESTIMATED CONSTRUCTION BUDGET:** \$400,000.00, including design.

**PROJECT MANAGER:** CW2 John Eckert, Department of Military Affairs, Construction and Facility Management Office, 2305 State Road 207, St. Augustine, Florida 32086, (904)823-0271.

**RESPONSE DUE DATE:** July 2nd 2002, by 3:00 p.m. (Local Time)

**DATE AND LOCATION OF SHORT LIST:** COB July 17, 2002

**DATE AND LOCATION FOR INTERVIEWS:** TBD

This advertisement is issued to give advance notice of our Design-Build intentions, to allow interested parties to form Design-Build teams and to submit letters of interest for the advertised Design-Build project. A selection Committee shall select no less than three firms, as finalists, deemed to be most highly qualified to perform the required services under Rule 60D-13.007, F.A.C. Determination of ability shall be based on related building experience, financial capability, scheduling/cost control, office and on-site staff training and experience, location, past performance, experience and ability of consultants and current workload. Each of these finalist will be eligible for consideration in accordance with Rule

60D-13.009, F.A.C., "Competitive Negotiation for Design-Build Services." Finalist may be required to make oral presentations, and the Selection Committee may reject all proposals and stop the selection process at any time. Award of contract is contingent on the availability of funds.

**INSTRUCTIONS**

Applicants desiring to provide these services shall apply for consideration by submitting an original and three copies of the following:

1. Letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Professional Qualifications Supplement and Financial Statement.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. References from prior clients received within the last five years.
6. For corporations only, a copy of the current Corporate Charter Certificate showing validation date and designation of professionals qualifying the corporation to practice in the discipline for which it is applying.
7. A current SF-254.
8. A current SF-255.

Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Facsimile (FAX) submittals are not acceptable and will not be considered. Applicants that do not comply with these instructions or those that do not include the requested data will not be considered. All information received will be maintained with the project file and will not be returned. Any protests of the selection must be made within 72 hours of posting the selection results. If no protest is received within 72 hours, the contract award and negotiation will proceed with the selected firms. Selection results will be published in the Florida Administrative Weekly.

**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

**Request for Proposal**

The Florida Automobile Joint Underwriting Association (FAJUA) is soliciting proposals from qualified public depositories to provide banking services to the FAJUA. A copy of the Request for Proposal may be obtained from the FAJUA by writing: Lisa Stoutamire; FAJUA, 1113 E. Tennessee Street, Suite 401, Tallahassee, FL 32308. Requests must be in writing

via regular mail, Facsimile (850)681-7802 or e-mail FAJUA@aol.com. Proposals are due by 4:00 p.m., August 19, 2002.

**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 applications 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 Rule 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., June 21, 2002):

**APPLICATION FOR A NEW FINANCIAL INSTITUTION**  
 Applicant and Proposed Location: The Palm Bank, 1715 West Cleveland Street, Tampa, Florida 33606  
 Correspondent: Richard P. Hunt, 324 South Hyde Park Avenue, Suite 202, Tampa, Florida 33606  
 Received: May 21, 2002

**APPLICATION FOR AN INTERNATIONAL BANK OFFICE**

Application and Location: Banco de Occidente, S.A., Guatemala City, Guatemala  
 Proposed Florida Location: Miami, Florida  
 Received: May 15, 2002

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: Jax Metro Credit Union, 30 East 27th Street, Jacksonville, Florida 32206  
 Expansion Includes: Persons that live or work in the zip codes of 32206, 32202, 32208, 32226 or 32220 in Duval County.  
 Deemed Complete: May 15, 2002

**DEPARTMENT OF INSURANCE**

IN THE MATTER OF:  
 FLORIDA RESIDENTIAL CASE NO: 61254-02-CO  
 PROPERTY AND CASUALTY JOINT  
 UNDERWRITING ASSOCIATION

ORDER APPROVING AMENDMENT NO. 5 TO FLORIDA RESIDENTIAL, PROPERTY AND CASUALTY JOINT UNDERWRITING ASSOCIATION, AMENDED AND RESTATED CREDIT AGREEMENT, AS AMENDED

THIS MATTER came before the Treasurer and Insurance Commissioner for consideration and final agency action upon the request of the Florida Residential Property and Casualty Joint Underwriting Association (the "Association"), pursuant to Section 19(B) of the Association's Plan of Operation, as amended (the "Plan of Operation"), for approval of Amendment No. 5 to the Amended and Restated Credit Agreement, described herein below, which provides for the extension of an existing line of credit available under the Existing Agreement also described herein below.

On February 7, 1997, in Case No. 18190-96-C, the Treasurer and Insurance Commissioner entered an order entitled "Order Approving Florida Residential Property and Casualty Joint Underwriting Association Line of Credit Transaction" (the "1997 Line of Credit Order"). The 1997 Line of Credit Order approved, among other things, a credit agreement to be entered into by the Association and certain banks named therein (the "Original Credit Agreement") and the obtaining of loans by the Association thereunder. By its terms, the Original Credit Agreement would have terminated on May 13, 1999.

On January 20, 1999, in Case No. 27241-99-CO, the Treasurer and Insurance Commissioner entered an order entitled "Order Approving Florida Residential Property and Casualty Joint Underwriting Association Amended and Restated Credit Agreement" (the "1999 Line of Credit Order"). The 1999 Line of Credit Order approved, among other things, an Amended and Restated Credit Agreement among the Association, the Banks, Managing Agents, and Co-Agents party thereto and Morgan Guaranty Trust Company of New York, as Administrative Agent (the "Amended and Restated Credit Agreement"), the extension of the line of credit for a 364 day period and the reduction of the aggregate commitments available thereunder from \$1,500,000,000 to an amount not exceeding \$750,000,000. The Amended and Restated Credit Agreement was amended by Amendment No. 1 dated as of September 2, 1999. By the terms of Amendment No. 1, the Amended and Restated Credit Agreement would have terminated on March 28, 2000.

The Association later desired to extend the line of credit provided under the Amended and Restated Credit Agreement as amended by Amendment No. 1 thereto, and its ability to obtain loans under that same agreement, for an additional 364 day period and to reduce the aggregate commitments available thereunder from \$750,000,000 to \$640,000,000, by amending that same agreement as set forth in that certain Amendment No. 2 to Amended and Restated Credit Agreement among the Association, the Banks, Managing Agents and Co-Agents party thereto and Morgan Guaranty Trust Company of New

York, as Administrative Agent ("Amendment No. 2"). Amendment No. 2 was in substantially the same form as evidenced by the copy thereof attached as an exhibit to the previous order approving the same and was incorporated therein. By the terms of Amendment No. 2, the Amended and Restated Credit Agreement as previously amended would have expired on March 27, 2001.

The Association later desired to extend the line of credit provided under the Amended and Restated Credit Agreement as amended by Amendments No. 1 and No. 2 thereto, and its ability to obtain loans under that same agreement, for an additional 364 day period and to reduce the aggregate commitments available thereunder from \$640,000,000 to \$570,000,000, by amending that same agreement as set forth in that certain Amendment No. 3 to Amended and Restated Credit Agreement among the Association, the Banks, Managing Agents and Co-Agents party thereto and Morgan Guaranty Trust Company of New York, as Administrative Agent ("Amendment No. 3"). Amendment No. 3 was in substantially the same form as evidenced by the copy thereof attached as an exhibit to the previous order approving the same and was incorporated therein. By the terms of Amendment No. 3 the Amended and Restated Credit Agreement expired on March 26, 2002.

The Association later requested an additional amendment (No. 4) extending the line of credit in an amount not to exceed \$570,000,000 for an additional period of time up to but not past May 14, 2002. Amendment No. 4 was in substantially the same form as evidenced by the copy thereof attached as an exhibit to the previous order approving the same and was incorporated therein. By the terms of Amendment No. 4 the Amended and Restated Credit Agreement (as so amended, the "Existing Agreement") expires on May 14, 2002.

The Association has now requested an additional amendment (No.5) extending the line of credit in an amount not to exceed \$570,000,000 for a period of time up to but not past May 31, 2002. As required by Section 19(B) of the Plan of Operation, the Association has filed with the Department of Insurance (the "Department") a statement of the purpose of the extended line of credit and an estimate of the costs to be incurred by the Association in the procurement of such extended line of credit. The Treasurer and Insurance Commissioner, having read and considered this submission, and being otherwise advised in the premises, hereby finds that:

1. The Treasurer and Insurance Commissioner, as head of the Department, has jurisdiction over the subject matter of, and the parties to, this proceeding pursuant to §627.351(6), Florida Statutes.
2. The extended line of credit, as amended, is for the purpose of providing additional resources to assist the Association in covering claims and expenses attributable to a deficit and is hereby determined to be for a valid purpose under §627.351(6)(b)3.e., Florida Statutes, and other provisions of

said statute. The Existing Agreement, as amended by Amendment No. 5, is hereby deemed to be a “loan agreement” within the meaning of, and is approved for purposes of, Section 19(B) of the Plan of Operation.

3. The Association has authority to enter into Amendment No. 5, pursuant to §627.351(6), Florida Statutes, and Section 19(B) of the Plan of Operation.

**IT IS THEREFORE ORDERED:**

That the request of the Association to extend the line of credit transaction contemplated by the Existing Agreement as amended by Amendment No. 5, including the obtaining of loans by the Association thereunder, and the pledge by the Association of the Regular Assessments and Emergency Assessments and other Collateral (as such terms are defined in the Existing Agreement as amended by Amendment No. 5), to secure such loans, is hereby APPROVED.

DONE and ORDERED this 14th day of May, 2002.

\_\_\_\_\_  
Tom Gallagher  
Treasurer and Insurance Commissioner

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No.: DCA02-OR-139

In re: MONROE COUNTYLAND DEVELOPMENT  
REGULATIONS ADOPTED BY  
MONROE COUNTY ORDINANCE NO. 047-2001

**FINAL ORDER**

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001), approving Monroe County Ordinance No. 047-2001 as set forth below.

**FINDINGS OF FACT**

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On April 19, 2002, the Department received for review Monroe County Ordinance No. 047-2001 which was adopted by the Monroe County Board of County Commissioners on December 20, 2001 (“Ord. 047-2001”). Ord. 047-2001 amends the Monroe County Land Use District (Zoning) Map from Suburban Commercial (SC) to Industrial (I) for property located at 99 Calle Uno, part of Government Lot 5, Section 21, Township 67 South, Range 26 East, East Rockland Key.
3. Ord. 047-2001 is consistent with the County’s 2010 Comprehensive Plan.

**CONCLUSIONS OF LAW**

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001).
5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 047-2001 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”). § 380.0552(7), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff’d, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2001).
8. Ord. 047-2001 promotes and furthers the following Principle in § 380.0552(7):
  - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
9. Ord. 047-2001 is not inconsistent with the remaining Principles. Ord. 047-2001 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 047-2001 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
SONNY TIMMERMAN, DIRECTOR  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**NOTICE OF ADMINISTRATIVE RIGHTS**

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569,

FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU 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 RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_ day of May, 2002.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Charles "Sonny" McCoy  
Mayor of Monroe County  
500 Whitehead Street  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Timothy J. McGarry, AICP  
Director, Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

By Hand Delivery or Interagency Mail:

Jim Quinn, Bureau Chief, DCA Tallahassee  
Rebecca Jetton, DCA Florida Keys Field Office  
Richard A. Lotspeich, Assistant General Counsel, DCA Tallahassee



**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, Piaggio USA, Inc., intends to allow the establishment of Vespa Tampa (Vespa of Central Florida, LLC), as a dealership for the sale of Vespa ET2 and ET4 motor scooters, at 4506 West Spruce Street, Tampa (Hillsborough County), Florida 33609, on or after June 1, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Vespa Tampa (Vespa of Central Florida, LLC) are dealer operator(s) and principal investor(s): Edward Englander, 930 Orange Ave., Winter Park, FL 32789.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: 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: Mike Cunningham, Director of Dealer Development, Piaggio USA, Inc., 20003 S. Rancho Way, Rancho Dominguez, CA 90220.

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.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**CERTIFICATE OF NEED**

**GRACE PERIOD LETTERS OF INTENT**

The Agency For Health Care Administration received and accepted the following letters of intent for the May 29, 2002, application filing date for Other Beds and Programs batching cycle:

County: Pinellas District: 5  
Date Filed: May 10, 2002 LOI#: N020421  
Facility/Project: Helen Ellis Memorial Hospital  
Applicant: Tarpon Springs Hospital Foundation, Inc.

Project Description: Establish an adult open heart surgery program.

County: Martin District: 9  
Date Filed: May 6, 2002 LOI#: N020422  
Facility/Project: Martin Memorial Medical Center  
Applicant: Martin Memorial Medical Center, Inc.

Project Description: Establish an adult open heart surgery program.

County: Palm Beach District: 9  
Date Filed: April 30, 2002 LOI#: N020423  
Facility/Project: Boca Raton Community Hospital  
Applicant: Boca Raton Community Hospital, Inc.

Project Description: Establish an adult open heart surgery program.

**CERTIFICATE OF NEED  
EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: St. Lucie District: 9  
ID #: 0100053 Decision: A Issue Date: 5/17/2002  
Facility/Project: St. Lucie Medical Center.

Applicant: HCA Health Services of Florida, Inc.  
Project Description: Terminate the adult bone marrow transplantation program  
Proposed Project Cost: \$0

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for nursing home facilities participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for nursing home facilities, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Long-Term Care Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

**PROPOSED RATES:** Effective July 1, 2002, the proposed rates for Medicaid nursing home reimbursement will be rates resulting from the current methodology used to calculate per diems rates except for the following:

1. In order to maximize all available federal funds allowable by federal law, the Agency for Health Care Administration is seeking a nursing home upper payment limit program to provide special Medicaid payments to hospitals to expand existing programs utilizing increased federal reimbursement

programs. All such expansions shall be contingent upon the availability of state match from existing state funds or local sources.

2. From the funds in Specific Appropriation 251, \$26,925,842 is provided for the purpose of adjusting the operating cost component of the Medicaid nursing home per diem rate. These funds are provided to address the increased cost for general and professional liability insurance.

**METHODOLOGIES:** The methodology underlying the establishment of the proposed rates for Medicaid nursing facilities will be rates resulting from the current methodology used to calculate per diems except for:

1. In order to maximize all available federal funds allowable by federal law, the Agency for Health Care Administration is seeking a limited expansion of the Medicaid program for nursing home services utilizing the Medicaid upper payment limit options for Florida Medicaid nursing homes. The expansion to Florida Medicaid nursing homes shall be contingent upon the availability of state match from existing state funds or local sources.
2. From the funds in Specific Appropriation 251, \$26,925,842 is provided for the purpose of adjusting the operating cost component of the Medicaid nursing home per diem rate. These funds are provided to address the increased cost for general and professional liability insurance.

**JUSTIFICATION:** The justification for the proposed rate change is based on the legislative direction provided in House Bill 27E, General Appropriation Act, Specific Appropriation 199 and 251.

The Agency is proposing the above rates and changes in methodology, effective July 1, 2002. Providers, beneficiaries and their representatives, and other concerned state residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: James Estes, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than June 14, 2002.

Copies of the proposed reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy of the Plan when available.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for inpatient hospitals participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for inpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the

proposed rates. The Agency is in the process of amending its Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

**PROPOSED RATES:** Effective July 1, 2002, the proposed rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diems rates except for the following:

1. From the funds in Specific Appropriation 222, \$51,147,733 is provided for special Medicaid payments to statutory teaching hospitals; family practice teaching hospitals as defined in Section 395.805, Florida Statutes; hospitals providing primary care to low-income individuals; hospitals which operate designated or provisional trauma centers; and rural hospitals. Statutory teaching hospitals that qualify for the Graduate Medical Education disproportionate share hospital (DSH) program shall be paid \$13,559,912 distributed in the same proportion as Graduate Medical Education DSH payments. Family practice teaching hospitals, except for those that are public hospitals, shall be paid \$1,812,908 distributed equally between the hospitals. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program shall be paid \$13,559,912 distributed in the same proportion as the Primary Care DSH payments. Hospitals, which are designated or provisional trauma centers, shall be paid \$12,900,000. Of this amount, \$5,100,000 shall be distributed equally between hospitals which are a Level I trauma center; \$5,000,000 shall be distributed equally between hospitals which are either a Level II trauma center or pediatric trauma center; and \$2,800,000 shall be distributed equally between hospitals which are both a Level II trauma center and pediatric trauma center. Rural hospitals participating in the Rural Hospital DSH program shall be paid \$9,315,000 distributed in the same proportion as the DSH payments.
2. From the funds in Specific Appropriation 222, \$12,756,371 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total hospital days, equals or exceeds 14.5 percent. Hospitals that exceed 14.5 percent as described above and are trauma centers shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target. The agency shall use the 1997 audited DSH data available as of March 1, 2001.
3. From the funds in Specific Appropriation 222, \$5,315,665 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6 percent, and are trauma centers. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

4. From the funds in Specific Appropriation 222, \$94,673,386 is provided to make special Medicaid payments to hospitals which serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals. This amount shall be paid to the following:

Jackson Memorial Hospital	\$2,562,400
University Medical Center – Shands	\$50,828,951
All Children’s Hospital	\$6,604,745
Shands Teaching Hospital	\$2,396,945
St. Mary’s Hospital	\$51,222
Miami Children’s Hospital	\$5,750,230
Tampa General Hospital	\$13,703,527
Orlando Regional Medical Center	\$3,641,219
Lee Memorial Hospital/CMS	\$500,000
Tallahassee Memorial Healthcare	\$54,402
St. Joseph’s Hospital	\$52,835
Florida Hospital	\$55,072
Baptist Hospital of Pensacola	\$500,000
Mt. Sinai Medical Center	\$7,971,838

5. From the funds in Specific Appropriation 222, \$232,693,505 is provided for special Medicaid payments to hospitals providing enhanced services to low-income individuals.

6. From the funds in Specific Appropriation 222, \$14,884,011 is provided to make special Medicaid payments to the statutory teaching hospitals. These payments shall be used by the teaching hospitals in collaboration with the Department of Health and the Area Health Education Centers to enhance medical education programs.

7. From the funds in Specific Appropriation 222, \$7,251,632 is provided to make special Medicaid payments to hospitals. These payments shall be used by the hospitals in collaboration with the Department of Health and Federally Qualified Community Health Centers or Primary Care Centers to provide primary care services to indigent residents.

8. From the funds in Specific Appropriation 222A, \$134,851,971 is provided for the creation of a public Disproportionate Share Hospital Program (DSH) and shall be distributed in accordance with s. 409.911, Florida Statutes. The public hospital DSH program will replace the current regular DSH program for FY 2002-03. Funds appropriated are contingent upon receipt of county contributions. These funds reflect a decrease of \$40,572,430 in order to be in compliance with the federal funding cap on the Disproportionate Share Hospital program. Additionally, these funds reflect an increase of \$3,682,293 for the transfer of funds from the Children’s Hospital Disproportionate Share Program.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diems except:

1. From the funds in Specific Appropriation 222, \$51,147,733 is provided for special Medicaid payments to statutory teaching hospitals; family practice teaching hospitals as defined in Section 395.805, Florida Statutes; hospitals providing primary care to low-income individuals; hospitals which operate designated or provisional trauma centers; and rural hospitals. Statutory teaching hospitals that qualify for the Graduate Medical Education Disproportionate Share Hospital (DSH) program shall be paid \$13,559,912 distributed in the same proportion as Graduate Medical Education DSH payments. Family practice teaching hospitals, except for those that are public hospitals, shall be paid \$1,812,908 distributed equally between the hospitals. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program shall be paid \$13,559,912 distributed in the same proportion as the Primary Care DSH payments. Hospitals, which are designated or provisional trauma centers, shall be paid \$12,900,000. Of this amount, \$5,100,000 shall be distributed equally between hospitals which are a Level I trauma centers; \$5,000,000 shall be distributed equally between hospitals which are either a Level II trauma center or a Pediatric trauma center; and \$2,800,000 shall be distributed equally between hospitals which are both a Level II trauma center and a Pediatric trauma center. Rural hospitals participating in the Rural Hospital DSH program shall be paid \$9,315,000 distributed in the same proportion as the DSH payments.

2. From the funds in Specific Appropriation 222, \$12,756,371 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total hospital days, equals or exceeds 14.5 percent. Hospitals that exceed 14.5 percent as described above and are trauma centers shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target. The agency shall use the 1997 audited DSH data available as of March 1, 2001.

3. From the funds in Specific Appropriation 222, \$5,315,665 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6 percent, and are trauma centers. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

4. From the funds in Specific Appropriation 222, \$94,673,386 is provided to make special Medicaid payments to hospitals which serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals. These amounts shall be paid to the following:
 

Jackson Memorial Hospital	\$2,562,400
University Medical Center – Shands	\$50,828,951
All Children’s Hospital	\$6,604,745
Shands Teaching Hospital	\$2,396,945
St. Mary’s Hospital	\$51,222
Miami Children’s Hospital	\$5,750,230
Tampa General Hospital	\$13,703,527
Orlando Regional Medical Center	\$3,641,219
Lee Memorial Hospital/CMS	\$500,000
Tallahassee Memorial Healthcare	\$54,402
St. Joseph’s Hospital	\$52,835
Florida Hospital	\$55,072
Baptist Hospital of Pensacola	\$500,000
Mt. Sinai Medical Center	\$7,971,838
5. From the funds in Specific Appropriation 222, \$232,693,505 is provided for special Medicaid payments to hospitals providing enhanced services to low-income individuals.
6. From the funds in Specific Appropriation 222, \$14,884,011 is provided to make special Medicaid payments to the statutory teaching hospitals. These payments shall be used by the teaching hospitals in collaboration with the Department of Health and the Area Health Education Centers to enhance medical education programs.
7. From the funds in Specific Appropriation 222, \$7,251,632 is provided to make special Medicaid payments to hospitals. These payments shall be used by the hospitals in collaboration with the Department of Health and Federally Qualified Community Health Centers or Primary Care Centers to provide primary care services to indigent residents.
8. From the funds in Specific Appropriation 222A, \$134,851,971 is provided for the creation of a public Disproportionate Share Hospital (DSH) Program and shall be distributed in accordance with s. 409.911, Florida Statutes. The public hospital DSH program will replace the current regular DSH program for FY 2002-03. Funds appropriated are contingent upon receipt of county contributions. These funds reflect a decrease of \$40,572,430 in order to be in compliance with the federal funding cap on the Disproportionate Share Hospital program. Additionally, these funds reflect an increase of \$3,682,293 to reflect the transfer of funds from the Children’s Hospital Disproportionate Share Program.

**JUSTIFICATION:** The justification for the proposed rate change is based on the legislative direction provided in House Bill 27E, Specific Appropriation 222 and 222A, 2002-03 legislative session.

The Agency is proposing the above rates and changes in reimbursement methodology, effective July 1, 2002. Providers, beneficiaries and their representatives, and other concerned state residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: James Estes, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than June 14, 2002.

Copies of the proposed reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy of the Plan when available.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for outpatient hospitals participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for outpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Outpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

**PROPOSED RATES:** Effective July 1, 2002, the proposed rates for Medicaid outpatient hospitals will be rates resulting from the current methodology used to calculate per diems rates except for the following:

1. From the funds in Specific Appropriation 225, \$2,134,824 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds 14.5 percent. The agency shall use the disproportionate share hospital 1997 audited data available as of March 1, 2001.
2. From the funds in Specific Appropriation 225, \$359,443 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 9.6%, and are trauma centers. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
3. In order to maximize all available federal funds allowable by federal law, the Agency for Health Care Administration is seeking a hospital outpatient upper payment limit program to provide special Medicaid payments to hospitals to expand existing programs utilizing increased federal

reimbursement programs. All such expansions shall be contingent upon the availability of state match from existing state funds or local sources.

**METHODOLOGIES:** The methodology underlying the establishment of the proposed rates for Medicaid Outpatient Hospitals will be rates resulting from the current methodology used to calculate per diems unless:

1. From the funds in Specific Appropriation 225, \$2,134,824 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total hospital days equals or exceeds 14.5 percent. The agency shall use the disproportionate share hospital 1997 audited data available as of March 1, 2001.
2. From the funds in Specific Appropriation 225, \$359,443 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 9.6%, and are trauma centers. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.
3. In order to maximize all available federal funds allowable by federal law, the Agency for Health Care Administration is seeking a hospital outpatient upper payment limit program to provide special Medicaid payments to hospitals to expand existing programs utilizing increased federal reimbursement programs. All such expansions shall be contingent upon the availability of state match from existing state funds or local sources.

**JUSTIFICATION:** The justification for the proposed rate change is based on the legislative direction provided in House Bill 27E, Specific Appropriation 199 and 225, 2002-03 legislative session.

The Agency is proposing the above rates and changes in methodology, effective July 1, 2002. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: James Estes, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than June 14, 2002.

Copies of the proposed reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy of the Plan when available.

**DEPARTMENT OF MANAGEMENT SERVICES**

The Department of Management Services, State Technology Office, Wireless 911 Board announces the following Rural County Grant Awards, awarded May 15, 2002:

COUNTY	AWARD AMOUNT
Jefferson County	\$128,000.00

Emergency Request Award

COUNTY	AWARD AMOUNT
Wakulla County	\$45,000.00

Please direct questions and/or concerns to: Mr. Jim Martin, (850)922-7445.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF AVAILABILITY**

**FLORIDA CATEGORICAL EXCLUSION NOTIFICATION**

The Florida Department of Environmental Protection has determined, under the State Revolving Fund program, that the City of Cape Coral water transmission and distribution main project will not adversely affect the environment.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices." For more information call: Bob Holmden, (850)488-8163.

**FLORIDA FINDING OF NO SIGNIFICANT IMPACT**

The Florida Department of Environmental Protection has determined that the proposed City of Carrabelle's wastewater facilities will not have a significant adverse affect on the environment.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices." For more information regarding the Florida Finding of No Significant Impact, please contact: Troy M. Mullis, (850)488-8163.

**NOTICE OF INTENT TO ALLOW EXCEPTIONS**

The Department of Environmental Protection announces the intent to allow exceptions to the State Revolving Fund Rule, Chapter 62-503 of the Florida Administrative Code. The exceptions would allow the Holloway Tree Farm of Leesburg, Florida to qualify for a State Revolving Fund loan to implement an agricultural best management practice.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices." For more information regarding the exceptions, please call: Dick Smith, (850)488-8163.

**FLORIDA FINDING OF NO SIGNIFICANT IMPACT**

The Florida Department of Environmental Protection has determined that the proposed Lee County wastewater facilities will not have a significant adverse affect on the environment.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices." For more information regarding the Florida Finding of No Significant Impact, please contact: Troy M. Mullis, (850)488-8163.

**DEPARTMENT OF HEALTH**

**NOTICE OF AWARD FOR CALENDAR 2002  
RURAL EMERGENCY MEDICAL SERVICES  
MATCHING GRANT PROGRAM**

AGENCY: Florida Department of Health, Bureau of Emergency Medical Services

GRANT TITLE: Florida Emergency Medical Services Rural Matching Grant

The following is a list of applicant organizations for these grants and the state funds awarded. Questions may be directed to: Ed Wilson, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, BIN #C18, Tallahassee, Florida 32399-1738, (850)245-4440, Extension 2737.

Any party whose substantial interests have been affected by this decision can file a petition for an administrative hearing as provided in Sections 120.569 and 120.57, F.S. If a petition is filed it must meet the statutory requirements of the Florida Administrative Code, Rule 28-106.201 or 28-106.301. Mediation pursuant to Section 120.573, F.S., is not available for this action. Both formal and informal hearings may be initiated only by filing a written petition within twenty-one (21) days from publication of this advertisement. Failure to timely file a petition is cause of forfeiture of your rights to a hearing.

Original petitions must be filed with the Agency Clerk, Department of Health, 4052 Bald Cypress Way, BIN #A-02, Tallahassee, FL 32399-1703. If you have any questions regarding the procedure, contact an attorney.

**Selected for Award**

Organization	Award
Arcadia Fire Rescue	\$45,691.20
Bradford County BCC	\$81,000.00
Doctors' Memorial Hospital – EMS	\$45,000.00
Gulf County BCC	\$93,780.00
Hardee County Fire Rescue	\$27,296.55
Islamorada Village of Islands	\$45,754.60
Jefferson County BCC	\$45,000.00
Jefferson County BCC	\$9,000.00
Levy County BCC	\$82,708.20
Liberty County BCC	\$15,750.00
Liberty County BCC	\$3,150.00
Marathon, City of	\$45,000.00
Okeechobee County BCC	\$94,500.00
Wakulla County BCC	\$93,600.00
Walton County BCC	\$105,469.20
Walton County BCC	\$5,409.00
Washington County BCC	\$69,864.79
No. of Projects 17	Total \$907,973.54

**NOT Selected for Award**

Organization	Requested Grant Amount
Freeport, City of	\$11,700.00
Hendry County BCC	\$3,924.90
Hendry County BCC	\$12,487.50
Jefferson County BCC	\$41,050.00
Northwest Fla. Comm. Hospital	\$559,893.00
Union County Dept. of Emergency Services	\$144,000.00
Walton County BCC	\$47,130.30
No. of Projects 7	Total \$820,185.70
P.O. Number G10454	

**NOTICE OF AWARD FOR CALENDAR 2002  
RURAL EMERGENCY MEDICAL SERVICES  
MATCHING GRANT PROGRAM**

AGENCY: Florida Department of Health, Bureau of Emergency Medical Services

GRANT TITLE: Florida Emergency Medical Services Rural Matching Grant

The following is a list of applicant organizations for these grants and the state funds awarded. Questions may be directed to: Ed Wilson, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, BIN #C18, Tallahassee, Florida 32399-1738, (850)245-4440, Extension 2737.

Any party whose substantial interests have been affected by this decision can file a petition for an administrative hearing as provided in Sections 120.569 and 120.57, F.S. If a petition is filed it must meet the statutory requirements of the Florida Administrative Code, Rule 28-106.201 or 28-106.301. Mediation pursuant to Section 120.573, F.S., is not available for this action. Both formal and informal hearings may be initiated only by filing a written petition within twenty-one (21) days from publication of this advertisement. Failure to timely file a petition is cause of forfeiture of your rights to a hearing.

Original petitions must be filed with the Agency Clerk, Department of Health, 4052 Bald Cypress Way, BIN #A-02, Tallahassee, FL 32399-1703. If you have any questions regarding the procedure, contact an attorney.

Selected for Award

Organization	Award
Alachua County Fire Rescue	\$66,356.25
American Medical Response	\$15,474.75
Apopka, City of	\$75,742.50
Baker County BCC	\$36,225.00
Boca Raton Fire Rescue	\$91,698.75
Boca Raton Fire Rescue	\$83,662.50
Broward County Fire Rescue	\$78,750.00
Calhoun County BCC	\$52,785.00
Casselberry Fire Department	\$16,950.00
Charlotte County BCC	\$307,344.00
Collier County EMS	\$59,625.00
Collier County EMS	\$100,415.40
DeSoto County BCC	\$38,115.63
Emergency Medical Foundation, Inc.	\$107,571.00
Escambia County EMS	\$34,720.51
Escambia County EMS	\$30,750.00
First Coast Technical Institute	\$16,099.50
Florida Emergency Medical Foundation	\$16,700.00
Florida Keys Community College	\$1,910.25
Fort Walton Beach Fire Department	\$10,642.50
Gadsden County EMS	\$33,750.00
Gadsden County EMS	\$85,988.10
Grenacres Public Safety	\$34,789.50
Gulf Islannds National Sea Shore	\$28,704.00
Hamilton County BCC	\$14,250.00
Hendry County BCC	\$18,375.00
Hernando County BCC	\$235,734.00
Hillsborough County Crisis Center, Inc.	\$24,750.00
Jackson County BCC	\$58,710.00

Lake County BCC	\$29,492.25
Lake-Sumter EMS	\$145,800.00
Lee County BCC	\$15,182.06
Lee County BCC	\$30,000.00
Margate Fire Rescue	\$6,900.00
Marion County BCC	\$199,988.06
Miami Beach Fire Department	\$82,850.00
Monroe County BCC	\$95,580.75
Monroe Regional Medical Center	\$298,333.00
Nassau County BCC	\$96,300.00
Nature Coast EMS	\$40,418.75
Nature Coast EMS	\$22,061.25
New Port Richey	\$77,565.00
New Port Richey	\$5,295.00
North Lauderdale	\$14,875.00
North Palm Beach	\$10,058.25
North Port Fire Rescue	\$42,075.00
Okeechobee County BCC	\$15,750.00
Oviedo Fire Rescue	\$7,500.00
Palm Beach Gardens	\$22,500.00
Pasco County BCC	\$120,004.00
Pinellas County BCC	\$63,000.00
Putnam County BCC	\$88,747.50
Sacred Heart Health System	\$15,071.05
Sarasota County Public Schools	\$126,562.50
Seminole County BCC	\$74,625.00
Seminole County BCC	\$25,547.25
Seminole County Sheriff's Department	\$17,812.50
South Daytona Fire Rescue	\$2,385.45
South Daytona Fire Rescue	\$2,493.75
South Daytona Fire Rescue	\$3,189.36
South Daytona Fire Rescue	\$1,068.75
St. Lucie County Fire District	\$103,200.00
St. Petersburg Fire Rescue	\$41,199.72
Stay Alive From Education	\$78,000.00
Stuart Fire Rescue, City of	\$40,500.00
Tallahassee Community College	\$51,750.00
Tallahassee Memorial EMS	\$97,200.00
Tampa General Hospital	\$54,123.00
Tampa General Hospital/More Health, Inc.	\$22,500.00
Tarpon Springs Fire Department	\$45,227.00
Town of Davie Fire Rescue	\$72,309.75
Town of Davie Fire Rescue	\$28,274.25
Wakulla County EMS	\$7,043.00
West Palm Beach, City of	\$69,600.00
No. of Projects 74	Total \$4,387,177.34

NOT SELECTED FOR AWARD			
Organization	Requested Grant Amount		
Air Trek Air Ambulance	\$15,000.00	New Port Richey Fire Department	\$9,000.00
Air Trek Air Ambulance	\$30,000.00	New Port Richey Fire Department	\$4,125.00
Air Trek Air Ambulance	\$7,500.00	North Central Florida Trauma Agency	\$21,375.00
Air Trek Air Ambulance	\$11,250.00	North Lauderdale	\$12,600.00
Air Trek Air Ambulance	\$6,000.00	North Lauderdale	\$266,350.00
Air Trek Air Ambulance	\$33,000.00	Ocala Fire Rescue	\$16,585.50
Air Trek Air Ambulance	\$6,000.00	Ocoee Fire Department	\$84,387.53
Air Trek Air Ambulance	\$7,500.00	Orlando Fire Department	\$133,300.00
Air Trek Air Ambulance	\$9,000.00	Palm Bay Fire Department	\$20,233.50
Air Trek Air Ambulance	\$3,000.00	Pinellas Park, City of	\$55,200.00
Baptist Life Flight	\$115,144.00	Plantation, City of	\$27,750.00
Brevard Emergency Medical Services Foundation, Inc.	\$47,250.00	Polk Community College	\$35,109.00
Collier County EMS	\$33,750.00	Sacred Heart Health System	\$167,717.75
Collier County EMS	\$56,250.00	Santa Rosa County BCC	\$207,465.00
Eckerd College Search and Rescue	\$4,477.39	Satellite Beach, City of	\$11,167.50
Florida Committee on Trauma	\$8,985.00	Satellite Beach, City of	\$10,860.00
Fort Lauderdale Fire Rescue	\$60,439.95	Seminole, City of	\$10,169.43
Fort Lauderdale Fire Rescue	\$84,000.00	St. Petersburg College	\$190,500.00
Fort Lauderdale Fire Rescue	\$1,191,746.00	St. Petersburg Fire Rescue	\$12,433.50
Gainesville Fire Rescue	\$132,712.50	St. Petersburg Fire Rescue	\$43,278.75
Gulf Breeze, City of	\$89,700.00	St. Petersburg Fire Rescue	\$43,012.50
Gulf Port Fire Department	\$30,725.00	Tallahassee Memorial EMS	\$12,821.25
Hillsborough County Crisis Center, Inc.	\$30,750.00	Tallahassee Memorial EMS	\$242,658.00
Hillsborough County Sheriffs Office	\$180,000.00	Temple Terrace Fire Department	\$142,063.35
Lauderhill Fire Rescue	\$22,500.00	Temple Terrace Fire Department	\$15,930.00
Miramar Fire Rescue	\$100,500.00	Temple Terrace Fire Department	\$41,113.51
Miramar Fire Rescue	\$11,250.00	Town of Davie Fire Rescue	\$49,842.00
Nature Coast EMS	\$115,200.00	Town of Davie Fire Rescue	\$116,268.76
Nature Coast EMS	\$8,212.00	Town of Indian River Shores	\$19,663.50
Nature Coast EMS	\$6,412.50	Wakulla County EMS	\$38,580.00
New Port Richey Fire Department	\$7,875.00	Walton County BCC	\$124,941.00
		No. of Projects 62	Total
		P.O. Number G10454	\$4,652,630.67



On May 6, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Daniel Robert Carlow, L.P.N. Carlow holds license number PN 1274841. Carlow's last known address is 1205 Sun Circle, West, Melbourne, Florida 32935. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On May 21, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Tina Miller, R.N. Miller holds license number RN 2881972. Miller's last known address is 4419 Roy Street, Orlando, Florida 32812. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety

and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On May 21, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Gerri Oosterhoudt, L. P.N. Oosterhoudt holds license number PN 1215331. Oosterhoudt's last known address is Route 16, Box 606, Lake City, Florida 32055. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**FISH AND WILDLIFE CONSERVATION  
COMMISSION****Request for Applications**

The Florida Fish and Wildlife Conservation Commission seeks applications for membership on the Florida Boating Advisory Council (BAC). The BAC advises the Commission and the Florida Department of Community Affairs on matters affecting the boating community, including, but not limited to, issues related to: recreational boating safety; boating and diving safety education; boating-related facilities, including marinas and boat testing facilities; and boat usage.

Application forms and attachments must reach us on or before July 12, 2002. You may request an application form by writing: FWC, Division of Law Enforcement, Boating Safety and Waterway Management Section, Attention: Ms. Shelly Gurr, 620 South Meridian Street, Tallahassee, FL 32399-1600, by calling (850)488-5600 or by Faxing (850)488-9284. Send your application and a current resume in written form to the above street address.

For further information contact: Ms. Shelly Gurr, 620 South Meridian Street, Tallahassee, FL 32399-1600, by calling (850)488-5600 or by Faxing (850)488-9284.

The Florida Boating Advisory Council is a state advisory committee under Section 327.803, Florida Statutes. It advises the Florida Fish and Wildlife Conservation Commission and the Florida Department of Community Affairs regarding regulations and other major boating safety matters. Among the BAC members are those drawn from the following sectors of the boating community: One representative of manatee protection interests, one representative of the marine industries, two representatives of water-related environmental groups, one representative of marine manufacturers, one

representative of commercial vessel owners or operators, one representative of sport boat racing, one representative actively involved and working full-time in the scuba diving industry who has experience in recreational boating, and two representatives of the boating public. Members representing these groups are nominated by the executive director of the Fish and Wildlife Conservation Commission and appointed by the Governor to serve staggered 2-year terms.

The BAC normally meets three times each year at locations selected by the Boating Safety and Waterway Management Section. Members serve without compensation. When attending Council meetings, members may be provided travel expenses and per diem if agency funding permits.

We will consider applications for one presently vacant position representing the boating public and for the following three positions that will expire and become vacant in September 2002: marine industries; other water-related environmental groups; scuba diving industry. Applicants are considered for membership on the basis of their particular expertise, knowledge, and experience in recreational boating safety. Each member serves for a term of 2 years. Some members may serve consecutive terms. In support of the Commission's policy of the gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**RULES FILED BETWEEN May 13, 2002  
 and May 17, 2002**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF STATE**

**Division of Elections**

1S-2.027	5/17/02	6/6/02	27/40	28/4
1S-2.032	5/17/02	6/6/02	27/50	28/10

**DEPARTMENT OF TRANSPORTATION**

14-114.001	5/15/02	6/4/02	28/7	
14-114.0011	5/15/02	6/4/02	28/7	28/15
14-114.002	5/15/02	6/4/02	28/7	
14-114.003	5/15/02	6/4/02	28/7	
14-114.004	5/15/02	6/4/02	28/7	
14-114.005	5/15/02	6/4/02	28/7	
14-114.006	5/15/02	6/4/02	28/7	
14-114.007	5/15/02	6/4/02	28/7	

**STATE BOARD OF ADMINISTRATION**

19-8.010	5/13/02	6/2/02	28/6	28/16
19-8.012	5/13/02	6/2/02	28/6	28/16
19-8.029	5/13/02	6/2/02	28/6	28/16

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

**Board of Landscape Architecture**

61G10-18.002	5/17/02	6/6/02	28/13	
61G10-18.006	5/17/02	6/6/02	28/13	

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-210.360	5/13/02	6/2/02	28/14	
62-213.202	5/13/02	6/2/02	28/14	
62-213.205	5/13/02	6/2/02	28/14	
62-213.400	5/13/02	6/2/02	28/14	
62-213.405	5/13/02	6/2/02	28/14	
62-213.410	5/13/02	6/2/02	28/14	
62-213.412	5/13/02	6/2/02	28/14	
62-213.413	5/13/02	6/2/02	28/14	
62-213.420	5/13/02	6/2/02	28/14	
62-213.430	5/13/02	6/2/02	28/14	
62-213.440	5/13/02	6/2/02	28/14	
62-213.900	5/13/02	6/2/02	28/14	
62-214.320	5/13/02	6/2/02	28/14	
62-214.340	5/13/02	6/2/02	28/14	
62-214.360	5/13/02	6/2/02	28/14	

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

64B2-12.015	5/17/02	6/6/02	28/3	28/17
64B2-16.003	5/17/02	6/6/02	28/5	28/17

**Board of Hearing Aid Specialists**

64B6-2.005	5/17/02	6/6/02	27/45	28/17
64B6-4.004	5/17/02	6/6/02	28/15	

**Board of Medicine**

64B8-8.001	5/15/02	6/4/02	27/51	28/16
64B8-9.0075	5/15/02	6/4/02	27/48	28/16
64B8-13.004	5/15/02	6/4/02	27/39	28/16
64B8-13.005	5/15/02	6/4/02	27/39	
64B8-13.006	5/15/02	6/4/02	27/39	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Board of Psychology**

64B19-19.005	5/15/02	6/4/02	28/7	28/16
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**Board of Speech-Language Pathology and Audiology**

64B20-2.001	5/15/02	6/4/02	28/7	28/16
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**Division of Environmental Health and Statewide Program**

64E-2.003	5/14/02	6/3/02	28/11	
64E-2.008	5/14/02	6/3/02	28/11	
64E-2.009	5/14/02	6/3/02	28/11	
64E-2.0094	5/14/02	6/3/02	28/11	
64E-2.010	5/14/02	6/3/02	28/11	
64E-2.018	5/14/02	6/3/02	28/11	
64E-2.023	5/14/02	6/3/02	28/11	
64E-2.024	5/14/02	6/3/02	28/11	
64E-2.025	5/14/02	6/3/02	28/11	
64E-2.028	5/14/02	6/3/02	28/11	

**Division of Family Health Services**

64F-6.007	5/13/02	6/2/02	28/13	
64F-6.008	5/13/02	6/2/02	28/13	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

65A-4.2131	5/13/02	6/2/02	28/3	28/13
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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

68A-9.004	5/13/02	6/2/02	28/9	28/16
68A-15.004	5/13/02	6/2/02	28/9	28/16
68A-15.062	5/13/02	6/2/02	28/9	28/16
68A-15.063	5/13/02	6/2/02	28/9	28/16
68A-15.064	5/13/02	6/2/02	28/9	28/16
68A-15.065	5/13/02	6/2/02	28/9	28/16
68A-17.005	5/13/02	6/2/02	28/9	28/16
68A-20.005	5/13/02	7/1/02	28/9	28/16

**Marine Fisheries**

68B-13.010	5/13/02	6/2/02	28/9	28/16
68B-18.003	5/13/02	6/2/02	28/9	28/16
68B-24.0045	5/13/02	6/2/02	28/9	28/16