

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLE: Standards  
 RULE NO.: 5F-10.001

PURPOSE AND EFFECT: The purpose of Rule 5F-10.001, F.A.C., is to adopt the most recent version of the chemical and physical standards set forth in the American Society for Testing and Materials for antifreeze (engine coolant). The effect of each adoption is to maintain nationally recognized standards. There is also a change in the text to remove the word "ethylene." This reflects the consolidation of standards for these products.

SUBJECT AREA TO BE ADDRESSED: Proposed Rule 5F-10.001, F.A.C., will specify that the most recent Annual Book of ASTM Standards is the accepted standard for implementation of Chapter 501.91, F.S.

SPECIFIC AUTHORITY: 570.07(23), 501.921 FS.

LAWS IMPLEMENTED: 501.913, 501.917, 501.921 FS.

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

TIME AND DATE: 10:00 a.m., Monday, September 9, 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 DEVELOPMENT IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-10.001 Standards.

(1) The performance specifications and standards for ~~ethylene~~ glycol base antifreeze are hereby incorporated by reference: ASTM D 3306-0100a, "Standard Specification for Glycol Base Engine Coolant for Automobile and Light Duty Service," (approved April 10, 2001).

(2) The performance specifications and standards for recycled ~~prediluted aqueous~~ glycol base antifreeze are hereby incorporated by reference: ASTM D 6471-99, "Standard Specification for Recycled Prediluted Aqueous Glycol Base Engine Coolant (50 Volume% Minimum) for Automobile and Light Duty Service," (approved November 10, 1999) and

ASTM D 6472-00, "Standard Specification for Recycled Glycol Base Engine Coolant Concentrate for Automobile and Light Duty Service," (approved January 10, 2000).

(3) No change.

Specific Authority 501.921, 570.07(23) FS. Law Implemented 501.913, 501.917, 501.921 FS. History--New 10-6-93, Amended 7-5-95, 12-9-98, 6-25-00, 10-22-01,\_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Comprehensive Management Information System  
 RULE NO.: 6A-1.0014

PURPOSE AND EFFECT: The purpose of this rule development is to review existing requirements of the statewide management information system which is necessary in order to implement changes recommended by school districts and to review changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information systems components. The statewide comprehensive management information system provides the data on which the measurement of school improvement and accountability is based.

SUBJECT AREA TO BE ADDRESSED: DOE Information Data Base Requirements, 2002.

SPECIFIC AUTHORITY: 120.53(1)(b), 229.053(1), 229.555(3) FS.

LAW IMPLEMENTED: 228.093(3)(d)3., 229.555(2), 229.565(3), 229.781 FS.

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

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lavan Dukes, Department of Education, 325 West Gaines Street, Room 852, Tallahassee, Florida 32399-0400, (850)487-2280

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.0014 Comprehensive Management Information System.

(1) No change.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department



(5) Apply each deposit to the customer's final bill. Any amount of a deposit that exceeds the final bill amount shall be refunded to the customer within 15 days of issuance of the final bill.

Specific Authority 350.127(2), 364.01(4) FS. Law Implemented 364.19, 364.337(5) FS. History--New

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Certificate of Need

**RULE TITLE:** Neonatal Intensive Care Services  
**RULE NO.:** 59C-1.042  
**PURPOSE AND EFFECT:** The agency is proposing to amend the rule currently used in certificate of need (CON) review of proposals to establish or expand Level II or Level III neonatal intensive care (NICU) services. At a minimum, the revised rule will project need for additional NICU providers rather than additional NICU beds, and will reduce some of the current occupancy standards and threshold numbers. These changes are intended to emphasize the CON review of service development proposals, making the NICU rule more like the rules for non-bed-based services; and to make the requirements respecting bed numbers less restrictive than the existing criteria. Additional changes will update or delete out-dated provisions in the rule; and there will be editorial changes to improve clarity. A preliminary draft of the rule amendments is included in this Notice.

**SUBJECT AREA TO BE ADDRESSED:** Revisions in the current rule used in certificate of need review of neonatal intensive care unit proposals.

**SPECIFIC AUTHORITY:** 408.15(8), 408.034(6) FS.

**LAW IMPLEMENTED:** 408.034(3), 408.036(1)(a),(d), (f),(g),(h) FS.

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

**TIME AND DATE:** 2:00 p.m., September 10, 2002

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** John Davis, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida

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

59C-1.042 Neonatal Intensive Care Services.

(1) Agency Intent. This rule implements the provisions of subsection 408.034(3) and paragraphs 408.036(1)(a), (d), (f), (g), and (h), Florida Statutes, to regulate proposals subject to comparative review for the establishment of new neonatal intensive care services, the addition of new neonatal intensive care beds, and the conversion of licensed hospital beds to neonatal intensive care services beds. This rule implements the provisions of subsection 408.032(20), 408.034(3), 408.034(4),

and paragraphs 408.036(1)(a), (d) and (g), Florida Statutes. In addition, paragraph 408.036(1)(k), specifically requires the agency to regulate the establishment of tertiary health services, which include neonatal intensive care services, under the certificate of need program. It is the intent of the agency to regulate the establishment of Level II and Level III neonatal intensive care services as defined in this rule. This rule defines the minimum requirements for personnel, equipment, and support services for the two levels of neonatal intensive care services as defined in this rule. In addition, this rule includes need methodologies for determining the need for additional neonatal intensive care unit beds for each level of care. A separate inventory for each level of neonatal intensive care unit beds shall be established by the agency. It is the intent of the agency to regulate the establishment of neonatal intensive care services which include ventilation to pre-term and severely ill neonates.

(2) Definitions.

(a) "Agency." The Agency for Health Care Administration.

(b)(a) "Approved Neonatal Intensive Care Bed." A proposed Level II bed or Level III bed for which a certificate of need, a letter of intent to grant a certificate of need, a signed stipulated agreement, or a final order granting a certificate of need was issued, consistent with the provisions of paragraph 59C-1.008(2)(b), Florida Administrative Code, as of the most recent published deadline for agency initial decisions prior to publication of the fixed need pool, as specified in paragraph 59C-1.008(1)(g), Florida Administrative Code.

(c) "Charity Care." That portion of hospital charges reported to the agency for which there is no compensation for care provided to a patient whose family income for the 12 months preceding the determination is less than or equal to 150 percent of the federal poverty level, unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity. Charity care does not include bad debt, which is the portion of health care provider charges for which there is no compensation for care provided to a patient who fails to qualify for charity care; and does not include administrative or courtesy discounts, contractual allowances to third-party payers, or failure of the hospital to collect full charges due to partial payment by government programs.

(d)(b) "Complex Neonatal Surgery." Any surgical procedure performed upon a neonate by a surgically-credentialed practitioner licensed under the provisions of Chapter 458 or 459, F.S., which is associated with entry into or traversing a body cavity, such as the abdomen, thorax, or cranium, with a requirement for either general anesthesia or conscious sedation. Such procedures shall be performed only in hospitals licensed under the

provisions of Chapter 395, F.S., which are also authorized to provide Level III neonatal services under the provisions of Chapter 59A-3.1200 to 3.231, Florida Administrative Code F.A.C.

~~(e)~~ “Department.” The Agency for Health Care Administration.

~~(e)~~ “District.” A district of the agency as defined in subsection 408.032(5), Florida Statutes.

~~(f)~~ “Fixed Bed Need Pool.” The numerical need for new providers of neonatal intensive care services for the applicable planning horizon, as established by the agency in accordance with this rule and subsection 59C-1.008(2) fixed bed need pool defined in subsection 59C-1.002(20), Florida Administrative Code.

~~(g)~~ “Local Health Councils.” The councils referenced in Section 408.033, Florida Statutes.

~~(h)~~ “Neonatal Care Services.” The aspect of perinatal medicine pertaining to the care of neonates. Hospital units providing neonatal care are classified according to the intensity and specialization of the care which can be provided. The agency distinguishes three levels of neonatal care services:

1. “Level I Neonatal Services.” Well-baby care services which include sub-ventilation care, intravenous feedings, and gavage to neonates ~~are defined as Level I neonatal services.~~ Level I neonatal services do not include ventilator assistance except for resuscitation and stabilization. ~~Upon beginning ventilation, The hospital shall implement a patient treatment plan which shall include the transfer of the neonate to a Level II or Level III neonatal intensive care service at such time that it becomes apparent that ventilation assistance will be required beyond the neonate’s resuscitation and stabilization. The hospital shall establish a triage procedure to assess the need for transfer of obstetrical patients to facilities with Level II or Level III neonatal intensive care services prior to their delivery where there is an obstetrical indication that resuscitation will be required for their neonates. Facilities with Level I neonatal services may only perform Level I neonatal services.~~

2. “Level II Neonatal Intensive Care Services.” Services which include the provision of ventilator services, and at least 6 hours of nursing care per day, ~~shall be defined as Level II neonatal intensive care services.~~ Level II services shall be restricted to neonates of 1000 grams birth weight and over ~~with the following exception: except that v~~ventilation may be provided in a facility with Level II neonatal intensive care services for neonates of less than 1,000 grams birth weight ~~only~~ while waiting to transport the baby to a facility with Level III neonatal intensive care services. All neonates of 1,000 grams birth weight or less shall be transferred to a facility with Level III neonatal intensive care services. Neonates weighing more than 1,000 grams requiring one or more of the Level III services, as defined by this rule, shall also be transferred to a facility with Level III neonatal intensive care services. ~~If a facility with a Level III neonatal intensive care service refuses~~

~~to accept the transfer patient, the facility with the Level II neonatal intensive care service will be found in compliance with this subparagraph upon a showing of continuous good faith effort to transfer the patient as documented in the patient’s medical record. Facilities with Level II neonatal intensive care services may perform only Level I neonatal services and Level II neonatal intensive care services as defined by this rule.~~

3. “Level III Neonatal Intensive Care Services.” Services which include the provision of continuous cardiopulmonary support services, 12 or more hours of nursing care per day, complex neonatal surgery, neonatal cardiovascular surgery, pediatric neurology and neurosurgery, and pediatric cardiac catheterization, ~~shall be classified as Level III neonatal intensive care services.~~ These services cannot be performed in a facility with Level II neonatal intensive care services only. Facilities with Level III neonatal intensive care services may perform all neonatal care services. A facility with a Level III neonatal intensive care service that does not provide treatment of complex major congenital anomalies that require the services of a pediatric surgeon, or pediatric cardiac catheterization and cardiovascular surgery shall enter into a written agreement with a facility providing Level III neonatal intensive care services in the same or nearest service area for the provision of these services. All other services shall be provided at each facility with Level III neonatal intensive care services. The provision of pediatric cardiac catheterization or pediatric open heart surgery each require a separate certificate of need.

~~(i)~~ “Neonatal Intensive Care Unit Bed.” A patient care station within a Level II neonatal intensive care unit or Level III neonatal intensive care unit that includes, at a minimum, an incubator or other moveable or stationary devices which support the ill neonate. Beds in Level II or Level III neonatal intensive care units shall be separately listed in a hospital’s licensed bed inventory.

1. “Level II Bed.” A patient care station within a neonatal intensive care unit with the capability of providing neonatal intensive care services to ill neonates of 1,000 grams birth weight or over; ~~and~~ which is staffed to provide at least 6 hours of nursing care per neonate per day; ~~and~~ which has the capability of providing ventilator assistance; ~~and~~ the services as defined in subparagraph (2)~~(h)~~(e)2. of this rule.

2. “Level III Bed.” A patient care station within a neonatal intensive care unit with the capability of providing neonatal intensive care services to severely ill neonates regardless of birth weight; ~~and~~ which is staffed to provide 12 or more hours of nursing care per neonate per day; ~~and~~ can provide the services as defined in subparagraph (2)~~(h)~~(e)3. of this rule.

~~(j)~~ “Neonatologist.” A physician who is certified, or is eligible for certification, by an appropriate board in the area of neonatal-perinatal medicine.

~~(k)(j)~~ “Planning Horizon.” The projected date by which a proposed new neonatal intensive care service would be licensed. For purposes of this rule, the planning horizon for applications submitted between January 1 and June 30 of each year is shall be July of the year 2 years into the future subsequent to the year the application is submitted submission deadline; the planning horizon for applications submitted between July 1 and December 31 of each year is shall be January of the year 2 years into the future subsequent to the year which follows the year the application is submitted deadline.

~~(l)(k)~~ “Regional Perinatal Intensive Care Center Program (RPICC).” The program authorized by Sections 383.15 through 383.21 383.17, Florida Statutes.

~~(m)~~ “Specialty Beds.” Specialty beds include comprehensive medical rehabilitation beds, psychiatric beds, substance abuse beds, as specified in subsection 59C-1.002(1), Florida Administrative Code, and neonatal intensive care services beds as specified by this rule.

~~(n)~~ “Specialty Children’s Hospitals.” Children’s hospitals without maternity units on the same premises The hospitals referenced in section 10C-7.0391, Florida Administrative Code, without maternity units in the same facility.

~~(o)~~ “Step-Down Neonatal Special Care Unit.” The step-down neonatal special care units affiliated with the Regional Perinatal Intensive Care Center Program as referenced in section 10J-7.004, Florida Administrative Code.

(3) Need Determination.

(a) Applications for proposed new providers of Level II or Level III neonatal intensive care services shall be reviewed competitively within each district in accordance with the applicable review criteria in Section 408.035, F.S., and the standards and need determination criteria set forth in this rule. Hospitals proposing to provide both Level II and Level III neonatal intensive care services shall require separate certificate of need approval for each level of care. ~~A favorable need determination for Level II or Level III beds will not normally be made unless a numeric bed need exists according to the need methodology specified in paragraphs (c) and (e) of this subsection.~~

(b) The future need for new providers of Level II or and Level III neonatal intensive care services shall be determined twice a year and published by the agency as a fixed bed need pool by the agency for the applicable respective planning horizon.

(c) Level II ~~Bed~~ Need. The net bed need for a new provider of Level II neonatal intensive care unit beds in each district shall be calculated as follows:

$$NN2 = \{((UR2 \times PB)/(365 \times .70)) LB2 - AB2\} \geq 10$$

$$((PD2 \times PB/AB)/(365 \times .80)) - LB2 - AB2$$

where:

1. NN2 = 10 indicates that one new provider of Level II beds may be approved for the district equals the net need for Level II beds in a district.

2. UR2 is a measure of current or estimated future utilization, used in projection of the future number of patient days in Level II units. UR2 equals DPD2/DB or SPD2/SB, whichever is greater, where:

~~a.2.~~ DPD2 equals the district total number of patient days in Level II beds in a district for the most recent 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the fixed bed need pool.

~~b.3.~~ DB AB is the total number of resident live births in a district for the most recent calendar year available from the Department of Health and Rehabilitative Services’ Office of Vital Statistics at least 3 months prior to the beginning date of the quarter of the publication of the fixed bed need pool.

~~c.~~ SPD2 is the statewide total of inpatient days in Level II beds for the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the fixed need pool.

~~d.~~ SB is the statewide total of resident live births for the most recent calendar year available from the Department of Health Office of Vital Statistics at least 3 months prior to the beginning date of the quarter of the publication of the fixed need pool.

~~3.4.~~ PB is the projected district total number of resident live births for the applicable planning horizon. To determine the number of births projected for each district, a 3-year average resident live-birth rate for each district shall be calculated using the sum of the resident live births for the 3 most recent calendar years available from the Department of Health and Rehabilitative Services’ Office of Vital Statistics at least 3 months prior to the beginning date of the quarter of the publication of the fixed bed need pool. The projected number of resident live births in each district shall be determined by multiplying the 3-year average resident live birth rate by the district’s estimated population of females aged 15 to 44 for the applicable planning horizon. The population estimate used to compute the 3-year average resident live birth rate shall be the sum of the July 1 estimates of the population of females aged 15 to 44 for the 3 years that are included in the 3-year total of resident live births. Population estimates for each year shall be the most recent population estimates published by the Office of the Governor at least 3 months prior to publication of the fixed bed need pool.

~~4.5.~~ (.70)(.80) equals the desired annual district average occupancy rate standard of 80 percent.

~~5.6.~~ LB2 equals the district’s number of licensed Level II beds as of the most recent published deadline for agency initial decisions prior to the publication of the fixed bed need pool.

~~6.7.~~ AB2 equals the number of approved Level II beds as determined consistent with the provisions of paragraph (2)(a) of this rule.

7. 10 equals the minimum value of NN2 necessary to allow approval of a new provider of Level II beds.

(d) Regardless of whether bed need is shown under the need formula above, the establishment of new Level II neonatal intensive care unit beds within a district shall not normally be approved unless the average occupancy rate for Level II beds in the district equals or exceeds 80 percent for the most recent 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the fixed bed need pool.

(d) Additional Level II Beds at Existing Providers of Level II Services.

1. Need for additional Level II neonatal intensive care beds at hospitals with Level II beds is demonstrated if the occupancy rate of the hospital's Level II beds during the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the fixed bed pool was at least 75 percent.

2. The maximum number of additional Level II beds which may be approved at an applicant's facility shall not normally exceed the number which, if added to the current licensed total, or the current total of licensed and approved beds, would reduce the 12-month average occupancy determined in subparagraph 1. to 70 percent.

(e) Level III Bed Need. The ~~net bed~~ need for a new provider of Level III neonatal intensive care unit beds in each district shall be calculated as follows:

$$NN3 = \{((UR3 \times PB)/(365 \times .80)) - LB3 - AB3\} \geq 10$$

$$((DPD3 \times PB/AB)/(365 \times .80)) - LB3 - AB3$$

where:

1. NN3  $\geq$  10 indicates that one new provider of Level III beds may be approved for the district equals the net need for Level III beds in a district.

2. UR3 is a measure of current or estimated future utilization, used in projection of the future number of patient days in Level III units. UR3 equals DPD3/DB or SPD3/SB, whichever is greater, where:

a.2. DPD3 equals the district total number of patient days in Level III beds in a district for the most recent 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the fixed bed need pool.

b.3. DB AB is the total number of resident live births in a district for the most recent calendar year available from the Department of Health and Rehabilitative Services' Office of Vital Statistics at least 3 months prior to the beginning date of the quarter of the publication of the fixed bed need pool.

c. SPD3 is the statewide total of inpatient days in Level III beds for the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the fixed need pool.

d. SB is the statewide total of resident live births for the most recent calendar year available from the Department of Health Office of Vital Statistics at least 3 months prior to the beginning date of the quarter of the publication of the fixed need pool.

3.4. PB is the projected district total number of resident live births for the applicable planning horizon. To determine the number of births projected for each district, a 3-year average resident live-birth rate for each district shall be calculated using the sum of the resident live births for the 3 most recent calendar years available from the Department of Health and Rehabilitative Services' Office of Vital Statistics at least 3 months prior to the beginning date of the quarter of the publication of the fixed bed need pool. The projected number of resident live births in each district shall be determined by multiplying the 3-year average resident live birth rate by the district's estimated population of females aged 15 to 44 for the applicable planning horizon. The population estimate used to compute the 3 year average resident live birth rate shall be the sum of the July 1 estimates of the population of females aged 15 to 44 for the 3 years that are included in the 3-year total of resident live births. Population estimates for each year shall be the most recent population estimates published by the Office of the Governor at least 3 months prior to publication of the fixed bed need pool.

4.5. (.80) equals the desired annual district average occupancy rate standard of 80 percent.

5.6. LB3 equals the number of licensed Level III beds as of the most recent published deadline for agency initial decisions prior to the publication of the fixed bed need pool.

6.7. AB3 equals the number of approved Level III beds, as determined consistent with the provisions of paragraph (2)(a) of this rule.

7. 10 equals the minimum value of NN3 necessary to allow approval of a new provider of Level III beds.

(f) ~~Regardless of whether bed need is shown under the need formula above, the establishment of new Level III neonatal intensive care unit beds within a district shall not normally be approved unless the average occupancy rate for Level III beds in the district equals or exceeds 80 percent for the most recent 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the fixed bed need pool.~~

(f)(g) ~~Additional Level III Beds at Existing Providers of Level III Services. Special Circumstances for the Approval of Additional Neonatal Intensive Care Unit Beds at Existing Providers.~~

1. Need for additional Level III neonatal intensive care beds at hospitals with Level III beds is demonstrated if the occupancy rate of the hospital's Level III beds during the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the fixed need pool was at least 85 percent. Need for additional Level II neonatal

intensive care beds at hospitals with Level II neonatal intensive care services seeking additional Level II beds is demonstrated in the absence of need shown under the formula specified in paragraph (3)(c) of this rule if the occupancy rate for their Level II beds exceeded an average of 90 percent as computed by the agency for the same time period specified in subparagraph (3)(c)2. Need for additional Level III neonatal intensive care beds at hospitals with Level III neonatal intensive care services seeking additional Level III beds is demonstrated in the absence of need shown under the formula specified in paragraph (3)(c) of this rule if the occupancy rate for their Level III beds exceeded an average of 90 percent as computed by the agency for the same time period specified in subparagraph (3)(c)2.

2. The maximum number of additional Level III beds which may be approved at an applicant's facility shall not normally exceed the number which, if added to the current licensed total, or the current total of licensed and approved beds, would reduce the 12-month average occupancy determined in subparagraph 1. to 80 percent.

~~(g)(h)~~ Consistency With Local Health Council ~~and State Health Plans~~. Applicants shall provide evidence in their applications that a the number of proposed Level II or Level III neonatal intensive care service unit beds is consistent with the needs of the community as stated in Local Health Council Plans ~~and the State Health Plan~~.

~~(h)(i)~~ Regional Perinatal Intensive Care Centers ~~and Step-Down Neonatal Special Care Units~~. Hospitals which are under contract with the Department of Health ~~and Rehabilitative Services~~² Children's Medical Services Program for the provision of regional perinatal intensive care center services ~~or step-down neonatal special care unit care~~ will be given priority over other applicants to ~~expand or~~ establish new neonatal intensive care services ~~when a need is indicated for additional Level II or Level III neonatal intensive care unit beds~~.

~~(j)~~ Conversion of Under-utilized Acute Care Beds. ~~New Level II or Level III neonatal intensive care unit beds for shall normally be approved only if the applicant converts a number of acute care beds as defined in Rule 59C-1.038, F.A.C., excluding specialty beds, which is equal to the number of Level II or Level III beds proposed, unless the applicant can reasonably project an occupancy rate of 75 percent for the applicable planning horizon, based on historical utilization patterns, for all acute care beds, excluding specialty beds. If the conversion of the number of acute care beds which equals the number of proposed Level II or Level III beds would result in an acute care occupancy exceeding 75 percent for the applicable planning horizon, the applicant shall only be required to convert the number of beds necessary to achieve a projected 75 percent acute care occupancy for the applicable planning horizon, excluding specialty beds.~~

~~(i)(k)~~ Services to Medically Indigent and Medicaid Patients. ~~In a comparative review, Preference shall be given to hospitals which propose to provide neonatal intensive care services to Children's Medical Services patients, Medicaid patients, and non-Children's Medical Services patients who are defined as charity care patients according to the Health Care Board, Florida Hospital Uniform Reporting System Manual, Chapter III, Section 3223. The applicant shall estimate, based on its historical patient data by type of payer, the percentage of neonatal intensive care services patient days that will be allocated to:~~

1. Charity ~~c~~Care ~~p~~Patients;
2. Medicaid patients;
3. Private pay patients, including self pay; and
4. Regional Perinatal Intensive Care Center Program ~~and Step-Down Neonatal Special Care Unit~~ patients.

(4) Level II and Level III Service Continuity. To help assure the continuity of services provided to neonatal intensive care services patients:

(a) The establishment of Level III neonatal intensive care services shall not normally be approved unless the hospital also provides Level II neonatal intensive care services. Hospitals may be approved for Level II neonatal intensive care services without providing Level III services. ~~In a comparative review, preference for the approval of Level II beds shall be given to hospitals which have both Level II neonatal intensive care unit beds and Level III neonatal intensive care unit beds.~~

(b) Applicants proposing to provide Level II or Level III neonatal intensive care services shall ensure developmental follow-up on patients after discharge to monitor the outcome of care and assure necessary referrals to community resources.

(5) Minimum Unit Size. Hospitals proposing the establishment of new Level III neonatal intensive care services shall propose a Level III neonatal intensive care unit of at least ~~10~~ 15 beds, and should have ~~10~~ 15 or more Level II neonatal intensive care unit beds. A provider shall not normally be approved for Level III neonatal intensive care services only. Hospitals proposing the establishment of new Level II neonatal intensive care services only shall propose a Level II neonatal intensive care unit with a minimum of 10 beds. Hospitals under contract with the Department of Health ~~and Rehabilitative Services~~² Children's Medical Services Program for the provision of regional perinatal intensive care center services ~~or step-down neonatal special care unit care~~ are exempt from these requirements.

(6) Minimum Birth Volume Requirement. A hospital shall not normally be approved to establish ~~for~~ Level III neonatal intensive care services unless the hospital had a minimum service volume of 1,500 live births for the most recent 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the fixed ~~bed~~ need pool. Hospitals applying for Level II neonatal intensive care services shall not normally be approved to establish Level II neonatal

intensive care services unless the hospital had a minimum service volume of 1,000 live births for the most recent 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the fixed bed need pool. Specialty children's hospitals are exempt from these requirements.

(7) through (10) No change.

(11) Emergency Transportation Services. Each hospital providing Level II neonatal intensive care services or Level III neonatal intensive care services shall have or participate in an emergency 24-hour patient transportation system.

(a) Provision of Emergency Transportation. Hospitals providing Level II or Level III neonatal intensive care services must operate a 24-hour emergency transportation system directly, or contract for this service, or participate through a written financial or non-financial agreement with a provider of emergency transportation services.

(b) Requirements for Emergency Transportation System. Emergency transportation systems, as defined in paragraph (11)(a), shall conform to Rule 64E-2.006 ~~10D-66.52~~, Florida Administrative Code.

(12) Transfer Agreements. A hospital providing only Level II neonatal intensive care services shall provide documentation of a transfer agreement with a facility providing Level III neonatal intensive care services in the same or nearest service district for patients in need of Level III services. ~~Facilities providing Level III neonatal intensive care services shall not unreasonably withhold consent to transfer agreements which provide for transfers based upon availability of service in the Level III facility, and which will be applied uniformly to all patients requiring transfer to Level III, as defined in subparagraph (2)(c)2.~~ An applicant for Level II or Level III neonatal intensive care services shall include, as part of the application, a written protocol governing the transfer of neonatal intensive care services patients to other inpatient facilities.

(13) Quarterly Reports Data Reporting Requirements. All hospitals with Level II or Level III neonatal intensive care services shall report to provide the agency or its designee, within 45 days after the end of each calendar quarter, the number of admissions and patient days for Level II and Level III neonatal intensive care services, with patient utilization and fiscal reports which contain data relating to patient utilization of Level II and Level III neonatal intensive care services. The following data shall be provided to the agency or its designee:

(a) ~~Utilization Data. Level II or Level III neonatal intensive care services providers shall report the number of admissions and patient days by type of payer for Level II and Level III neonatal intensive care services. Payer types shall include Medicaid, Regional Perinatal Intensive Care Center Program, Insurance, Self-Pay, and Charity Care as defined by the Health Care Board, Florida Hospital Uniform Reporting~~

~~Manual, Chapter III, Section 3223. These data shall be reported to the agency or its designee within 45 days after the end of each calendar quarter.~~

(b) ~~Patient Origin Data. Level II or Level III neonatal intensive care services providers shall report patient origin data for Level II and Level III neonatal intensive care services patients. The mother's county of residence shall be reported for patients born in the hospital and also for patients who were transferred to the hospital from other hospitals. These data shall be reported to the agency or its designee within 45 days after the end of each calendar quarter.~~

(14) ~~Providers Authorized by the Agency to Operate Level II and Level III Neonatal Intensive Care Services. Providers shall be authorized by the agency to implement, or to continue to operate Level II or Level III neonatal intensive care services if they are found to be in compliance with the conditions specified in paragraphs (14)(a), (14)(b), or (14)(f) below.~~

(a) ~~Providers Holding a Valid Certificate of Need or Providers with Approved Construction Documents. Providers which have obtained a certificate of need for provision of services regulated under this rule or providers with construction documents approved by the Department of Health and Rehabilitative Services prior to October 1, 1987 which show neonatal intensive care beds shall be restricted to the total number of neonatal intensive care unit beds by level of care for which certificate of need or construction document approval was granted unless the provisions of paragraph (14)(d) authorize a greater number. The authorization in this paragraph based on construction document approval shall not apply to a provider who initiated and subsequently terminated neonatal intensive care services prior to October 1, 1987.~~

(b) ~~Providers With Licensed Acute Care Beds Which Include Level II or Level III Neonatal Intensive Care Unit Beds. Facilities providing Level II or Level III neonatal intensive care services prior to October 1, 1987 and continuously since then under the direction of a neonatologist or a group of neonatologists, as described in subparagraph (14)(f)1. and (14)(f)2. below, shall be limited to the total number of neonatal intensive care unit beds accepted by the agency in its approval of the most recent application for a license, unless the provisions of paragraph (14)(d) authorize a greater number.~~

(c) ~~Number of Neonatal Intensive Care Unit Beds on October 1, 1988. In establishing the number of Level II or Level III neonatal intensive care unit beds to be authorized for a facility, the agency will determine the number of beds by level of care on October 1, 1988 based on the following calculation:~~

$$\frac{PD}{365 \times .80} = \text{Number of Beds by Level of Care}$$

where:



1. PD equals the number of Level II or Level III neonatal intensive care services patient days at the facility for the period October 1, 1987 through September 30, 1988.

2. .80 equals the desired occupancy standard.

(d) Authorized Number of Neonatal Intensive Care Unit Beds. The number of neonatal intensive care unit beds authorized by level of care for the facilities meeting the requirement of paragraphs (14)(a) or (14)(b) will be the largest of the three numbers identified in paragraphs (14)(a), (14)(b), or (14)(c), except that:

1. In all cases the number of beds authorized for Level II or Level III neonatal intensive care services will be at least five; and

2. In no case will a facility's combined number of authorized Level II and Level III neonatal intensive care unit beds be greater than the largest of the combined totals of Level II and Level III neonatal intensive care unit beds identified in paragraphs (14)(a), (14)(b), and (14)(c). The allocation of the combined total to the separate levels of neonatal intensive care at a facility will be the same as the allocation in paragraph (14)(a), (14)(b) or (14)(c), whichever is the basis for the total authorized. Provided, however, that an authorized combined total based on an application for licensure which identified all neonatal intensive care unit beds as one level of care will be allocated in the same proportions as the number of beds calculated by the formula in paragraph (14)(c).

(e) Existing Providers Which were in Operation prior to October 1, 1987. Providers claiming to have operated Level II or Level III neonatal intensive care services, as defined under this rule, continuously since October 1, 1987, shall submit the following documentation to the agency, which shall be subject to verification by the agency:

1. The number of Level II and Level III neonatal intensive care unit beds as of September 30, 1987.

2. The number of Level II and Level III neonatal intensive care services admissions and total patient days for the period October 1, 1986 through September 30, 1987.

3. Staffing and equipment for each level of care for the period October 1, 1986 through September 30, 1987.

4. Proof that the hospital prior to October 1, 1987 and continuously since October 1, 1987 has provided Level II or Level III neonatal intensive care services, as defined by this rule, and that the services have been directed by a board certified or board eligible neonatologist or group of neonatologists, consistent with the provisions of paragraph (8)(a).

5. Medicaid and Charity Care Patient Days for the period October 1, 1986 through September 30, 1987.

6. Number of Level II and Level III neonatal intensive care services admissions by DRG and ICD codes.

7. Number of admissions to Level II and Level III neonatal intensive care services of less than 1,000 grams birth-weight and equal to or greater than 1,000 grams birth-weight for the period October 1, 1986 through September 30, 1987.

8. Number of Level II and Level III neonatal intensive care services patients transferred to Level II or Level III beds at other facilities providing neonatal intensive care services, for the period October 1, 1986 through September 30, 1987.

9. Number of Level II and Level III neonatal intensive care services patient days by level of care for the period October 1, 1987 through September 30, 1988.

(f) Providers Not Authorized Under Certificate of Need, Construction Document Approval, or Licensure Provisions. Providers claiming to have provided Level II or Level III neonatal intensive care services prior to October 1, 1987 and continuously since then, but which were not authorized by certificate of need or construction document approval consistent with paragraph (14)(a) or by license consistent with paragraph (14)(b), will be authorized to provide Level II or Level III neonatal intensive care services provided the conditions of subparagraphs (14)(f)1. or (14)(f)2., below, are met:

1. A provider will be deemed to have had operational Level II neonatal intensive care services prior to October 1, 1987 if Level II neonatal intensive care services were being provided on or before September 30, 1987 under the direction of a neonatologist or a group of neonatologists who were on the active staff of the hospital with unlimited privileges and provided 24-hour coverage, and who were either board certified or board eligible in neonatal-perinatal medicine.

2. A provider will be deemed to have had operational Level III neonatal intensive care services prior to October 1, 1987 if:

a. Level III neonatal intensive care services were being provided on or before September 30, 1987 under the direction of a neonatologist or a group of neonatologists who were on the active staff of the hospital with unlimited privileges and provided 24-hour coverage, and who were either board certified or board eligible in neonatal-perinatal medicine; and

b. The provider submits documentation that for the period October 1, 1986 through September 30, 1987 at least one of the following was true:

(I) The average length of stay for all neonatal intensive care services patients, regardless of reported Level II or III status, was at least 10 days; or

(II) At least 5 percent of all neonates admitted to neonatal intensive care services, regardless of reported Level II or Level III status, weighed less than 1000 grams at birth; or

(III) At least 50 percent of all neonates admitted to neonatal intensive care services, regardless of reported Level II or Level III status, were classified into Diagnosis Related Groups (DRGs) 385, 386, 387 or 388.

~~(g) Neonatal Intensive Care Unit Beds Authorized for Providers Not Having Previous Approval. For providers deemed to have been providing Level II or Level III neonatal intensive care services consistent with the provisions of paragraph (14)(f) above, the number of authorized Level II or Level III neonatal intensive care unit beds on October 1, 1988 will be determined consistent with the formula in paragraph (14)(e) above, except that in all cases the number of beds authorized for Level II neonatal intensive care services or Level III neonatal intensive care services will be at least five.~~

~~(h) Licensing of Authorized Neonatal Intensive Care Unit Beds. The number of neonatal intensive care unit beds authorized by this subsection shall be included in the facility's acute care bed complement and shall not increase the total number of licensed hospital beds.~~

~~(i) Time Limit for Compliance With the Provisions of this Rule. Facilities authorized to provide Level II or Level III neonatal intensive care services under the provisions of this subsection shall have 1 year subsequent to the effective date of this rule to come in compliance with the provisions specified in subsections (8), (9), (10), (11), and (12).~~

~~(15) Inventorying Process of Level II and Level III Neonatal Intensive Care Services. The agency shall notify all hospitals providing obstetrical services and specialty children's hospitals by mail and through publication in the Florida Administrative Weekly of its intent to file this rule. Providers claiming to operate neonatal intensive care services as defined by this rule shall provide the agency with documentation as specified in paragraph (14)(e), within 45 days of the publication of this rule in the Florida Administrative Weekly. The agency shall publish a preliminary inventory in the Florida Administrative Weekly of all facilities with authorized neonatal intensive care services based on the provisions of paragraphs (14)(a) through (14)(g). Providers shall have 21 days after the initial publication of the inventory to contest the inventory. Subsequent to the resolution of any issues pertaining to the authorization to provide neonatal intensive care services the agency shall publish a final inventory. Hospitals without authorization shall not provide Level II or Level III neonatal intensive care services.~~

~~(16) Providers Required to Apply for a Certificate of Need. Providers who did not have authorized Level II or Level III neonatal intensive care services as of September 30, 1987 and continuously operated Level II or Level III neonatal intensive care services since October 1, 1987 as determined by the agency under this rule shall be subject to certificate of need review.~~

Specific Authority 408.15(8), 408.034(6)(3)(5), ~~408.039(4)(a)~~ FS. Law Implemented 408.034(3), ~~408.035~~, 408.036(1)(a),(d),(f),(g),(h),(e),(c),(m); ~~408.039(4)(a)~~ FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(v), Formerly 10-5.042, Amended 1-3-93, 8-24-93, 2-22-95, 4-10-96, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLE: Supervision of Pre-need Agents  
 RULE NO.: 61G8-28.001  
 PURPOSE AND EFFECT: The Board proposes to review this rule to determine the necessity of amendments.  
 SUBJECT AREA TO BE ADDRESSED: Supervision of Pre-need Agents.  
 SPECIFIC AUTHORITY: 470.005 FS.

LAW IMPLEMENTED: 470.005, 470.028 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE CHAPTER TITLE: Florida Engineers Management Corporation  
 RULE CHAPTER NO.: 61G15-37  
 PURPOSE AND EFFECT: The Board proposes to develop a new chapter addressing the Florida Engineers Management Corporation and adopting the new rules setting performance standards and measurable outcomes for the corporation.  
 SUBJECT AREA TO BE ADDRESSED: Florida Engineers Management Corporation.  
 SPECIFIC AUTHORITY: 471.038(3)(m) FS.  
 LAW IMPLEMENTED: 471.038(3)(m) FS.

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Standards for Supervision  
 RULE NO.: 61G17-3.0015

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule to address standards for supervision.

SUBJECT AREA TO BE ADDRESSED: Standards for supervision.

SPECIFIC AUTHORITY: 472.003(5)(a) FS.

LAW IMPLEMENTED: 472.0003(5)(a) FS.

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Application for Retired Status  
 RULE NO.: 61G17-3.004

PURPOSE AND EFFECT: The Board proposes to create a rule that would establish recognized Retired Status among licensees.

SUBJECT AREA TO BE ADDRESSED: Application for Retired Status.

SPECIFIC AUTHORITY: 472.008, 472.019 FS.

LAW IMPLEMENTED: 472.019 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: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G17-3.004 Application for Retired Status.

(1) A person wishing to apply for Retired Status shall submit a completed application to the Board. The instructions and application entitled "Application For Retired Status," which is incorporated by reference, effective July 18, 2002, copies of which may be obtained from the Board office. The Board shall certify as eligible for Retired Status any applicant who has completed the application form and who has chosen to relinquish or not to renew his or her license.

(2) Professional Surveyors and Mappers on Retired Status may use the term: Surveyor, Registered Land Surveyor, Registered Surveyor and Mapper, or Professional Surveyor and Mapper; however, such professional surveyor and mapper shall refrain from any practice of surveying and the use of his or her seal. Any professional surveyor and mapper in Retired Status who wishes to become active shall make application for licensure and meet the licensure criteria in effect at the time of application.

Specific Authority 472.008, 472.019 FS. Law Implemented 472.019 FS. History--New

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Definitions  
 RULE NO.: 61G17-6.002

PURPOSE AND EFFECT: To remove unnecessary and obsolete language from the rule.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 472.008, 472.027 FS.

LAW IMPLEMENTED: 472.027 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: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G17-6.002 Definitions.

(1) through (3) No change.

(4) Map of Survey (or Survey Map): a graphical or digital depiction of the facts of size, shape, identity, geodetic location, or legal location determined by a survey. The term "Map of Survey" (Survey Map) includes the terms: Sketch of Survey, Plat of Survey, ~~Right of Way Survey~~, or other similar titles. "Map of Survey" or "Survey Map" may also be referred to as "a map" or "the map."

(5) through (7) No change.

(8) Survey: the orderly process of determining facts of size, shape, identity, geodetic location, or legal location by viewing and applying direct measurement of features on or near the earth's surface using field or image methods; further defined as follows according to the type of data obtained, the methods and instruments used, and the purposes to be served:

(a) through (h) No change.

(i) Record Survey: a survey performed to obtain horizontal ~~or~~ and vertical dimensional data so that constructed improvements may be located and delineated; also known as an As-Built Survey.

Specific Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History--New 9-1-81, Formerly 21HH-6.02, Amended 12-18-88, Formerly 21HH-6.002, Amended 12-25-95, 5-25-99, 3-25-01,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: List of Approved Forms; Incorporation

RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to add a revised form with regard to financial responsibility and prior acts coverage to the rule.

SUBJECT AREA TO BE ADDRESSED: Incorporation of a revised form.

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) through (10) No change.

(11) DH-MQA 1014, entitled "Statement of Financial Responsibility and Exemptions," ~~(6/02)~~ ~~(1/00)~~.

(12) through (22) No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS. History--New 4-17-01, Amended 11-20-01, 8-13-02,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Definitions

RULE NO.: 64B8-2.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify definitions for direct and indirect supervision.

SUBJECT AREA TO BE ADDRESSED: Levels of supervision.

SPECIFIC AUTHORITY: 458.309, 458.315(1), 458.317(1)(c), 458.319(1), 766.314(4) FS.

LAW IMPLEMENTED: 456.072(2)(g), 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-2.001 Definitions.

(1) Levels of Supervision:

(a) “Direct supervision” shall require the physical presence of the supervising licensee on the premises so that the supervising licensee is reasonably available as needed. When this term is used in probationary terms of a Final Order, it requires that the licensee practice medicine only if the approved supervisor is on the premises.

(b) “Indirect supervision” shall require only that the supervising licensee practice at a location which is within close physical proximity of the practice location of the supervised licensee and that the supervising licensee must be readily available for consultation as needed. “Close physical proximity” shall be within 20 miles or 30 minutes unless otherwise authorized by the Board.

(c) Unless otherwise provided by law or rule, the above definitions will apply to all supervised licensees.

~~(1) The phrase “direct supervision and control” as used in Section 458.303(2), F.S., shall require the following:~~

~~The physical presence of the supervising physician on the premises so that the supervising physician is immediately available when needed.~~

~~(2) through (5) No change.~~

~~(6) The phrase “direct responsibility,” as defined by the Board of Medicine, and as used in Section 458.3485, Florida Statutes, shall mean that the responsible physician need not be physically present on the premises but must be within close physical proximity and easily accessible.~~

~~(7) through (12) renumbered (6) through (11) No change.~~

~~Specific Authority 458.309, 458.315(1), 458.317(1)(c), 458.319(1), 766.314(4) FS. Law Implemented 456.072(2)(g), 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS. History—New 11-10-82, Amended 12-4-85, Formerly 21M-29.01, Amended 12-4-86, 11-15-88, 3-13-89, 1-1-92, 9-24-92, 2-21-93, Formerly 21M-29.001, Amended 4-14-94, Formerly 61F6-29.001, 59R-2.001, Amended 4-7-99, 10-2-01,\_\_\_\_\_.~~

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Inactive and Delinquent Status Fees

RULE NO.: 64B8-3.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address reactivation of a delinquent license.

SUBJECT AREA TO BE ADDRESSED: Reactivation of licensure.

SPECIFIC AUTHORITY: 456.036, 458.309 FS.

LAW IMPLEMENTED: 456.036, 458.3145, 458.316, 458.3165, 458.345 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-3.004 Inactive and Delinquent Status Fees.

(1) The fees for individuals holding a medical license, a temporary certificate to practice in areas of critical need, or a limited license shall be:

(a) through (d) No change.

(e) The fee for reactivation of an inactive and a delinquent license for the purpose of converting the license to a limited license pursuant to Section 458.317(4), F.S., shall be \$25.00.

(2) No change.

Specific Authority 456.036, 458.309 FS. Law Implemented 456.036, 458.3145, 458.316, 458.3165, 458.345 FS. History—New 2-13-95, Amended 10-10-95, 12-18-95, Formerly 59R-3.004, Amended 8-11-98, 11-20-01, 3-25-02,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Standards for the Use of Controlled

RULE NO.: 64B8-9.013

Substances for Treatment of Pain

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify that criteria with regard to prescribing medication for the treatment of pain are standards of practice.

SUBJECT AREA TO BE ADDRESSED: Guidelines for the treatment of pain.

SPECIFIC AUTHORITY: 458.309(1) FS.

LAW IMPLEMENTED: 458.326, 458.331(1)(g),(t) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.013 Standards for the Use of Controlled Substances for Treatment of Pain.

(1) Pain management principles.

(a) No change.

(b) Inadequate pain control may result from physicians' lack of knowledge about pain management or an inadequate understanding of addiction. Fears of investigation or sanction by federal, state, and local regulatory agencies may also result in inappropriate or inadequate treatment of chronic pain patients. Physicians should not fear disciplinary action from the Board or other state regulatory or enforcement agencies for prescribing, dispensing, or administering controlled substances including opioid analgesics, for a legitimate medical purpose and that is supported by appropriate documentation establishing a valid medical need and treatment plan. Accordingly, these ~~standards~~ guidelines have been developed to clarify the Board's position on pain control, specifically as related to the use of controlled substances, to alleviate physician uncertainty and to encourage better pain management.

(c) through (e) No change.

(f) Each case of prescribing for pain will be evaluated on an individual basis. The Board will not take disciplinary action against a physician for failing to adhere strictly to the provisions of these ~~standards~~ guidelines, if good cause is shown for such deviation. The physician's conduct will be evaluated to a great extent by the treatment outcome, taking into account whether the drug used is medically and/or pharmacologically recognized to be appropriate for the diagnosis, the patient's individual needs including any improvement in functioning, and recognizing that some types of pain cannot be completely relieved.

(g) The Board will judge the validity of prescribing based on the physician's treatment of the patient and on available documentation, rather than on the quantity and chronicity of prescribing. The goal is to control the patient's pain for its duration while effectively addressing other aspects of the patient's functioning, including physical, psychological, social, and work-related factors. The following ~~standards~~ guidelines are not intended to define complete or best practice, but rather to communicate what the Board considers to be within the boundaries of professional practice.

(2) No change.

(3) ~~Standards~~ Guidelines. The Board has adopted the following ~~standards for guidelines when evaluating~~ the use of controlled substances for pain control:

(a) through (b) No change.

(c) Informed Consent and Agreement for Treatment. The physician should discuss the risks and benefits of the use of controlled substances with the patient, persons designated by

the patient, or with the patient's surrogate or guardian if the patient is incompetent. The patient should receive prescriptions from one physician and one pharmacy where possible. If the patient is determined to be at high risk for medication abuse or have a history of substance abuse, the physician ~~should~~ may employ the use of a written agreement between physician and patient outlining patient responsibilities, including, but not limited to:

1. Urine/serum medication levels screening when requested;

2. Number and frequency of all prescription refills; and

3. Reasons for which drug therapy may be discontinued (i.e., violation of agreement).

(d) Periodic Review. At reasonable intervals based on the individual circumstances of the patient, the physician should review the course of treatment and any new information about the etiology of the pain. Continuation or modification of therapy should depend on the physician's evaluation of ~~the patient's progress toward stated treatment objectives such as improvement in patient's pain intensity and improved physical and/or psychosocial function, i.e., ability to work, need of health care resources, activities of daily living, and quality of social life.~~ If treatment goals are not being achieved, despite medication adjustments, the physician should reevaluate the appropriateness of continued treatment. The physician should monitor patient compliance in medication usage and related treatment plans.

(e) Consultation. The physician should be willing to refer the patient as necessary for additional evaluation and treatment in order to achieve treatment objectives. Special attention should be given to those pain patients who are at risk for misusing their medications and those whose living arrangements pose a risk for medication misuse or diversion. The management of pain in patients with a history of substance abuse or with a comorbid psychiatric disorder ~~may~~ requires extra care, monitoring, and documentation, and may require consultation with or referral to an expert in the management of such patients.

(f) Medical Records. The physician is required to keep accurate and complete records to include, but not be limited to:

1. The medical history and physical examination, including history of drug abuse or dependence, as appropriate;

2. Diagnostic, therapeutic, and laboratory results;

3. Evaluations and consultations;

4. Treatment objectives;

5. Discussion of risks and benefits;

6. Treatments;

7. Medications (including date, type, dosage, and quantity prescribed);

8. Instructions and agreements; and

9. Periodic reviews.

Records must remain current and be maintained in an accessible manner and readily available for review.

(g) No change.

Specific Authority 458.309(1) FS. Law Implemented 458.326, 458.331(1)(g), (i) FS. History--New 12-21-99, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Requirements for Approval of Training Courses for Laser and Light-based Hair Removal or Reduction

RULE NO.: 64B8-52.004

PURPOSE AND EFFECT: The Board proposes to review the existing rule for possible amendments.

SUBJECT AREA TO BE ADDRESSED: Training Courses for Laser and Light-Based Hair Removal or Reduction.

SPECIFIC AUTHORITY: 478.43 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Electrolysis/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Citations

RULE NO.: 64B8-55.002

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

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077(1),(2) FS.

LAW IMPLEMENTED: 456.072(3)(b), 456.077(1),(2), 478.51, 478.52 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Electrolysis/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Mediation

RULE NO.: 64B8-55.004

PURPOSE AND EFFECT: The Board proposes to review the existing text to see if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Mediation.

SPECIFIC AUTHORITY: 456.078, 478.43 FS.

LAW IMPLEMENTED: 456.078 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Electrolysis/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Equipment and Devices; Protocols for Laser and Light-Based Devices

RULE NO.: 64B8-56.002

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

SUBJECT AREA TO BE ADDRESSED: Equipment and Devices.

SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 458.331(1)(v), 458.348(3), 478.42(5), 478.43(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Electrolysis/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices.

(1) through (3) No change.

(4)(a) The supervising physician and the electrologist shall develop jointly written protocols regarding the medical condition for individuals to receive laser and light-based hair removal or reduction treatment; specific conditions and the procedure for identifying conditions that require direct evaluation or specific consultation by the physician; treatment of routine minor problems resulting during or from laser and light-based hair removal or reduction; and detailed procedures to be followed in the event of emergency situations developing during the performance of or as a result of laser and light-based hair removal or reduction. These written protocols must be signed, dated, and maintained in a readily available location on the premises where the electrologist practices. One copy shall be maintained by the supervising physician and one copy must be filed with the Department of Health. The written protocols which are kept on the premises of the electrologist will be readily available for inspection and review by agents of the Department of Health or the Board of Medicine. The parties to a protocol must notify the Department within 30 days of the termination of their professional relationship.

(b) The written protocol shall include and require that a physician licensed pursuant to Chapter 458 or 459, Florida Statutes, provide approval to the electrologist for each patient seeking laser and light-based hair removal or reduction treatment the initial consultation with each patient must include an examination and assessment by a physician licensed pursuant to Chapter 458 or 459, Florida Statutes. Such approval may be given by telephone, fax, email, or hard-copy.

(c) The written protocol shall include a statement that the electrologist does and will maintain professional liability coverage that includes coverage for incidents arising from laser usage in an amount not less than \$100,000.

(5) through (6) No change.

Specific Authority 478.43 FS. Law Implemented 458.331(1)(v), 458.348(3), 478.42(5), 478.43(4) FS. History--New 9-12-01, Amended.

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Examination for Licensure  
 RULE NO.: 64B12-9.001  
 PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments are necessary.  
 SUBJECT AREA TO BE ADDRESSED: Examination for licensure.  
 SPECIFIC AUTHORITY: 456.017(1),(5), 484.005 FS.  
 LAW IMPLEMENTED: 456.017(1),(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Licensure by Endorsement  
 RULE NO.: 64B17-3.003  
 PURPOSE AND EFFECT: The Board proposes to add to current rule text.  
 SUBJECT AREA TO BE ADDRESSED: Licensure by Endorsement.  
 SPECIFIC AUTHORITY: 486.025, 486.081 FS.  
 LAW IMPLEMENTED: 486.081 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-3.003 Licensure by Endorsement.

An applicant demonstrating that he or she meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy by endorsement by presenting evidence satisfactory to the Board that the applicant has active licensure in another jurisdiction and has passed an examination before a similar, lawful, authorized examining board in physical therapy in such other jurisdiction another state, the District of Columbia, a territory or a foreign country if their standards for licensure are as high as those maintained in Florida. The standard for determining whether the standards of another jurisdiction state, the District of Columbia, a territory, or a foreign country are as high as the standards in Florida shall be whether the written examination taken for licensure in such other jurisdiction by applicants meeting Florida's minimum educational qualifications was through the national physical therapy examination provider certified by the Department. An



applicant who has failed to pass the examination after five attempts, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Specific Authority 486.025, 486.081 FS. Law Implemented 486.081 FS. History—New 8-6-84, Formerly 21M-7.26, Amended 5-18-86, Formerly 21M-7.026, 21MM-3.004, 61F11-3.004, 59Y-3.004, Amended 4-21-02,

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: RULE NO.:

Licensure by Endorsement 64B17-4.003

PURPOSE AND EFFECT: The Board proposes to add to current rule text.

SUBJECT AREA TO BE ADDRESSED: Licensure by Endorsement.

SPECIFIC AUTHORITY: 486.025, 486.107(1) FS.

LAW IMPLEMENTED: 486.107(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 TO BE ANNOUNCED.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-4.003 Licensure by Endorsement.

An applicant demonstrating that he or she is licensed in another state may be licensed to practice as a physical therapist assistant by endorsement by presenting evidence of active licensure in another jurisdiction, under oath, and evidence satisfactory to the Board that the applicant from such other jurisdiction has been licensed under standards for licensure as high as those maintained in Florida. The standard for determining whether those requirements are as high as those in Florida shall be whether the applicant was required to meet educational standards equivalent to those set forth in subsection 64B17-4.001(3), F.A.C., and whether the written examination taken for licensure in such other jurisdiction was through the designated national physical therapy assistants examination provider certified by the Department. An applicant who has failed to pass the examination after five attempts, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Specific Authority 486.025, 486.107(1) FS. Law Implemented 486.107(1) FS. History—New 8-6-84, Formerly 21M-10.26, Amended 5-18-86, Formerly 21M-10.026, 21MM-4.004, 61F11-4.004, 59Y-4.004, Amended 7-11-02,

**DEPARTMENT OF HEALTH**

**School Psychology**

RULE TITLES: RULE NOS.:

Application Form 64B21-500.002

Education Requirements for School Psychologists 64B21-500.009

Examinations 64B21-500.011

PURPOSE AND EFFECT: The Department of Health proposes to review the existing language in these rules to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Application form, education requirements for school psychologists and examination.

SPECIFIC AUTHORITY: 490.015 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 490.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Optical Establishment**

RULE TITLE: RULE NO.:

Optical Establishment Inspections 64B29-1.002

PURPOSE AND EFFECT: The Department of Health proposes to promulgate a new rule addressing matters pertaining to optical establishment inspections.

SUBJECT AREA TO BE ADDRESSED: Optical establishment inspections.

SPECIFIC AUTHORITY: 484.005, 484.007, 484.014, 484.015 FS.

LAW IMPLEMENTED: 484.007, 484.014, 484.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Wayne

McDaniel, Deputy Secretary, Department of Health, c/o General Counsel's Office, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Cultural Affairs

RULE TITLE:

RULE NO.:

Division of Cultural Affairs

IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment will be to establish in rule the description of the Division's Regional Cultural Facilities Program and the program's specific eligibility and evaluation criteria.

SUMMARY: The proposed rule details the criteria for eligibility for the Division's Regional Cultural Facilities Program. The rule also details the evaluation and scoring procedures for the program, administrative procedures, and incorporates by reference the required forms for the program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are not regulatory costs associated with the proposed rule.

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

SPECIFIC AUTHORITY: 265.284(5)(d), 265.285(1)(c), 265.286(1),(6), 265.702 FS.

LAW IMPLEMENTED: 265.284, 265.285, 265.286 FS., Chapter 2002-267, Laws of Florida creating 265.702 FS.

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

TIME AND DATE: 9:00 a.m., September 16, 2002

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Valerie Ohlsson at (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Downey, Chief, Bureau of Grant Services, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

(1) through (19) No change.

(20) Regional Cultural Facilities Program. The purpose of this program is to accept and administer funds to provide grants for the renovation, construction, or acquisition of regional cultural facilities. It is not intended to fund project planning, such as feasibility studies and architectural drawings, or operational support.

(a) Administrative and Legal Eligibility. The applicant for a regional cultural facilities grant must:

1. Be a public entity governed by either a municipality, county, or qualified corporation as defined in Section 265.702(2), Florida Statutes.

2. Have ownership of the land and building. In the cases where either the land or building is not owned, fee simple, by the applicant, all underlying owners must also meet the requirements in subsection 1.

3. Retain ownership of all improvements made under the grant.

4. Have satisfied the administrative requirements of previous grants received from the Division.

(b) Program Eligibility. All eligible applications shall consist of the following documents and information:

1. A completed and signed Regional Cultural Facilities Program Application Form (#CA2E101, eff. 10/02), available from the Division and incorporated by reference, including the number of required application copies, submitted to the Division on or before the announced postmark deadline.

2. A description of the Project Scope of Work which shall include a project narrative.

3. Project Budgets including a summary and detail, a matching funds statement, and match summary chart.

4. A description of educational and cultural programs as required by Sections 265.702(5)(a) and (5)(b), Florida Statutes.

5. Documentation of a 150-mile service area as described in Section 265.702(5)(c), Florida Statutes.

6. Documentation of a proposed acquisition, renovation, or construction cost of at least \$50 million.

7. Documentation of unrestricted ownership of the land and building.

8. An independent certified audit of the applicant's financial records.

9. Cost Benefit Analysis/Feasibility Study.

10. An 8 1/2" x 11" reduction of current architectural plans.

11. Letters of Support: Submit letters or list of local officials lending support to this project.

(c) Funding.

1. The annual amount of the grant shall not exceed the amount permitted in Section 265.702(7), Florida Statutes. There is no minimum amount.

2. An applicant from the same organization shall not submit 2 or more applications under a single application deadline for the same facility, project, site, or phase.

(d) Time Limits and Funding Cap. The total amount of grants awarded shall not exceed the amount permitted in Section 265.702(7), Florida Statutes. "Awarded" means July 1 of the fiscal year in which grant funds were appropriated by the Florida Legislature.

(e) Matching Funds.

1. Eligible matching funds provided by the grantee or third parties shall be on at least a two-to-one match of the amount requested, except for eligible Rural Economic Development Initiative (REDI) applicants.

2. Eligible matching funds provided by eligible REDI applicants shall be at least a one-to-one match of the amount requested.

3. At least 50% of the required match must be in cash. For the purposes of this program, cash shall include cash-on-hand, and cash expenditures made on the project during the three years immediately preceding the award of the grant.

4. At least 50% of the cash match must be cash-on-hand and dedicated to the project.

5. In-kind contributions of goods and services shall be subject to the restrictions of Section 265.702(6), Florida Statutes.

6. Municipalities and counties must submit a copy of the approved resolution or minutes from the commission meeting, with the original application, which includes the dollar amount dedicated and available to the project if the grant is awarded and the date the funds will be available. Resolutions that have not been approved by the application deadline can not be used as match documentation. Local funding, as indicated by the resolution, must be made available within 90 days of state award notification.

(f) Application Review Panel.

1. The Florida Arts Council shall review each eligible application based on the following criteria: Scope of Work, up to 20 points; Project Budget and Matching Funds, up to 25 points; Educational and Cultural Programs, up to 30 points; and Service Area, up to 25 points.

2. All applications that receive an average score of at least of 75 out of 100 possible points will be recommended for funding.

3. The panel shall develop a priority list based on the average score for each application.

4. The Florida Art Council shall submit a priority list of all projects that are recommended for funding to the Secretary of State.

(g) The Secretary of State shall review the recommendations of the Council and provide the Legislature with an approved priority list with funding recommendations.

(h) Retaining Projects on the next grant cycle priority list.

1. Projects that are approved and recommended by the Secretary but are not funded by the Legislature shall be retained on the priority list for the next grant cycle only.

2. All projects that are retained shall be required by the Division to submit the information in section (b)1.-3. above in order to reflect the most current status of the project.

3. The deadline for the receipt of updated information shall be the rollover deadline as published in the Florida Administrative Weekly.

4. Rollover updates will not be re-scored, but rather merged with the new applications using the original scores and recommended funding.

5. Rollover updates that are determined by the Division to be incomplete or ineligible, changed in scope or venue, or increased the funding request shall be removed from the priority list.

(i) No changes in project scope or venue will be permitted.

(j) Grant Award Agreement. The Grant Award Agreement (CA2E102, eff. –) incorporated by reference and available from the Division is the document by which the organization enters into a contract with the State of Florida for the management of grant funds which shall include:

1. An update of the application project narrative and budget.

2. A completed Assurance of Compliance and Signature Authorization Form (Form CA2E059, eff. 8/2002) incorporated by reference and available from the Division.

3. Other provisions that shall be agreed to by both the grantee and the state.

(k) Reporting Requirements.

1. Interim Reports shall be submitted at six-month intervals until the project is complete. For the purpose of this program, a project is considered complete when all grant and match funds have been expended. The first Interim Report is due on January 31 of the fiscal year in which the grant was awarded.

2. Final Report. A Final Report shall be submitted 45 days after the completion of the project.

3. All reports shall include the following information:

a. A description of the work completed.

b. A financial statement showing the expenditure of grant and match.

c. A state grant expenditure log that includes check number, amount of check, date of check, name of payee, and a description of the expenditure.

Specific Authority 255.043(5), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609(1),(4),(6), 265.701(4) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-.56, 265.601-.607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS. History—New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Linda Downey, Chief, Bureau of Grant Services  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: JuDee Pettijohn, Director of Division of Cultural Affairs  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 28, 2002

**DEPARTMENT OF INSURANCE**

RULE TITLE: Confidentiality of Consumer Personal Financial and Health Information Pursuant to Section 627.3111, F.S. RULE NO.: 4-128.024

PURPOSE, EFFECT AND SUMMARY: The proposed rule defines the phrase, “personal financial and health information” as used in §627.3111, F.S., which provides guidelines to protect personal financial and health information of consumers contained in files of the Department. The rule will protect the privacy of consumers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.3111 FS.

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

TIME AND DATE: 9:30 a.m., September 18, 2002

PLACE: Room 143, 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 IS: Tom Terfinko, Bureau Chief, Bureau of Consumer Assistance, Division of Consumer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0322, (850)413-5702

THE FULL TEXT OF THE PROPOSED RULE IS:

4-128.024 Confidentiality of Personal Financial and Health Information Pursuant to Section 627.3111, F.S.

(1) The phrase, “personal financial and health information” as used in Section 627.3111, Florida Statutes, means any information embodied in print, language, data, diagrams, or pictures in any medium whatsoever which if disclosed would reveal:

(a) Any individual’s personal health condition, disease, or injury;

(b) The existence, nature, source, or amount of any individual’s personal income;

(c) The existence, nature, source, or amount of any individual’s personal expenses;

(d) Records of or relating to any individual’s personal financial transactions of any kind;

(e) The existence, identification, nature, or value of any individual’s personal assets, liabilities, or net worth;

(f) A history of any individual’s personal medical diagnosis or treatment;

(g) The existence or content of any individual coverage or status under any insurance policy or annuity contract;

(h) Any individual’s personal contractual rights or obligations;

(i) Any social security number, Department file number, bank account number, or other number used for identification of any individual or any account in which any individual has a personal financial interest; or

(j) The existence, identification, nature, or value of any individual’s beneficial interest in any insurance policy, annuity contract, or trust.

(2) Notwithstanding (1) above, the following are not regarded as “personal financial and health information”:

(a) The name of an inquirer or complainant;

(b) The residential address of an inquirer or complainant;

or

(c) The name of a regulated entity that is the subject of a complaint or inquiry.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.3111 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Terfinko, Bureau Chief, Bureau of Consumer Assistance, Division of Consumer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Marta Arrington, Director, Division of Consumer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 31, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 14, 2002

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: Probable Cause Panel  
 RULE NO.: 6F-2.006

PURPOSE AND EFFECT: The purpose of the proposed new rule is to formalize the process of appointing a Probable Cause Panel to review alleged violations of law by nonpublic nondegree-granting postsecondary schools. The effect is that the Commission will be able to proceed efficiently with investigations into alleged violations and due process when necessary.

SUMMARY: The proposed new rule provides that the chair of the Commission appoints three people to a probable Cause Panel when the need arises, and provides that at least one panel member shall be a current member of the Commission. Other panel members may be past members of the Commission or a predecessor board. Voting restrictions are addressed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There will be little or no additional cost to the agency to adopt and circulate the new rule, or to implement it. There will be no significant cost to affected institutions.

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: 246.207(1)(d), 246.213(1), 246.226(3) FS.

LAW IMPLEMENTED: 246.226, 246.2265, 246.227, 246.228 FS.

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

TIME AND DATE: 10:00 a.m., Friday, September 13, 2002  
 PLACE: Renaissance Hotel, 5445 Forbes Place, Orlando, FL  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, Department of Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, telephone (850)488-8695

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-2.006 Probable Cause Panel.

(1) The chair of the Commission shall appoint three people to a Probable Cause Panel, and shall designate its chair. At least one panel member shall be current member of the Commission. Other members may be current Commission members or previous members of the Commission for Independent Education, State Board of Independent Colleges and Universities or State Board of Nonpublic Career Education. Each Probable Cause Panel shall serve on an ad hoc basis to review Specific cases referred to it by the Commission.

(2) Current Commission members who are on the Probable Cause Panel cannot vote for final agency action on institutions whose cases they have reviewed while serving on the panel.

(3) If a Commission member has reviewed a case as a member of the Probable Cause Panel, that member, if available, shall be on the panel for reconsideration of that case if reconsideration is necessary.

Specific Authority 246.207(1)(d), 246.213(1), 246.226(3) FS. Law Implemented 246.226, 246.2265, 246.227, 246.228 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra Knight, Assistant Executive Director, Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Samuel L. Ferguson, Executive Director, Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 19, 2002, p. 3038, Vol. 28, No. 29

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Incorporation by Reference  
 RULE CHAPTER NO.: 14-15

RULE TITLE: Toll Facilities Description and Toll  
 RULE NO.: 14-15.0081

Rate Schedule

PURPOSE AND EFFECT: The purpose of this rulemaking to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of an interchange on Florida’s Turnpike at State Road 710/Northlake Boulevard in Palm Beach County. This new interchange will be located on the Ticket System, approximately 6.6 miles north of the existing Okeechobee Boulevard interchange and approximately 2.4 miles south of the existing PGA Boulevard interchange.

SUMMARY: The proposed action is being taken to determine the Toll Rate Schedule resulting from the Florida Department of Transportation’s construction of an interchange at SR 710/Northlake Boulevard and Florida’s Turnpike. The Toll Rate Public Hearing is being held in conjunction with the Design Public Hearing for the SR 710/Northlake Boulevard interchange project, Financial Project ID 232074-1. The required Toll Rate Rule Development Workshop was held on November 29, 2000.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 FS.

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

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

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

TIMES AND DATE: Thursday, September 26, 2002, Informal Open House: 6:00 p.m.; Formal Hearing: 7:00 p.m.

PLACE: Palm Beach Gardens Community High School, 4245 Holly Drive, Palm Beach Gardens, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, and March 26, 2002, and \_\_\_\_\_, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

James Ely, Executive Director, Florida's Turnpike Enterprise

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Ken Morefield, Assistant Secretary for Transportation Policy, for Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: August 13, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: October 6, 2000, with Notice of Rescheduled Workshop published November 3, 2000

**STATE BOARD OF ADMINISTRATION**

RULE TITLES: RULE NOS.:

Reimbursement Contract 19-8.010

Insurer Reporting Requirements 19-8.029

PURPOSE AND EFFECT: These rules are promulgated to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2002-2003 contract year.

SUMMARY: Rule 19-8.010, F.A.C. adopts the amended reimbursement contract for the contract year 2002-2003 and Rule 19-8.029, F.A.C., adopts amended forms for insurer reporting of losses and adopts the amended forms for reporting of exposure to the Florida Hurricane Catastrophe Fund for the 2002-2003 contract year. The proposed amendments to these rules (and the forms incorporated therein) will reflect the addition of coverage under the Fund for certain collateral protection policies and for certain additional living expenses pursuant to CS/HB 385 which became law on May 29, 2002 and CS/SB 1418 which became law on May 9, 2002. These changes, along with some minor technical changes, are contained in emergency rules 19ER02-1 and 19ER02-2, which were filed and became effective on June 13, 2002.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2),(3),(4),(5),(6),(7) FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, Monday, September 16, 2002

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

Any person requiring special accommodations to participate in this proceeding is asked to advise Patti Elsbernd at least five (5) calendar days before such proceeding.

Patti Elsbernd may be reached by telephone at (850)413-1346 or by mail at P. O. Box 13300, Tallahassee, FL 32317-3300.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jack E. Nicholson, Chief Operating Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1340

THE FULL TEXT OF THE PROPOSED RULES IS:

19-8.010 Reimbursement Contract.

(1) through (7) No change.

(8) The amended reimbursement contract for the 2002-2003 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-2002K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # ( ) and The State Board of Administration of the State of Florida (“SBA”) which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2002 through May 31, 2003.

(9) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02,\_\_\_\_\_.

19-8.029 Insurer Reporting Requirements.

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

(d) For the 2002/2003 contract year, the reporting shall be in accordance with the following: Form FHCF-D1A, “Amended Florida Hurricane Catastrophe Fund 2002 Data Call,” rev. 5/02 and Form FHCF-MOD, “CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1,” rev. 3/27/01. The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference. For new companies, the company shall report its actual exposure as of December 31 of the contract year on or before March 1 of the contract year, to the Administrator on Form FHCF-D1B, “Amended Florida Hurricane Catastrophe Fund 2002 Data Call for Newly Licensed Companies,” rev. 5/02; and Form FHCF-MOD, “CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1,” rev. 3/27/01. The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference.

(3) Loss Reimbursement Reporting Requirements.

(a) As directed by the Board, after a covered event occurs, insurers shall report all their losses for covered policies (ground-up losses, without regard for the insurer’s retention) on Form FHCF-L1A, “Florida Hurricane Catastrophe Fund Interim Loss Report,” rev. 5/02 ~~10/98~~, which is hereby adopted and incorporated by reference. Prompt reporting in the format requested will aid the Board in determining whether to seek additional sources of funds to pay for reimbursable losses. The losses reported on Form FHCF-L1A are expected to result from a good faith effort on the part of the insurer to report as accurately as possible. Preliminary reports will not be binding. Reimbursements by the Fund will be made on the basis of Form FHCF-L1B, adopted below, and on the basis of quarterly adjustments thereafter. After the initial report of ground-up

losses on Form FHCF-L1A, only insurers expecting to exceed their retentions for covered losses are required to comply with paragraph (b), below.

(b) If an insurer expects covered losses to exceed its retention, it shall report its paid and outstanding covered losses for each occurrence as of month-end by the fifteenth of the following month in accordance with the table below:

Submit Form FHCF-L1A Monthly

For Losses as of	By
06/30/XX	07/15/XX
07/31/XX	08/15/XX
08/31/XX	09/15/XX
09/30/XX	10/15/XX
10/31/XX	11/15/XX
11/30/XX	12/15/XX

(c) Insurers shall report their annual covered losses (all losses regardless of an insurer’s retention) for each occurrence on or before December 31 of the contract year during which the covered event occurs and quarterly thereafter on the date the quarter ends on Form FHCF-L1B, “Florida Hurricane Catastrophe Fund Proof of Loss Report,” rev. 5/02 ~~10/98~~, which is hereby adopted and incorporated by reference. In reporting losses, deductibles shall be applied first to the coverages provided by the FHCF, ~~that is, to structure and/or contents.~~ Deductibles shall not be applied first to any coverages not provided by the FHCF ~~such as additional living expense.~~ For the quarterly report due on 3/31, any insurer whose losses reach or exceed 50% of its FHCF retention shall report its losses on Form FHCF-L1B. For the quarterly report due on 6/30, any insurer whose losses reach or exceed 75% of its FHCF retention shall report its losses on Form FHCF-L1B. For the quarterly reports due on 9/30 and thereafter, any insurer which anticipates that its losses will reach 100% or more of its FHCF retention shall report its losses on Form FHCF-L1B until all its losses are paid to its policyholders and the insurer has received reimbursement from the Fund. Each insurer which has recoveries from the Fund and which has reinsurance recoveries other than recoveries from the Fund shall complete Form FHCF-L1C, “Florida Hurricane Catastrophe Fund Proof of Loss Report/Reinsurance Recovery Worksheet,” rev. 5/02 ~~5/00~~, which is hereby adopted and incorporated by reference. For purposes of this rule, quarterly loss reports shall be those reports submitted at each quarter end date after December 31 of the contract year in which the covered event occurs and continuing until all claims and losses resulting from loss occurrences commencing during the contract year are fully discharged, in accordance with the reporting requirements in this paragraph.

(d) As a result of reports submitted on Form FHCF-L1B and Form FHCF-L1C, reimbursements to insurers shall be adjusted in accordance with Section 215.555(4)(b)3., Florida Statutes, which prohibits an insurer’s recovery from all sources

to exceed 100 percent of its losses from a covered event, and in accordance with Section 215.555(4)(d)1., Florida Statutes, which requires the Fund to pay additional amounts to insurers and insurers to return overpayments to the Fund, based on the most recent calculation of losses.

(4) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2)-(7),(15) FS. History—New 5-17-99, Amended 6-19-00, 6-3-01, 6-2-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration

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

**STATE BOARD OF ADMINISTRATION**

RULE TITLES:	RULE NOS.:
Asset Transfer Procedures: True up	
Transfer for Initial Transfers Occurring	
between 7/1/02 and 3/31/03	19-10.002
Asset Transfer Procedures	19-10.003

PURPOSE AND EFFECT: These two amended rules provide for additional asset transfer procedures as required by Section 121.4501(3)(c)4., Florida Statutes.

SUMMARY: Proposed amended Rule 19-10.002, F.A.C., reflects revised enrollment procedures and reflects statutory changes for the true-up transfer after the initial transfer of assets for public employees choosing to move from the defined benefit program of the Florida Retirement System to the defined contribution program. Proposed amended rule 19-10.003 provides revised enrollment procedures for those employees who become employed after the dates for the initial transfers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be appropriately divided between the defined benefit program and the defined contribution program. 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: 121.4501(3)(c)4., (8)(a) FS.  
LAW IMPLEMENTED: 121.4501(2),(3), (4),(5),(6), (8),(15), 121.71, 121.73, 121.74, 121.78, 215.44(8)(b) 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: 9:30 a.m. – 11:30 a.m., Tuesday, September 17, 2002

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300; tel.: (850)413-1199

THE FULL TEXT OF THE PROPOSED RULES IS:

19-10.002 Asset Transfer Procedures: True up Transfer for Initial Transfers Occurring Between 7/1/02 and 3/31/03.

(1) Purpose. The primary purpose of this rule is to implement subsection (3)(c)4 of Section 121.4501, Florida Statutes, regarding procedures for transferring assets from the current defined benefit plan of the Florida Retirement System to the new defined contribution program, called the Public Employee Optional Retirement Program. However, since the implementation procedures will necessarily involve several other entities, the roles and responsibilities of those entities are part of this rule.

(2) Definitions.

(a) “ABO” means the present value of the member’s accumulated benefit obligation in the defined benefit program of the Florida Retirement System to which the member would be entitled if the member retired from the current defined benefit plan. This present value shall be calculated in accordance with the formula set out in Section 121.4501(3)(c)2., Florida Statutes. This amount will be shown on the Benefit Comparison Statement which is included in the material sent to each potential Participant. Form SBA-DC-1 (PEORP election), rev. 3/2001, (the enrollment form), and will be called the “current value of my FRS benefit.” Form SBA-DC-1 (PEORP election), rev. 3/2001, is adopted and incorporated by reference in Rule 19-10.001, Florida Administrative Code.

(b) “Division” means the Division of Retirement within the Department of Management Services.

(c) “Effective date of enrollment in PEORP” means the date on which the employee is entitled to receive employer contributions for his PEORP account or accounts in accordance with Section ~~121.71~~ 421.571(2), Florida Statutes.

(d) “Effective enrollment in PEORP” means that the employee has completed ~~the enrollment form; that the completed enrollment form has been received by the employee’s employer; that the employer has forwarded the completed enrollment form to the TPA; that the TPA has entered the employee into its recordkeeping system; and that the TPA has informed the division and the employee’s employer~~ of the employee’s effective date of enrollment in PEORP.

(e) “Employee” means an eligible employee as defined in Section 121.4501(2)(d), Florida Statutes.



(f) “Employer” means an employer as defined in Section 121.4501(2)(e), Florida Statutes. For purposes of the PEORP, there are three general categories of employers: state agencies; school districts; and local employers.

(g) “Florida Retirement System Trust Fund” or “FRSTF” shall mean the trust fund holding the assets of the defined benefit plan of the Florida Retirement System.

(h) “Participant” means an employee who has joined the PEORP after the effective dates in Section 121.4501(4), Florida Statutes.

(i) “Public Employee Optional Retirement Program” or “PEORP” means the new defined contribution retirement program of the Florida Retirement System established by Section 121.4501, Florida Statutes.

(j) “SBA” means the State Board of Administration.

(k) “TPA” means the third-party administrator hired by the SBA, pursuant to Section 121.4501(8)(b)1., Florida Statutes, to provide administrative services to the PEORP.

(l) “True-up Amount” means the difference between the ABO calculated by using the participant’s actual creditable service and the actual final average compensation as of the participant’s effective date in PEORP and the ABO initially transferred.

(3) Election by Current Employees to Transfer to PEORP from the Defined Benefit Plan of the Florida Retirement System. The procedure for current employees to transfer to PEORP from the Defined Benefit Plan is provided for in Rule 19-10.001.

(4) The total amount initially credited to each PEORP participant’s account who chooses to move his or her ABO out of the Defined Benefit Plan is an estimate of the participant’s ABO as calculated by the division, in accordance with the provisions of Rule 19-10.001. Thereafter, pursuant to Section 121.4501(3)(c)3., Florida Statutes, the division shall recompute the ABO not later than 60 days after the initial transfer of funds and, if the recomputed amount differs from the transferred ABO amount by \$10 or more, the division shall cause an adjustment of the transfer of assets between PEORP account(s) of the affected participant(s) and the FRSTF through a true-up transfer in accordance with that statutory section.

(5) If the recomputed ABO is greater than the initial amount transferred by \$10 or more, the amount to be transferred to the participant’s PEORP account from the FRSTF will equal the excess of the recomputed ABO over the amount initially transferred plus interest. The amount transferred to each investment product shall be based on the percentage of total investment allocated to each investment product by the participant on his or her election form as adopted and incorporated by reference in Rule 19-10.001.

(6) If the recomputed ABO is less than the original amount transferred by \$10 or more, the TPA shall cause to be transferred from the participant’s PEORP account to the

FRSTF an amount equal to the excess of the initial amount transferred over the recomputed ABO plus interest. The amount transferred from each investment product shall be based on the percentage of total investment allocated to each investment product by the participant on his or her election form as adopted and incorporated by reference in Rule 19-10.001.

(7) The division shall notify the SBA of the aggregate true-up amount plus interest within 45 days of the initial transfer. The division shall notify the TPA of the true-up amounts plus interest by participant account within 45 days of the initial transfer. The true-up transfer shall include the true-up amount determined by the division plus interest at the rates specified in Section 121.4501(3)(c)3., Florida Statutes, from the date of the initial transfer to the date of the true-up transfer. The transfer of the true-up amount plus interest shall occur on the 60th day following the initial transfer. In the event the 60th day following the initial transfer falls on a Saturday, Sunday, or a legal holiday, the true-up transfer shall occur on the last business day preceding the Saturday, Sunday, or legal holiday.

(8) The division shall calculate the interest owed on true-up amounts. If the recomputed ABO is greater than the original amount transferred by \$10 or more, the participant will be owed a true-up amount plus interest. Interest will be calculated using the rate of 8% effective annual interest, compounded annually, and the number of days from the date of the initial transfer to the date of the true-up transfer, as specified in subsection (7), above. If the recomputed ABO is less than the original amount transferred by \$10 or more, the participant will owe a true-up amount plus interest. Interest will be calculated on the amount owed based upon 6% effective annual interest, compounded annually, and the number of days from the date of the initial transfer to the date of the true-up transfer.

(9) Costs associated with the liquidation or transfer of assets from the FRSTF to the PEORP will be deducted from the FRSTF. The FRSTF will not be responsible for any transaction costs associated with the purchase or liquidation of PEORP assets. Those costs will be deducted from PEORP accounts or otherwise charged to PEORP participants.

(10) In order to effectively and efficiently administer the investment programs of the SBA and in accordance with Section 215.44(8)(b), Florida Statutes, the records and other information relating to investments made by the SBA will be confidential and exempt from Chapter 119, Florida Statutes, until 30 days after completion of each investment transaction.

Specific Authority 121.4501(3)(c)4,(8)(a) FS. Law Implemented 121.4501(2),(3),(4),(5),(6),(8),(15), 121.71 ~~121.571(1),(2)~~, 215.44(8)(b) FS. History—New 9-19-01, Amended.

## 19-10.003 Asset Transfer Procedures:

For Employees who Become Eligible to Participate in PEORP by Reason of Employment in a Regularly Established Position with a State Employer Commencing After ~~April 1 June 1~~, 2002; or with a District School Board Employer Commencing After ~~July 1 September 1~~, 2002; or with a Local Employer Commencing After ~~October 1 December 1~~, 2002.

(1) Purpose. The primary purpose of this rule is to implement section 121.4501(3)(c)4., Florida Statutes, regarding procedures for transferring assets from the current defined benefit plan of the Florida Retirement System to the new defined contribution program, called the Public Employee Optional Retirement Program. However, since the implementation procedures will necessarily involve several other entities, the roles and responsibilities of those entities are part of this rule.

## (2) Definitions.

(a) "ABO" or the accumulated benefit obligation means the present value of a member's benefit in the defined benefit program of the Florida Retirement System to which the member would be entitled if the member retired from the current defined benefit plan. This present value shall be calculated in accordance with the formula set out in Section 121.4501(3)(c)2., Florida Statutes. ~~This amount will be shown on Form SBA-PEORP election, rev. 3/2001, (The Enrollment Form) and will be titled the "current value of my FRS benefit."~~

(b) "Division" means the Division of Retirement within the Department of Management Services.

(c) "Effective date of enrollment in PEORP" means the date on which the employee is entitled to receive employer contributions for his PEORP account or accounts in accordance with Section ~~121.71~~ 121.571(2), Florida Statutes.

(d) "Effective enrollment in PEORP" means that the employee has completed ~~the enrollment form; that the completed enrollment form has been received by the employee's employer; that the employer has forwarded the completed enrollment form to the TPA; that the TPA has entered the employee into its recordkeeping system; and that the TPA has informed the division and the employee's employer of the employee's effective date of enrollment in PEORP.~~

(e) "Employee" means an eligible employee as defined in Section 121.4501(2)(d), Florida Statutes.

(f) "Employer" means an employer as defined in Section 121.4501(2)(e), Florida Statutes. For purposes of the PEORP, there are three general categories of employers: state agencies; school districts; and local employers.

(g) "Florida Retirement System Trust Fund" or "FRSTF" shall mean the trust fund holding the assets of the defined benefit plan of the Florida Retirement System.

(h) "Participant" means an employee who elects to join the PEORP after the effective dates in Section 121.4501(4)(a)1., (b)1. or (c)1., Florida Statutes.

(i) "Public Employee Optional Retirement Program" or "PEORP" means the new defined contribution retirement program of the Florida Retirement System established by Section 121.4501, Florida Statutes.

(j) "SBA" means the State Board of Administration.

(k) "TPA" means the third-party administrator hired by the SBA, pursuant to Section 121.4501(8)(b)1., Florida Statutes, to provide administrative services to the PEORP.

(3) Election by employees who become eligible to participate in PEORP by reason of employment in a regularly established position with a state employer commencing after ~~April June~~ 1, 2002; or with a district school board employer commencing after ~~July September~~ 1, 2002; or with a local employer commencing after ~~October December~~ 1, 2002.

(a) For employees hired after the initial PEORP enrollment dates specified in Section 121.4501(4)(a)1., (b)1., or (c)1., Florida Statutes, the employee ~~may shall have 180 days after his/her employment commences to~~ enroll in the PEORP no later than the end of the 5th month following the employee's month of hire or may to elect to remain in the defined benefit plan.

(b) Employees hired after the initial PEORP enrollment dates specified in Section 121.4501(4)(a)1., (b)1., or (c)1., Florida Statutes, must complete an enrollment form, ~~Form SBA-DC 2 (PEORP - New Employee Election), rev. 5/2001, which is hereby adopted and incorporated by reference. This form may be obtained from the State Board of Administration, 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308.~~ by providing the following information:

1. Employee's name and social security number;

2.a. For an employee who is not a member of any of the investment options detailed in b. through f., below, a selection as to whether the employee wishes to stay in the FRS Pension Plan, or transfer his ABO to the FRS Investment Plan, or transfer to the FRS Investment Plan and keep his ABO in the FRS Pension Plan; or

b. For an employee who is a member of the State Senior Management Service, a selection as to whether the employee wishes to elect:

i. The FRS Pension Plan; or

ii. The FRS Investment Plan and have future employer contributions sent to the FRS Investment Plan account; or

iii. To retain any accrued benefit in the FRS Pension Plan benefit and switch prospectively into the FRS Investment Plan, which requires that the employee must have 5 years of previous Pension Plan service to select this option iii; or

iv. To switch prospectively to the Senior Management Service Optional Annuity Program (SMSOAP) and retain any accrued benefit in the FRS Pension Plan or the FRS Investment Plan, which requires that the choice form must be received no later than 4 PM Eastern Time on the 90th day from the employee's date of hire, in accordance with Section 121.055(6)(c)2., Florida Statutes;

c. For a local employee who is a eligible for the Senior Management Service Class, a selection as to whether the employee wishes to elect:

i. The FRS Pension Plan; or

ii. The FRS Investment Plan and have all future employer contributions sent to the FRS Investment Plan account; or

iii. To retain any FRS Pension Plan benefit and switch prospectively into the FRS Investment Plan, which requires that the employee must have 5 years of previous Pension Plan service to select this option iii; or

iv. To withdraw from the Florida Retirement System, which requires contacting the employee's employer and submitting the appropriate form to that employer;

d. For an employee who is eligible for the State University System Optional Retirement Program (SUSORP), a selection as to whether the employee wishes to elect:

i. To join SUSORP and retain any accrued benefit in the FRS Pension Plan or the FRS Investment Plan, which requires making such election no later than the 90th day after the date of hire by executing a contract with a SUSORP provider company and which also requires that faculty members employed at J. Hillis Miller Center at the University of Florida or the Medical Center at the University of South Florida shall elect this option, which requires the selection to be made no later than 4 PM Eastern Time on the 90th day from the employee's date of hire, in accordance with Section 121.35(3), Florida Statutes; or

ii. To join the FRS Pension Plan which must be completed no later than the 90th day from the date of hire; or

iii. To transfer the present value, if any, of the FRS Pension Plan benefit to the FRS Investment Plan and to have future contributions sent to the FRS Investment Plan account; or

iv. To switch prospectively to the FRS Investment Plan and retain any accrued benefit in the FRS Pension Plan, which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iv;

e. For an employee who is eligible for the Community College Optional Retirement Program, a selection as to whether the employee wishes to elect:

i. To join the FRS Pension Plan; or

ii. To join the FRS Investment Plan and to transfer any accrued benefit from the FRS Pension Plan to the FRS Investment Plan and to have future employer contributions sent to the FRS Investment Plan account; or

iii. To join the FRS Investment Plan and to retain any accrued benefit in the FRS Pension Plan which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iii; or

iv. To withdraw from the Florida Retirement System and participate in the Community College Optional Retirement Program (CCORP) which requires that the selection must be completed within 60 days of commencing CCORP qualifying employment, in accordance with Section 240.3195(3), Florida Statutes;

f. For an employee who is eligible for the Elected Officers' Class, a selection as to whether the employee wishes to elect:

i. To join the FRS Pension Plan; or

ii. To join the FRS Investment Plan and to transfer any accrued benefit from the FRS Pension Plan to the FRS Investment Plan and to have future employer contributions sent to the FRS Investment Plan account; or

iii. To join the FRS Investment Plan and to retain any accrued benefit in the FRS Pension Plan which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iii; or

iv. To join the Senior Management Service Class of the FRS Pension Plan and retain any accrued benefit in the FRS Investment Plan, which requires the eligible employee to make the choice no later than the last day of the 6th month after assuming his elected office, in accordance with Section 121.052(3)(a), Florida Statutes; or

v. To switch prospectively to the State Senior Management Service Optional Annuity Program or to a local government Optional Annuity Program and retain any accrued benefit in the FRS Pension Plan or FRS Investment Plan, which selection must be made no later than the last day of the 6th month after assuming elected office and that the employee must be a state elected officer to select this option v; or

vi. To withdraw from the Florida Retirement System and participate in a local government Optional Annuity Program, which decision is irrevocable so long as the employee holds a position which is eligible for the Senior Management Service program and which election must be made no later than the last day of the 6th month after assuming elected office and that the employee must be a state elected officer to select this option vi; or

vii. To withdraw from the Florida Retirement System altogether, which means that the employee will not participate in the Florida Retirement System or any retirement plan offered by his employer; that the effective date of the election will be the date he assumed elected office; that the employee can rejoin the Elected Officers Class upon written request; that the employee's decision must be made no later than the last day of the 6th month after assuming elected office; and that this option vii is not available to any member who has already retired from a State of Florida administered retirement plan.

3. Clearly indicate primary and secondary beneficiaries, if any; the relationship of the person to the employee; the beneficiaries' social security numbers; the beneficiaries dates of birth; and what percentage of the employee's benefits the employee wishes each beneficiary to receive;

4. Select any combination of investment funds from among any of the balanced funds and other investment funds shown, provided, however, that the percentage of the employee's contributions for all of the funds selected must equal 100;

5. Sign and date a section indicating that, depending on which options were selected as described in Section 1 of the form and in subparagraph 2., above:

a. The employee understands that he can obtain a description of his rights and responsibilities under the FRS Pension Plan and the FRS Investment Plan by calling a toll-free number or accessing an internet website;

b. The employee understands the elections he has made by choosing among the various options available to him as described in Section 1 of the form and in subparagraph 2., above;

c. The employee understands that if he has elected the FRS Investment Plan, the initial ABO is an estimate which will be reconciled within 60 days and that if the employee is a member of the FRS Investment Plan Hybrid Option, he cannot make this choice unless he has at least 5 years of Pension Plan service and that if he is currently a member of the FRS Pension Plan, the election may constitute his second choice as provided under Section 121.4501(4)(e), Florida Statutes;

d. The employee understands that he should review the fund profiles and the Investment Fund Summary before choosing investment funds and that information will be available electronically unless the employee requests hard copies and that if the employee does not choose specific funds, his assets will be invested in the FRS Select Moderate Balanced Fund;

e. The employee understands that investment management fees may change and that funds may be added or terminated and that if funds are terminated, the employee has the choice of moving his assets into other investment options or, if the employee does not make an affirmative decision, his assets will be moved in the FRS Select fund with the most similar risk characteristics or into a replacement fund designated by the Plan's Trustees;

f. The Florida Statutes incorporate federal law concepts of participant control so that if the employee exercises control over his assets in accordance with section 404(c) of the federal Employee Retirement Income Security Act of 1974, no program fiduciary shall be liable for any loss to his account which results from the employee's control;

g. The employee understands that he has a one time opportunity to switch plans and that to switch to the Pension Plan there will be a buy-in cost for doing so;

h. The employee understands that if he has chosen the Senior Management Service Optional Annuity Program, he must contact the plan marketing companies to receive information about investment funds; that his participation in any other state-administered retirement plan is inactivated once enrolled in SMSOAP; that he is not eligible for disability benefits; that his SMSOAP election is irrevocable so long as he is employed in a SMSOAP position; that the State of Florida does not guarantee or insure SMSOAP benefits; and that any employee contributions to SMSOAP are not tax-deferred;

i. The employee understands that if he has chosen to withdraw from the Florida Retirement System, that his participation in any other state-administered retirement plan is inactivated once the withdrawal is complete; that he is not eligible for disability benefits; that his withdrawal decision is irrevocable so long as he is employed in a position eligible for participation in the Senior Management Service Class;

j. The employee understands that if he has chosen the State University System Optional Retirement Program (SUSORP), he must contact the plan marketing companies to receive information about investment funds; that his participation in any other state-administered retirement plan is inactivated once enrolled in SUSORP; that he cannot participate in SUSORP if he is a retiree or receiving an annuity payment from the SUSORP; that he is not eligible for disability benefits; that his SMSOAP election is irrevocable so long as he is employed in a SUSORP position; that the State of Florida does not guarantee or insure SUSORP benefits; and that any employee contributions to SUSORP are tax-deferred;

k. The employee understands that if he has chosen to withdraw from the Florida Retirement System and participate in the Community College Optional Retirement Program (CCORP), he must contract with the individual provider company(ies) for CCORP within 60 days of his employment; that failure to join CCORP will make him a compulsory member of the FRS Pension Plan; that by electing to withdraw from the Florida Retirement System, he must become a program participant in the CCORP's lifetime monthly annuity program; that his participation in any other state-administered retirement plan is inactivated once enrolled in CCORP; that he is not eligible for disability benefits; and that his SMSOAP election is irrevocable so long as he is employed in a CCORP eligible position;

l. The elected employee understands that if he has chosen to join the SMSOAP, he must be an elected officer; and that he must contact the marketing company(ies) to receive information about the plan; that his participation in any other state-administered retirement plan is inactivated; that the State of Florida does not guarantee or insure any benefits paid under the program; and that any employee contributions he makes are not tax-deferred;

m. The elected employee understands that if he has chosen to withdraw from the Florida Retirement System and participate in a local government annuity program, his effective date will be the first day of the month following the receipt of his written election to the FRS Plan Choice Administrator

n. The elected employee understands that if he has chosen to withdraw from the Florida Retirement System altogether, he may rejoin upon written request and that this option is not available to members who have already retired from a State of Florida administered retirement plan.

6. For employees who have chosen to participate in the Senior Management Service Optional Annuity Program, fill out a section designating marketing companies and contribution amounts for that option and check a statement that the employee has reviewed the investment fund options offered by the marketing companies and has signed the necessary contract(s) with the company(ies) for the deposit of the employees contributions as authorized in the section.

7. For employees who have chosen to participate in the State University System Optional Retirement Program, fill out a section designating marketing companies and contribution amounts for that option and check a statement that the employee has reviewed the investment fund options offered by the marketing companies and has signed the necessary contract(s) with the company(ies) for the deposit of the employees contributions as authorized in the section.

8.(e) The enrollment form shall be complete and the election shall be final if all the required information is clearly indicated and if the enrollment form is received by the TPA by 4 PM Eastern Time. Specifically, the form shall include a statement that the employee elects to remain in the defined benefit program, elects to transfer to the PEORP with a transfer of his or her ABO, or elects to transfer to the PEORP without a transfer of his or her ABO which shall then remain in the defined benefit plan.

(c)(d) The TPA employer shall determine that the employee's enrollment in PEORP is within the prescribed time period 180 days, the form in toto is complete, and the employee's election is clearly indicated. If the TPA employer determines that the form is incomplete, the form shall be returned to the employee and resubmitted when complete.

(e) If the employee has elected to enroll in PEORP and the employer has determined the form is complete, it shall be distributed as follows:

1. One copy of the completed form is retained by the employee.

2. One copy of the completed form is retained by the employer.

3. One copy of the completed form is forwarded by the employer to the TPA.

4. One copy of the completed form is forwarded by the employer to the division.

~~(d)(f)1. The employer shall submit the enrollment forms for employees electing to enroll in PEORP during the month to the TPA and the division on the last business day of the month. Enrollment in the optional program for employees under this rule shall be effective on the first day of the month for which a full month's employer contribution is made to the optional program.~~

~~2. Example: If the employer submits the enrollment forms are received during the month of June by June 30th, the employee's effective date of enrollment in PEORP is July 1st.~~

~~(e) Upon receipt of the completed form by the TPA, the TPA shall enroll the employee in the PEORP. Upon completion of the enrollment, but no later than two three working days after enrollment, the TPA shall send confirmation of the effective enrollment to the employee at the employee's home address, to the employee's employer, and to the division to inform the division that the employee is no longer in the defined benefit plan.~~

~~(f) Employers shall pay retirement contributions monthly for their PEORP employees and those contributions are due to the division by the 5th working business day of the month following the month for which the contributions are made. The employer shall correct its employee records to reflect that the contribution rates effective on the effective date of enrollment; in accordance with Section 121.571(2), Florida Statutes, are applicable to those of its employees who have elected to transfer to PEORP.~~

~~(4) Asset Transfer Procedures.~~

~~(a) For employees who elect to transfer to PEORP with a transfer of his or her ABO, the division shall determine the amount of the employee's ABO. This amount shall be transferred to the employee's PEORP account and shall be allocated to each investment product selected by the participant on his or her election form as adopted and incorporated by reference in this rule.~~

~~(b)1. The division shall determine the employee's ABO as of the last day of the month prior to the employee's effective date of enrollment in PEORP.~~

~~2. Example: If the division receives the enrollment form during the month of June, the effective date of enrollment for the employee in PEORP is July 1. The division shall determine the employees accumulated benefit through June 30.~~

~~(c) By the 15th day of the month, the division shall notify the TPA of the ABO for each employee whose effective date of enrollment is the first day of the month and the division shall notify the SBA of the aggregate ABO of employees whose effective date of enrollment is the first day of the month.~~

~~(d) Within 30 days of the employee's effective date of enrollment in PEORP, the SBA shall transfer the aggregate ABO amount to the PEORP custodian for distribution to PEORP participant accounts. Such distribution shall be~~

directed by the TPA and shall be based on the percentage of total investment allocated to each investment product by the participant on his or her election form.

(e) Once a new employee has made an election to transfer to PEORP or remain in the defined benefit plan, that election is irrevocable, even though the enrollment 180-day period may not have expired. Section 121.4501(4)(e), Florida Statutes, provides one additional opportunity for an employee to change his or her mind after the employee's enrollment 180-day election period.

(5) Costs associated with the liquidation or transfer of assets from the FRSTF to the PEORP will be deducted from the FRSTF. The FRSTF will not be responsible for any transaction costs associated with the purchase of PEORP assets. Those costs will be deducted from PEORP accounts or otherwise charged to PEORP participants.

(6) The amount transferred to each investment product shall be based on the percentage of total investment allocated to each fund by the participant on his or her election form as adopted and incorporated by reference in this rule, in subsection (3)(a), above. However, pursuant to Section 121.4501(4)(d), Florida Statutes, amounts not specified will be invested in the default option designated in the Investment Policy Statement, as approved by the Trustees on January 29, 2002 ~~February 27, 2001~~, and adopted and incorporated by reference in Rule 19-9.001.

(7) In order to effectively and efficiently administer the investment programs of the SBA and in accordance with Section 215.44(8)(b), Florida Statutes, the records and other information relating to investments made by the SBA will be confidential and exempt from Chapter 119, Florida Statutes, until 30 days after completion of each investment transaction.

Specific Authority 121.4501(3)(c)4,(8)(a) FS. Law Implemented 121.4501(2),(3),(4),(5),(6),(8),(15), 121.73, 121.74, 121.78 ~~421.571(4),(2), 215.44(8)(b) FS. History--New 9-19-01, Amended~~.

NAME OF PERSON ORIGINATING PROPOSED RULE: Coleman Stipanovich, Interim Executive Director, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 28, 2002

**STATE BOARD OF ADMINISTRATION**

RULE TITLE: Procedures Regarding Employer

RULE NO.:

Contributions

19-11.001

PURPOSE AND EFFECT: This proposed new rule implements new Section 121.78, Florida Statutes, enacted during the 2002 legislative session, in HB 1973. This section

addresses payment and distribution of employer contributions for the defined contribution pension plan of the Florida Retirement System, called the Public Employee Optional Retirement Program.

SUMMARY: Proposed new Rule 19-11.001, F.A.C., provides definitions; implements the delinquency fee; and provides a method for market loss calculation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and estimated the cost to be minimal.

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 121.78(3)(c) FS.

LAW IMPLEMENTED 121.78 FS.

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

TIME AND DATE: 2:30 p.m. – 4:00 p.m., Tuesday, September 17, 2002

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

19-11.001 Procedures Regarding Employer Contributions.

(1) Purpose. This rule implements Section 121.78, Florida Statutes, and establishes procedures regarding employer contributions: late payrolls; assessments; and market losses.

(2) Definitions.

(a) "Public Employee Optional Retirement Program" or "PEORP" shall mean the optional defined contribution plan within the Florida Retirement System, established in Part II of Chapter 121, Florida Statutes.

(b) "PEORP Participant" shall mean an active member of the Florida Retirement System who has elected to join the PEORP.

(c) "PEORP Participant's accounts" or "PEORP accounts" shall mean investment accounts for an individual PEORP Participant in which employer contributions are invested for a PEORP Participant.

(d) For purposes of Section 121.78(2), Florida Statutes, which requires that retirement contributions be made in a timely manner, the word "timely" shall mean that contributions are deposited into the PEORP Participant's account no later than the 15th day of the month following the month in which a covered payroll occurs. If the 15th day of the month falls on a weekend or legal holiday, then contributions must be deposited by the next business day which is not a weekend or a legal holiday.

(e) For purposes of Section 121.78(3)(b), Florida Statutes, which states that employers shall reimburse PEORP Participants for market losses resulting from late contributions, the term “market losses” shall be defined as the value of a Participant’s account that otherwise would have been realized had the employer contribution and accompanying payroll data been submitted on a timely basis. “Market losses” applies only to the monthly contribution that is late, not to the Participant’s aggregate value in his PEORP account.

(f) “PEORP third party administrator” or “TPA” shall mean the third party administrator hired by the Florida State Board of Administration pursuant to Section 121.4501(8), Florida Statutes.

(3) One percent penalty.

(a) The portion of the one percent penalty assessed on late contributions and accompanying payroll data attributable to contributions for the PEORP shall be deposited into the Participant’s account on a pro rata basis, using the PEORP Participant’s investment allocation in effect at the time of the deposit of the assessment in the Florida Retirement System Trust Fund.

(b) Any employer requesting a waiver of the delinquency fee in accordance with Section 121.78(3)(c) shall fully explain and certify such waiver request in writing to the Office of Defined Contribution, Florida State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308.

(4) Market loss calculation.

(a) The TPA will determine market losses using a PEORP Participant’s investment allocation in effect at the time of calculation. The TPA will perform the market value calculation using a period certain which begins on the 15th day of the month, or next succeeding business day if the 15th day falls on a weekend or a legal holiday, in which contributions would have been processed, and ending on the date used by the TPA to provide “as of” pricing for covered payroll.

(b) If contributions and accompanying payroll data are not received within the calendar month they are due, but that lateness does not result in market losses to participants, only the one percent late assessment will apply to the employer.

(c) The TPA will not perform the market loss calculation until a covered payroll and accompanying payroll data is received and processed by the TPA.

Specific Authority 121.78(3)(c) FS. Law Implemented 121.78 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Coleman Stipanovich, Interim Executive Director, State Board of Administration  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 28, 2002

**STATE BOARD OF ADMINISTRATION**

RULE TITLES:	RULE NOS.:
Definitions	19-12.001
Distribution of Benefits	19-12.006
Acceptance of Rollovers	19-12.007

PURPOSE AND EFFECT: These proposed new and amended rules effect compliance with the Internal Revenue Code for the defined contribution pension plan of the Florida Retirement System, called the Public Employee Optional Retirement Program.

SUMMARY: Proposed amended Rule 19-12.001, F.A.C., provides definitions. Proposed amended Rule 19-12.006, F.A.C., indicates statutory changes in the requirements for the distributions of benefits. Proposed new Rule 19-12.007, F.A.C., provides for the acceptance of rollovers in compliance with the Economic Growth and Tax Relief Reconciliation Act of 2001 which permitted rollovers if state legislation were enacted. The Florida Legislature enacted such legislation in CS/HB 807 during the 2002 session.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and estimated the cost to be minimal.

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 121.4501(5)(c), (13) FS.

LAW IMPLEMENTED 121.4501(1), (5)(c), (7), (13), 121.591 FS.

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

TIME AND DATE: 2:30 p.m. – 4:00 p.m., Tuesday, September 17, 2002

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P.O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1199

THE FULL TEXT OF THE PROPOSED RULES IS:

19-12.001 Definitions.

The following words and terms shall have the following meanings for purposes of this Chapter:

(1) “Annual addition” means the sum for any limitation year of (a) all employer and employee contributions which are treated as annual additions to a defined contribution plan for purposes of s. 415(c) of the Code and (b) forfeitures. Examples

of such contributions to a defined contribution plan include the following: contributions to the Public Employee Optional Retirement Program; contributions to the Senior Management Service Optional Annuity Program described in s. 121.055(6), F.S.; contributions to a Code s. 401(k) plan; employer contributions to an individual retirement account; voluntary employee contributions to accounts in a defined benefit plan [but not including contributions to a qualified cost-of-living arrangement in accordance with Code s. 415(k)]; amounts allocated to the separate account of a key employee for post-retirement medical benefits described in Code s. 419A(d)(2); and contributions to an individual medical benefit account, as described in Code s. 415(l). Examples of contributions which are not annual additions for purposes of s. 415(c) of the Code as applied to the Public Employee Optional Retirement Program include the following: rollover contributions or transfers from another eligible retirement plan to the Public Employee Optional Retirement Program; contributions to a Code s. 403(b) annuity plan; contributions to a Code s. 457 deferred compensation plan; and contributions which are additional elective deferrals under Code s. 414(v). ~~With respect to the Public Employee Optional Retirement Program, contributions are those specifically provided for in, or specifically permitted pursuant to, ss. 121.4501 and 121.571, F.S.~~

(2) "Benefits" is used in the same sense, and has the same meaning, as used in s. 121.4501(7), F.S.

(3) "Code" means the U.S. Internal Revenue Code, as amended.

(4) "Compensation" means all items of compensation specified in specified in Treas. Reg. s. 1.415-2(d)2, increased by any elective deferral as defined in Code s. 402(g)(3) or any amount which is contributed by the Employer at the election of the employee and which is not includible in the gross income of the employee by reason of Code ss. 125, ~~or 457~~ or 132(f).

(5) "Defined contribution plan" means a plan which provides for an individual account for each participant and for benefits based solely on the amount contributed to the participant's account, and any income, expenses, gains and losses, and any forfeitures of accounts of other participants which may be allocated to such participant's account.

(6) "Direct rollover" means a payment by the Public Employee Optional Retirement Program to the eligible retirement plan specified by the distributee.

(7) "Distributee" means a Participant or former Participant. In addition, the Participant's or former Participant's surviving spouse and the Participant's or former Participant's spouse or former spouse who is the alternative payee under a qualified domestic relations order, as defined in Code s. 414(p), are distributees with regard to the interest of the spouse or former spouse.

(8) "Eligible retirement plan" means an individual retirement account described in Code s. 408(a), an individual retirement annuity described in Code s. 408(b), an annuity plan described in Code s. 403(a), an annuity contract described in Code s. 403(b), an eligible deferred compensation plan described in Code s. 457(b) which is maintained by an eligible employer described in Code s. 457(e)(1)(A) or a qualified trust described in Code s. 401(a), that accepts the distributee's eligible rollover distribution.

(9) "Eligible rollover distribution" means any distribution of all or any portion of the balance of the Participant's account(s) in the Public Employee Optional Retirement Program to the credit of the distributee. An eligible rollover distribution does not include any distribution which is made upon hardship of the employee; any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Code s. 401(a)(9); the portion of any distribution that is not includible in gross income, unless transferred in accordance with the provisions of Code s. 402(c)(2) to a qualified trust which is part of a plan which is a defined contribution plan, or to an individual retirement account described in Code s. 408(a) or an individual retirement annuity described in Code s. 408(b); or a deemed distribution of a loan under Code s. 72(p).

(10) "Employer" means an employer as defined in s. 121.4501(2)(e), F.S.

(11) "Limitation year" is the consecutive 12 month period of time to which Code limitations with respect to contributions and forfeitures are applied. For the Public Employee Optional Retirement Program, the limitation year is the calendar year.

(12) "Participant" means a participant of the Public Employee Optional Retirement Program as defined in s. 121.4501(2)(f), F.S.

(13) "Plan" means the Public Employee Optional Retirement Program of the Florida Retirement System created by ch. 2000-169, Laws of Florida, as set forth in Part II of ch. 121, F.S.

Specific Authority 121.4501(13)(a),(5)(c) FS. Law Implemented 121.4501(1),(7)(a),(13) FS. History--New 11-20-01, Amended.

#### 19-12.006 Distribution of Benefits.

(1) All distribution of benefits from a Participant's account(s) in the Plan shall begin and be made no later than as prescribed by Code s. 401(a)(9) and the regulations issued thereunder, including any proposed regulations, and shall be subject to the incidental death benefit rules of Code s. 401(a)(9)(G).



(a) Distribution of benefits to a Participant shall be made or commence not later than April 1 following the close of the later of the calendar year during which the Participant attains age 70 1/2 or retires.

(b) If distribution of benefits has commenced before a Participant's death, any remaining benefits must be distributed at least as rapidly as under the method of distribution being used as of the date of the Participant's death.

(c) If a Participant dies before the commencement of distributions from the Participant's account(s) in the Plan, the method of distribution shall be as follows:

1. Any benefits not payable to a beneficiary designated by the Participant shall be distributed within five years after the Participant's death.

2. Any benefits payable to a beneficiary designated by the Participant shall be distributed over the life of such beneficiary (or over a period certain not extending beyond the life expectancy of such beneficiary), commencing not later than the end of the calendar year immediately following the calendar year in which the Participant died. If the designated beneficiary is the surviving spouse of the Participant, distributions shall commence on or before the later of the end of the calendar year immediately following the calendar year in which the Participant died and the end of the calendar year in which the Participant would have attained age 70 1/2.

3. If the designated beneficiary is the surviving spouse of the Participant and the surviving spouse dies before distributions to such spouse begin, this paragraph (c) shall be applied as if the surviving spouse were the Participant.

(2) Benefits shall be distributed to a Participant as a periodic distribution, a partial lump-sum payment whereby a portion of the accrued benefit is paid to the Participant less withholding taxes remitted to the Internal Revenue Service and the remaining amount is transferred directly to the custodian of an eligible retirement plan on behalf of the Participant, or as otherwise provided by s. 121.591(1)(c) ~~4501(7)(d)~~, F.S. Benefits shall be distributed to a survivor as provided in s. 121.591(3)(c) ~~4501(7)(e)~~, F.S. A distributee shall have the option to have all or any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(3) All distributions of benefits must be made in accordance with Code provisions, which shall override any distribution options inconsistent with such provisions.

Specific Authority 121.4501(13)(a) FS. Law Implemented 121.4501(1), 121.4501(7)(a),(13), 121.591 FS. History--New 11-20-01, Amended.

#### 19-12.007 Acceptance of Rollovers.

(1) Notwithstanding the definitions of Rule 19-12.001, F.A.C., for purposes of this section the following words and terms have the following meanings: "Rollover" means either a direct rollover or a contribution of an eligible rollover distribution to the Plan for the benefit of the distributee that

satisfies the time period requirement and other requirements of Code s. 402(c). A "direct rollover" means an eligible rollover distribution that is made directly to the Plan by an eligible retirement plan for the benefit of the distributee. An "eligible rollover distribution" means any distribution of all or any portion of the balance to the credit of the distributee in an eligible retirement plan. Except for that portion of a distribution not includible in gross income which is transferred directly to the Plan in accordance with Code s. 402(c)(2), an eligible rollover distribution does not include any of the distributions described in the second sentence of the definition of "eligible rollover distribution" in Rule 19-12.001, F.A.C. An "eligible retirement plan" means any of the types of plans included in the definition of "eligible retirement plan" in Rule 19-12.001, F.A.C., that makes the distributee's eligible rollover distribution.

(2) It is intended that the Plan accept rollovers in accordance with the requirements of this section. Except as otherwise provided, below, before accepting a rollover to the Plan the administrator evaluating the rollover shall first obtain sufficient evidence to support a reasonable conclusion that the rollover is valid under the Code and shall determine that such rollover meets the requirements of this section.

(3) The Plan administrator shall accept that portion of a distribution in a direct trustee-to-trustee transfer which has been identified by the eligible retirement plan making the distribution as not includible in gross income if such portion is otherwise eligible for rollover. Such amount shall be accounted for separately, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

(4) Only cash will be accepted in a rollover to the Plan. Payment to the Plan must be by check. In a direct rollover the check should be made payable to the "SBA as trustee of the Public Employee Optional Retirement Program Trust Fund FBO (the participant's name)." Instructions regarding check delivery and other information relating to the processing of rollovers may be obtained by the program's employee phone line or website.

(5) Rollovers to the Plan shall be accounted for separately.

Specific Authority 121.4501(5)(c) FS. Law Implemented 121.4501(5)(c) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Coleman Stipanovich, Interim Executive Director, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 28, 2002

**DEPARTMENT OF MANAGEMENT SERVICES**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Prohibition of Smoking in State Offices	60-8
RULE TITLES:	RULE NOS.:
Purpose and Scope	60-8.001
Definitions	60-8.002
Prohibition	60-8.003
No-Smoking Areas	60-8.004
Action By Department Officials and Employees	60-8.005
Posting of Signs	60-8.006
Enforcement, Penalties	60-8.007

PURPOSE AND EFFECT: To implement the "Florida Clean Indoor Air Act," Chapter 386, Part II, Florida Statutes, and to assure a smoke-free environment to protect the health and well being of state employees and members of the public who do business with state agencies.

SUMMARY: The rules define smoking, prohibit smoking in all buildings and offices owned by or leased to the Department of Management Services and all Department owned vehicles.

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

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

SPECIFIC AUTHORITY: 386.205 FS.

LAW IMPLEMENTED: 386.202, 386.203, 386.204 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: 2:00 p.m., September 18, 2002

PLACE: The Department of Management Services, Room 260L, 4050 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julia P. Forrester, Assistant General Counsel, Office of the General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee FL 32399-0950, (850)414-0240, forresj@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

60-8.001 Purpose and Scope.

(1) This rule chapter establishes a smoking policy for the Department of Management Services and implements the "Florida Clean Indoor Air Act," Chapter 386, Part II, F.S., and is intended to protect the public health, comfort and environment by ensuring that Department buildings and vehicles are free from tobacco smoke.

(2) This rule chapter recognizes the right of non-smokers to be free of annoying and harmful secondary tobacco smoke, which has been determined by the Surgeon General of the United States to be a substantial health hazard.

(3) This rule chapter applies to all Department buildings, the area within fifty (50) feet of any Department building, Department vehicles, and to any public meeting held by the Department.

Specific Authority 386.205 FS. Law Implemented 386.202, 386.203, 386.204 FS. History-New

60-8.002 Definitions.

(1) "Department building" means any building or that portion of a building owned, leased, or rented by the Department on behalf of the State of Florida or one of its agencies.

(2) "Non-smoker" means a person who is not a smoker.

(3) "Smoker" means a person who uses a lighted tobacco product.

(4) "Smoking" or "to smoke" means possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product, except temporarily possessing a tobacco product lighted by another for purposes of immediate extinguishment.

Specific Authority 386.205 FS. Law Implemented 386.202, 386.203, 386.204 FS. History-New

60-8.003 Prohibition.

No person may smoke in or within fifty (50) feet of a Department building, in a Department vehicle, or in a public meeting held by the Department.

Specific Authority 386.205 FS. Law Implemented 386.202, 386.203, 386.204 FS. History-New

60-8.004 No-Smoking Areas.

All areas in all Department buildings or within fifty (50) feet thereof, and all Department vehicles, shall be known as "no-smoking areas." No loitering shall be permitted within the no-smoking area and no seating for smokers may be provided. Additionally, no containers for the disposal of cigarettes, cigars, pipe tobacco or other tobacco products or the ash or residue of such tobacco products shall be permitted within the no-smoking area.

Specific Authority 386.205 FS. Law Implemented 386.202, 386.203, 386.204 FS. History-New

60-8.005 Action by Department Officials and Employees.

The policy promulgated herein requires specific actions by certain Departmental units as follows:

(1) A copy of this rule chapter shall be furnished to any person requesting it, and distributed to all current employees upon the effective date of this rule chapter.

(2) All new employees shall be provided a copy of this rule chapter by the Bureau of Personnel Management.

(3) This rule chapter shall be posted on the Department’s internet site.

(4) Signs shall be posted informing persons that smoking is prohibited.

(5) The Division of Facilities Management and Building Construction shall be responsible for ensuring the implementation of this rule chapter.

(6) The full cooperation of all supervisors and employees is expected to ensure that this smoking policy is enforced. Supervisors are specifically directed to assure that these rules are fully enforced during employees’ breaks from work.

Specific Authority 386.205 FS. Law Implemented 386.202, 386.203, 386.204 FS. History–New

60-8.006 Posting of Signs.

(1) The Division of Facilities Management and Building Construction shall post no-smoking signs as appropriate.

(2) At all entrances of a building owned by or leased to the Department or any portion of any building owned by or leased to the Department, a sign shall be posted advising persons that smoking is prohibited.

(3) The Department may post signs in all areas not already covered in (1) and (2) above to advise persons that smoking is prohibited.

(4) Signs shall be posted in all Department vehicles advising that smoking is prohibited.

Specific Authority 386.205 FS. Law Implemented 386.202, 386.203, 386.204 FS. History–New

60-8.007 Enforcement, Penalties.

(1) Any employee who is found to have violated any provision of this rule chapter shall be subject to discipline in accordance with Chapter 60-6, F.A.C.

(2) All persons are hereby advised that pursuant to Section 386.208, F.S., smoking where prohibited constitutes a non-criminal violation punishable by a fine of not more than \$100 for the first violation and not more than \$500 for each subsequent violation.

Specific Authority 386.205 FS. Law Implemented 386.202, 386.203, 386.204 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Cynthia A. Henderson, Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Management Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 12, 2002

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida Partnership for School Readiness	60BB-4
RULE TITLES:	RULE NOS.:
Definitions	60BB-4.100
General Eligibility Provisions	60BB-4.200
Eligibility for Children at Risk of Abuse or Neglect	60BB-4.201
Eligibility for Children at Risk of Welfare Dependency	60BB-4.202
Eligibility for Children in Working Families Whose Income Does Not Exceed 150 Percent of the Federal Poverty Level	60BB-4.203
Eligibility for Three-and Four-Year-Old Children Who May Not be Economically Disadvantaged But Who Have Been Served in a Specific Part-Time or Combination of Part-Time Exceptional Education Programs With Required Special Services, Aids, or Equipment, and Were Previously Reported for Funding Part Time with the Florida Education Finance Program as Exceptional Students	60BB-4.204
Economically Disadvantaged Children, Children with Disabilities, and Children at Risk of Future School Failure, From Birth to Four (4) Years of Age, Who are Served at Home Through Home Visitor Programs and Intensive Parent Education Programs Such as the Florida First Start Program	60BB-4.205
Eligibility for Children Who Meet Federal and State Requirements for Eligibility for the Migrant Preschool Program but Who do not Meet the Criteria of Economically Disadvantaged	60BB-4.206
Eligibility for Children of Participants in the Relative Caregiver Program	60BB-4.207
Verification of Employment and Income	60BB-4.208
Redetermination of Eligibility	60BB-4.209
Maintaining Eligibility; Breaks in Employment	60BB-4.210
Waiting List Procedures	60BB-4.300

PURPOSE AND EFFECT: To adopt rules to administer the provisions of Chapter 411.01, Florida Statutes, which relate to preparing and implementing the system for school readiness.

SUMMARY: These rules address definitions, eligibility and the waiting list for the school readiness programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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(1)(b), 411.01(4)(k) FS.

LAW IMPLEMENTED: 411.01(2)(b), 411.01(4)(a), 411.01(5)(c),(d), 411.01(6), 411.01(9)(d) FS.

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

TIME AND DATE: 9:00 a.m. – completion, Thursday, September 12, 2002

PLACE: Duval County School Board, Rm. 125, 1701 Prudential Drive, Jacksonville, FL 32209, (Contact Person: Pat, (904)390-2115)

TIME AND DATE: 9:00 a.m. – completion, Friday, September 13, 2002

PLACE: Agency for Workforce Innovation, Caldwell Building, Rm. B-50, 107 East Madison Street, Tallahassee, FL 32399, Contact Person: Jackie Rudd, (850)245-7117

TIME AND DATE: 9:00 a.m. – completion, Wednesday, September 18, 2002

PLACE: Family Central Inc., Rm. 250, 840 S. W. 81 Avenue, North Lauderdale, FL 33068, (954)720-1000, Contact Person: Ivonne Anton (305)908-7350, Julie (954)724-3869

TIME AND DATE: 9:00 a.m. – completion, Thursday, September 19, 2002

PLACE: Crown Plaza Westshore, 700 North Westshore, Tampa, FL 33609, (813)289-8200, Contact Person: Lisa Barnes

TIME AND DATE: 9:00 a.m. – completion, Friday, September 20, 2002

PLACE: Dr. Nelson Ying Center/Heart of Florida United Way, 1940 Traylor Blvd., Orlando, FL 32804, Contact Person: Wendy McLaughin, (407)835-0900, Ext. 275

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: A. Denise Sagerholm, Senior Attorney, 107 E. Madison Street, Caldwell Building, MSC #150, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-4.100 Definitions.

(1) Administrative expenditures. “Administrative expenditures” shall include those activities defined as administrative expenditures by 45 C.F.R., s. 98.52, and reported as administrative expenditures for purposes of federal reporting requirements.

(2) Certificate voucher (CERT). Payment by “certificate voucher” or “CERT” means payment for child care services through a certificate issued to a parent, that represents payment that will be made by the coalition to the parent’s chosen child care provider, based upon an invoice for services submitted to the coalition by the selected provider. A voucher must bear the name of the beneficiary and the child care provider and, when redeemed, must bear the signature of both the beneficiary and

an authorized representative of the child care provider. The amount of the certificate voucher shall be negotiated between the selected provider and the coalition, or its designee.

(3) Educational activities. For purposes of fulfilling any work requirement related to eligibility, “educational activities”, shall include vocational education, GED preparation, compulsory education, or postsecondary education.

(4) Extended-day. For purposes of fulfilling the statutory requirement that a coalition, on a systemwide basis, provide extended-day and extended-year services, “extended-day” shall mean more than ten (10) hours of service per day. Such requirement may be fulfilled through interagency agreement with an adjoining school readiness coalition.

(5) Extended-year. For purposes of fulfilling the statutory requirement that a coalition, on a systemwide basis, provide extended-day and extended-year services, “extended-year” shall be synonymous with full-year and shall mean the period during which a provider regularly provides services for 245 full days or more. Such requirement may be fulfilled through interagency agreement with an adjoining school readiness coalition.

(6) Family income. For purposes of determining eligibility for school readiness services and assessing parent fees, “family income” means the combined gross income, from all sources, of all members of the family unit who are eighteen (18) years of age or older, including earned and unearned income, and excluding the following:

(a) Food Stamp benefits.

(b) Child support payments made pursuant to a court order.

(c) Alimony paid pursuant to a court order.

(d) Housing assistance payments from HUD issued directly to a landlord and associated utilities expenses.

(7) Family unit. “Family unit” means parent(s) living together, their minor children, and any other children for whom they are legally responsible. A family unit shall also include any additional related adult who resides with the family, and who is financially supported by that family.

(8) Full-choice. For purposes of fulfilling the statutory requirement that each coalition provide school readiness services on a full-day, full-year, full-choice basis, to the maximum extent possible, “full-choice” shall mean a full range of child care settings and payment options, including:

(a) Licensed child care facilities, licensed family day care homes, licensed large family child care homes, licensed mildly ill facilities, registered family day care homes, informal care, faith-based care, and school-based care. Such requirement may be fulfilled through interagency agreement with an adjoining school readiness coalition.

(b) Payment options are through purchase-of-service subcontract or certificate voucher. Payments must be affordable and include a sliding-fee scale.

(9) Full-day. For purposes of fulfilling the statutory requirement that each coalition provide school readiness services on a full-day, full-year, full-choice basis, to the maximum extent possible, “full-day” shall mean availability of a minimum of ten (10) hours of child care per day, including day, night, weekend, and odd hour care. Such requirement may be fulfilled through interagency agreement with an adjoining school readiness coalition.

(10) Full-time. For purposes of establishing reimbursement rates and assessing parent fees, “full-time” (FT) means at least 6 hours or greater and up to and including ten (10) hours of care in a twenty-four (24) hour period.

(11) Indirect services. “Indirect services” include, but are not limited to, those activities delineated by the Florida Partnership for School Readiness document entitled “Activity/Service Code Description Matrix,” which is hereby incorporated by reference and made a part of this rule.

(12) Initial registration. “Initial registration” means the point at which a child is determined eligible for services through a full eligibility determination.

(13) In loco parentis. “In loco parentis” means acting as the temporary legal guardian of a child.

(14) Maximum extent possible. For purposes of fulfilling the statutory requirement that each coalition provide school readiness services on a full-day, full-year, full-choice basis and extended day, to the maximum extent possible, “maximum extent possible” means reasonable efforts to accommodate the school readiness needs of children and families in greater than fifty (50) percent of a coalition’s school readiness programs.

(15) Migrant farmworker. “Migrant farmworker” means:

(a) A migrant agricultural worker or migrant fisher, as defined by 34 CFR § 200.40 (c) and (e), or

(b) An agricultural worker who is employed by more than one agricultural employer during the course of a year, and whose income varies according to weather conditions and market stability.

(16) Parent. “Parent” means a parent by blood, marriage or adoption and also means a legal guardian or a person standing in loco parentis.

(17) Part-time. For purposes of establishing reimbursement rates and assessing parent fees, “part-time” (PT) means less than six (6) hours of care in a twenty-four (24) hour period.

(18) Purchase-of-service subcontract (POS). Payment through “purchase-of-service subcontract” or “POS” means payment for child care services by transfer of funds to a licensed child care provider that has entered into a negotiated service agreement with a coalition, or its designee.

(19) Quality enhancement. “Quality enhancement” initiatives include, but are not limited to, those activities delineated by the Florida Partnership for School Readiness

document entitled “Activity/Service Code Description Matrix,” which is hereby incorporated by reference and made a part of this rule.

(20) Working family. “Working family” means:

(a) A single parent family in which the parent with whom the child resides is employed a minimum of twenty (20) hours per week.

(b) A two parent family in which both parents with whom the child resides are each employed a minimum of twenty (20) hours per week.

(c) A family in which the parents are exempt from work requirements due to age or disability and are unable to care for the child, as determined and documented by a physician licensed under Chapters 458 or 459, Florida Statutes. Eligible educational activities, as defined herein, may be substituted for required hours of employment on an hourly basis. Hours of financially-assisted child care shall be commensurate with hours worked, plus reasonable time for travel.

(21) Unearned income. “Unearned income” shall include:

(a) Child support received pursuant to a court order.

(b) Alimony received pursuant to a court order.

(c) Social Security benefits.

(d) Supplemental security income (SSI).

(e) Worker’s Compensation benefits.

(f) Unemployment Compensation benefits.

(g) Veteran’s benefits.

(h) Retirement benefits.

(i) TANF cash assistance.

(j) Income received from non-family members residing within the same household.

(k) Military FSSA housing assistance.

Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(2)(b),(4)(a),(5)(c),(d),(6),(9)(d) FS. History–New \_\_\_\_\_.

60BB-4.200 General Eligibility Provisions.

(1) Priority for school readiness services shall be given to:

(a) Children from birth to age five (5).

(b) Children of participants in the welfare transition program from birth to age thirteen (13).

(c) Children at risk of abuse and neglect from birth to age 13.

(2) Pursuant to section 411.01(5)(d)8., Florida Statutes, the provisions of this rule are not intended to limit the authority of a coalition to serve children eligible for any federal subsidized child care program from which the coalition receives funds, such as the following children eligible to be served pursuant to 45 CFR 98.20:

(a) School-age children under age thirteen (13), or

(b) School-age children under age nineteen (19) who are either physically or mentally incapable of self-care or under court supervision.

(3) In order to meet community needs, after giving priority for service to any priority eligibility categories established by the Legislature, a coalition's plan may include a prioritization of the remaining eligibility categories included in s. 411.01(6), Florida Statutes.

(4) A coalition shall analyze the populations they serve and the needs of the community to ensure that they are able to serve the needs of unique populations pursuant to s. 411.01(5)(d)3.j., Florida Statutes, including the needs of migrant workers, children with special needs, seasonal workers, and employees working less than a twelve (12)-month contract.

Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(2)(b),(4)(a),(5)(c),(d),(6),(9)(d) FS. History–New \_\_\_\_\_.

60BB-4.201 Eligibility for Children at Risk of Abuse or Neglect.

(1) Initial eligibility.

(a) Eligibility under this category is not dependent on family income or work requirements and will instead be based on a documented referral from the Department of Children and Families, or its contracted provider.

(b) Each referral for this category is valid for six (6) months.

(2) Maintaining eligibility. A child may continue to maintain eligibility under this category if there is a current and valid referral and the provision of school readiness services is part of a continuing protective services plan.

(3) Prior to disenrolling any child under this category, the coalition or its designee shall contact the referral agency to reverify eligibility.

Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d),(6) FS. History–New \_\_\_\_\_.

60BB-4.202 Eligibility for Children at Risk of Welfare Dependency.

(1) This category includes the following subcategories, pursuant to s. 411.01(6)(a)2., F.S.:

(a) Participants in the welfare transition program, including:

1. Temporary cash assistance clients, whose children shall be eligible based on a documented referral and documented compliance with statutory welfare transition program requirements by the Department of Children and Families or the local workforce referral agency.

2. Transitional Child Care/Non-Temporary Cash Assistance, whose children shall be eligible based on a documented referral and documented compliance with statutory welfare transition program requirements by the Department of Children and Families or the local workforce referral agency.

(b) Children of migrant farmworkers, who shall be eligible by virtue of meeting the definition of "migrant farmworker" established in rule.

(c) Children of teen parents, who shall be eligible by virtue of meeting the statutory definition of "teen parent" established by s. 411.202(22), Florida Statutes.

(2) Maintaining eligibility.

(a) Pursuant to s. 411.01, Florida Statutes, once determined eligible for school readiness services a child shall remain eligible until he or she reaches kindergarten age. However, eligibility for financially-assisted school readiness services under this category may only continue:

1. Within the time limit for welfare transition services authorized in statute, provided the parent is in compliance with all statutory welfare transition program participation requirements, if the child is eligible based on the parent's participation in a welfare transition program.

2. For long as the parent meets the definition of a migrant farmworker, if the child is eligible based on being the child of a migrant agricultural worker.

3. For as long as the parent meets the statutory definition of a teen parent, if the child is eligible based on being the child of a teen parent.

(b) The parent or the Department of Children and Families shall within ten (10) calendar days notify the coalition, or its designee, of any change in employment, income, or family size or of any case of noncompliance with the requirements of this rule.

Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d),(6) FS. History–New \_\_\_\_\_.

60BB-4.203 Eligibility for Children in Working Families Whose Income Does Not Exceed 150 Percent of the Federal Poverty Level.

(1) Initial eligibility.

(a) Family income, as defined in rule, must be at or below 150 percent of the federal poverty level.

(b) "Working families," as defined by rule, will be given priority for enrollment under this eligibility category. A coalition may also serve additional children who are determined to be at high risk of school failure, to the extent possible; however, such families must meet the statutory definition of "economically disadvantaged."

(2) Maintaining eligibility.

(a) Pursuant to s. 411.01, F.S., once determined eligible for school readiness services a child shall remain eligible until he or she reaches kindergarten age. However, eligibility for financially-assisted school readiness services under this category may only continue provided the family's income is at or below eighty-five (85%) percent of the state median income for a family of the same size as required by 45 CFR 98.20.

(b) A parent must notify the coalition, or its designee, of any change in employment, income, or family size within ten (10) calendar days.

Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d),(6) FS. History–New \_\_\_\_\_.

60BB-4.204 Eligibility for Three and Four-Year-Old Children Who May Not be Economically Disadvantaged But Who Have Been Served in a Specific Part-Time or Combination of Part-Time Exceptional Education Programs With Required Special Services, Aids, or Equipment, and Were Previously Reported for Funding Part Time with the Florida Education Finance Program as Exceptional Students.

(1) Initial eligibility. Eligibility under this category is not dependent on family income or work requirements and will instead be based on a documented referral from the Local Education Agency (LEA) certifying that:

(a) The child is participating in a part-time exceptional student education program under part B of the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. § 1401-1420, and

(b) The child has an individualized educational plan (IEP).

(2) School readiness services will be reimbursed only during that portion of the day during which the child is not receiving services from the Department of Education.

Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d),(6) FS. History—New

60BB-4.205 Economically Disadvantaged Children, Children with Disabilities, and Children at Risk of Future School Failure, From Birth to Four (4) Years of Age, Who are Served at Home Through Home Visitor Programs and Intensive Parent Education Programs Such as the Florida First Start Program.

(1) Initial eligibility.

(a) Family income, as defined in rule, must be at or below 150% of the federal poverty level.

(b) The child must have been identified as being at risk of future school failure, based on criteria established by the coalition.

(2) Maintaining eligibility.

(a) Pursuant to s. 411.01, F.S., once determined eligible for school readiness services a child shall remain eligible until he or she reaches kindergarten age. However, eligibility for financially-assisted school readiness services under this category may only continue provided the family's income is at or below eighty-five (85%) percent of the state median income for a family of the same size as required by 45 CFR 98.20.

(b) A parent must notify the coalition, or its designee, of any change in employment, income, or family size within ten (10) calendar days.

Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d),(6) FS. History—New

60BB-4.206 Eligibility for Children Who Meet Federal and State Requirements for Eligibility for the Migrant Preschool Program but Who do not Meet the Criteria of Economically Disadvantaged.

(1) Initial eligibility. Eligibility under this category is not dependent on family income or work requirements, but instead be based on a documented referral from the Local Education

Agency (LEA) certifying that the parent(s) meets the federal definition of a migrant agricultural worker or a migrant fisher as defined in 34 CFR § 200.40(c) and (e).

(2) Maintaining eligibility. Once determined eligible under this category, a child will be provided school readiness services as the family moves from location to location for as long as the family meets the federal criteria and until the child reaches kindergarten age, and shall be served in the order of priority established in the coalition's school readiness plan.

Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d),(6) FS. History—New

60BB-4.207 Eligibility for Children of Participants in the Relative Caregiver Program.

(1) Initial eligibility. Eligibility under this category is not dependent on family income or work requirements and will instead be based on a documented referral from the Department of Children and Families, or its contracted provider.

(2) Maintaining eligibility. A child may continue to maintain eligibility under this category if there is a current and valid referral and the provision of school readiness services is part of a continuing therapeutic plan.

(3) Prior to disenrolling any child under this category, the coalition or its designee shall contact the referral agency to re-verify eligibility.

Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d),(6) FS. History—New

60BB-4.208 Verification of Employment and Income.

(1) School Readiness Income Worksheet for Eligibility and Parent Fees (SR-100), which is hereby incorporated by reference, shall be completed for every financially assisted school readiness services applicant in order to determine eligibility and to establish the applicable fee, based on the sliding fee scale.

(2) All earned income and unearned income not excluded by rule, and employment, shall be documented.

(3)(a) For all applicants, other than those who are self-employed, each source of earned income, at a minimum, shall be documented by hours of employment and rate of pay based on:

1. Six (6) weekly, three (3) biweekly, or two (2) monthly pay stubs that are current and consecutive, or

2. A signed statement by the employer, or

3. A signed contract for employment.

(b) Self-employed applicants shall provide appropriate documentation sufficient to determine hours worked and income, such as: business account ledgers, written documentation from customers, contractors, or federal tax returns.

(4) Each source of unearned income, as defined by rule, shall be documented, at a minimum, by:

(a) An award letter or verification statement.

(b) A written statement from the absent parent or household member. If the amount varies, then a minimum of six (6) weekly, three (3) biweekly, or two (2) monthly income amounts, for each income source that varies, shall be required and verified.

(5) A teen parent who is emancipated will be considered a separate household and eligibility and income will be determined consistent with the procedures for other households.

(6) A coalition may adopt alternate eligibility documentation procedures to ensure that families who are homeless are not ineligible due to inability to provide certain documentation, such as address or phone number.

Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d),(6) FS. History–New \_\_\_\_\_.

**60BB-4.209 Redetermination of Eligibility.**

(1) At a minimum, redetermination must:

(a) Be conducted at least annually for every family that receives financially-assisted school readiness services. Redetermination for an additional fifty (50) percent of a coalition’s enrollment must be conducted during the same fiscal year, through a statistically valid random sample.

(b) Provide verification of income, purpose of care, and compliance with all eligibility requirements.

(2) Parents and providers must be notified if, as a result of any redetermination, a client is determined ineligible and services will be terminated.

Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d),(6) FS. History–New \_\_\_\_\_.

**60BB-4.210 Maintaining Eligibility: Breaks in Employment.**

A family shall maintain eligibility for school readiness services:

(1) During a break in employment, provided employment is re-established within thirty (30) calendar days. During this time, school readiness services will be reimbursed.

(2) During a temporary break in employment for up to sixty (60) calendar days for medical reasons, including maternity leave, if determined medically necessary and documented by a physician licensed under Chapters 458 or 459, Florida Statutes. During this time school readiness services will be reimbursed.

(3) During an interruption in employment, with an option to return to that employment, including such circumstances as seasonal employment or school system-related employment. The client shall not be placed on the waiting list and services will be considered suspended, and not reimbursed, until employment resumes. Care may be re-established upon resumption of employment.

Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d),(6) FS. History–New \_\_\_\_\_.

**60BB-4.300 Waiting List Procedures.**

(1) Each coalition shall utilize a waiting list, which shall be a management tool for filling available child care slots.

(2) Each coalition’s waiting list procedure shall consist of:

(a) A preliminary screening for eligibility to determine whether or not a family is potentially eligible for services. The preliminary screening shall include, but need not be limited to, the client’s statement of income, family size, and type of care requested.

(b) Placement of eligible children on the waiting list, by the child’s legal name, age, probable eligibility category, and type of care requested.

(c) A methodology for prioritizing the waiting list according to eligibility category.

(d) Removal of a child’s name from the waiting list upon authorization for placement.

(e) Validation of each name on the waiting list every six (6) months, by response to a letter, by phone, or in person. Notification of such validation must give the parent a specific timeframe to contact the party responsible for validating the waiting list to provide updated information necessary to remain on the waiting list. Names will be removed from the waiting list for failure to comply with the request for information within the specified timeframe or if, upon validation, a purpose for care no longer exists.

(3) An unborn child shall not be eligible for the waiting list.

(4) Actual certification of eligibility will be conducted prior to authorization for placement, which will be based on available funding and capacity.

Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(c) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: A. Denise Sagerholm, Senior Attorney, 107 E. Madison Street, Caldwell Building, MSC #150, Tallahassee, Florida 32399-4128, (850)245-7150

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Katherine Kamiya, Executive Director, Florida Partnership for School Readiness, the Holland Building, 600 South Calhoun Street, Tallahassee, Florida 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2001

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE:  
Definitions

RULE NO.:  
61G15-18.011



PURPOSE AND EFFECT: The Board proposes to define the acronym "FEMC" so that it is comprehensible to the general public.

SUMMARY: The Board defines the acronym "FEMC" with this rule.

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

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

SPECIFIC AUTHORITY: 471.038, 471.008 FS.

LAW IMPLEMENTED: 471.038 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-18.011 Definitions.

(1) through (4) No change.

(5) "FEMC" shall mean the Florida Engineers Management Corporation, created in Section 471.038(2), Florida Statutes.

Specific Authority 471.003(2)(f), 471.008, 471.013(1)(a)1.,2. FS. Law Implemented 471.003(2)(f), 471.005(6), 471.013(1)(a)1.,2., 471.025(3), 471.033(1)(j) FS. History--New 6-23-80, Amended 12-19-82, 11-22-83, Formerly 21H-18.11, Amended 1-16-91, 4-4-93, Formerly 21H-18.011, Amended 12-22-99, 4-19-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2002

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: RULE NO.:

Written Examination Designated; General Requirements 61G15-21.001

PURPOSE AND EFFECT: The Board proposes to alter certain requirements relating to the reference materials and calculators allowed at the written examination.

SUMMARY: The change in the rule clarifies the description of materials to be used in taking the examination and specifies the amount of reference materials to be allowed into the 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 to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.217(1) FS.

LAW IMPLEMENTED: 471.015, 455.217(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: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-21.001 Written Examination Designated; General Requirements.

(1) The Florida Board of Engineers hereby determines that a written examination shall be given and passed prior to any applicant receiving a license to practice as a professional engineer, or as an engineer intern in the State of Florida except as provided in Section 471.015, Florida Statutes. The examination shall be provided by the National Council of Examiners for Engineers and Surveyors (NCEES). The examination consists of two parts, each of eight hours. Candidates are permitted to bring certain reference materials and slide rules and certain calculators. A list of approved reference materials and calculators will be provided to all candidates prior to each examination. Reference materials are limited to fifteen (15) bound volumes. ~~All materials including pens and pencils are to be furnished by the applicant.~~ National examination security requirements as set forth by the NCEES shall be followed throughout the administration of the examination.

(2) Applicants for licensure by examination must be graduates of a Board-approved engineering program as defined in Rule 61G15-20.001, FAC. Acceptance into the engineering intern examination, either in Florida or elsewhere, does not indicate automatic acceptance for the professional engineers examination, nor does it exempt said applicant from meeting the criterial set forth in Chapter 471, F.S., and Chapter 21H, F.A.C.

Specific Authority 455.217(1) FS. Law Implemented 471.015, 455.217(1) FS. History--New 1-8-80, Formerly 21H-21.01, Amended 10-5-92, Formerly 21H-21.001, Amended 11-15-94,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 7, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Foreign Degree Evaluation  
RULE NO.: 61G17-3.003  
PURPOSE AND EFFECT: To create a new rule to address foreign degree evaluations.  
SUMMARY: The Board proposes to promulgate a new rule to address foreign degree evaluations.  
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: 472.013(4) FS.

LAW IMPLEMENTED: 472.013(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-3.003 Foreign Degree Evaluation.

To determine whether an applicant for licensure with a foreign degree has met the educational requirements of Section 472.013(2)(a) or (b), F.S., the applicant must provide the Board with a foreign degree evaluation conducted by an evaluation agency approved by the Board.

Specific Authority 472.013(4) FS. Law Implemented 472.013(4) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Documentation of Substantially Equivalent Licensing Examination  
RULE NO.: 61G17-3.0031

PURPOSE AND EFFECT: To create a new rule to clarify and set forth the requirements of Section 5, Chapter 2002-41, Laws of Florida.

SUMMARY: The rule set forth the necessary requirements that an applicant must show to prove he or she has completed a substantially equivalent licensing 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 to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Section 5, Chapter 2002-41, Laws of Florida, 472.008 FS.

LAW IMPLEMENTED: Section 5, Chapter 2002-41, Laws of Florida, 472.008 FS..

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-3.0031 Documentation of Substantially Equivalent Licensing Examination.

In order for the Board to determine whether an applicant by endorsement has passed a substantially equivalent licensing examination in another jurisdiction, the endorsement applicant shall provide the Board with documentation which demonstrates that the exam taken in another state is substantially equal in essential and material elements to the licensure examinations required in Rules 61G17-4.001-.002, F.A.C. Essential and material elements shall include, but are not limited to:

- (1) Name and publisher of the exam;
- (2) Time allotted for taking the exam;
- (3) Subject content domains covered by the exam;
- (4) Conditions under which the exam was taken;
- (5) Grading criteria;
- (6) Raw score and scaled passing score
- (7) Exam administration date;
- (8) Exam format (multiple choice/essay?); and
- (9) Exam security procedures.

Specific Authority Section 5, Ch. 2002-41, Laws of Florida, 472.008 FS. Law Implemented Section 5, Ch. 2002-41, Laws of Florida, 472.008 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Surveyors and Mappers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 28, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Seals Acceptable to the Board  
RULE NO.: 61G17-7.001  
PURPOSE AND EFFECT: To clarify the rule regarding which seal a registrant may use.

SUMMARY: This rule clarifies the seals that a registrant may use based upon the date the registrant was initially licensed.  
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: 472.013(4) FS.

LAW IMPLEMENTED: 472.013(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-7.001 Seals Acceptable to the Board.

(1) through (3) No change.

(4) Seal III shall be used only by registrants ~~Registrants~~ who were initially licensed on or after July 1, 1995 and before October 1, 2002.

(5) No change.

(6) All registrants may use Seal IV.

~~(7)~~(6) Surveyors and mappers who wish to sign and seal electronically transmitted plats, reports, or other documents shall follow the procedures set forth in Rule 61G17-7.0025, F.A.C.

Specific Authority 472.008, 472.025 FS. Law Implemented 472.025 FS. History–New 1-3-80, Amended 6-9-80, Formerly 21HH-7.01, 21HH-7.001, Amended 5-30-95, 10-25-95, 12-13-99, 11-18-01.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Surveyors and Mappers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 28, 2002

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Documentation for Licensure  
RULE NO.: 64B3-6.002  
PURPOSE AND EFFECT: The Board proposes to delete a portion of the existing rule text.

SUMMARY: The Board is eliminating a requirement that the applicant submit two recent passport style photographs 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: 483.805(4) FS.

LAW IMPLEMENTED: 483.815, 483.823 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:

64B3-6.002 Documentation for Licensure.

The following is a list of acceptable documents which shall be submitted to the Board as appropriate for the type of license sought in order to show eligibility for the license:

(1) through (8) No change.

~~(9) Two 2" x 2" passport style photographs of the applicant taken within six (6) months prior to the date of application. These shall be signed on the front by the applicant.~~

Specific Authority 483.805(4) FS. Law Implemented 483.815, 483.823 FS. History--New 1-9-94, Amended 7-13-94, Formerly 61F3-6.002, Amended 12-28-94, 5-29-95, Formerly 59O-6.002, Amended 8-27-97.

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: June 21, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE TITLE: Disciplinary Guidelines for Disposition of Disciplinary Cases

RULE NO.: 64B6-7.002

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

SUMMARY: This rule contains a description of each statutory violation and the penalty to be imposed for an initial or repeat offense. It also contains other information such as the purpose of the disciplinary guidelines, aggravating and mitigating circumstances, stipulations and notices of noncompliance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY: 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: 456.079 FS.

LAW IMPLEMENTED: 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Board Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B6-7.002 follows. See Florida Administrative Code for present text.)

64B6-7.002 Guidelines for Disposition of Disciplinary Cases.

(1) Purpose. The Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 484, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed and are also provided for repeat violations; multiple counts of the violated provisions or a combination of the violations may result in a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants, licensees, or trainees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants, licensees, or trainees from violations.

(2) Violations and Range of Penalties. For applicants, all violations are sufficient for refusal to certify an application for licensure. For licensees or trainees, the imposition of probation as a penalty shall ordinarily require compliance with conditions such as restitution, continuing education and/or training, indirect or direct supervision by a Board-approved monitor, restrictions on practice, submission of reports, appearances before the Board, and/or hours of community service. As appropriate, such conditions of probation also shall be required following any period of suspension. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In imposing discipline pursuant to Sections 120.57(1) and 120.57(2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty as authorized by Section 456.072(2), F.S., within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included:

(a) Section 484.056(1)(a), F.S.: Violating 456.072(1), 484.0512, or 484.053, F.S. – restitution if applicable and from a minimum fine of \$100 and/or a letter of concern to a maximum fine of \$7,500 and/or revocation. For a second offense, from a minimum fine of \$300 and/or a year of probation to a maximum fine of \$10,000 and/or revocation. After the second offense, from a minimum fine of \$1,000 and/or two years of probation to a maximum fine of \$10,000 and/or revocation.

(b) Section 484.056(1)(b) or 456.072(1)(h), F.S.: Attempting to obtain, obtaining, or renewing a license by bribery – from a minimum fine of \$500 and/or up to two years of probation to a maximum of revocation. After the first offense, from a minimum fine of \$5,000 up to a maximum fine of \$10,000 and/or revocation.

Fraudulent misrepresentation – from a minimum six months of probation and fine of \$10,000 to a maximum of revocation and a fine of \$10,000. After the first offense, a fine of \$10,000 and revocation.

Error of the Department or Board – from a minimum letter of concern and/or \$50 fine up to a maximum of suspension for six months followed by six months of probation and a maximum fine of \$500. For a second offense, from a minimum fine of \$500 to three years suspension of license. After the second offense, up to a maximum fine of \$10,000 and/or revocation.

(c) Section 484.056(1)(c) or 456.072(1)(f), F.S.: Having a license revoked, suspended, denied, or otherwise acted against – imposition of discipline comparable to the discipline that would have been imposed if the substantive violation had occurred in Florida with consideration of any other penalties imposed. After the first offense, action consistent with the disciplinary guidelines for a repeat offense had the violation occurred in Florida.

(d) Section 484.056(1)(d) or 456.072(1)(c), F.S.: Being convicted or found guilty or guilty or nolo plea, regardless of adjudication, of a crime related to the practice or ability to practice – from a minimum fine of \$500 to and/or one year of probation to a maximum fine of \$5,000 and/or revocation. After the first offense, from a minimum fine of \$1,000 and/or two years of probation to a maximum fine of \$10,000 and/or revocation.

(e) Section 484.056(1)(e) or 456.072(1)(l), F.S.: Negligently filing a false report – from a minimum fine of \$250 and a letter of concern up to a maximum fine of \$2,000 and/or up to three years of probation. For a second offense, from a minimum fine of \$1,000 and a reprimand up to a maximum fine of \$10,000 and/or two years suspension followed by probation. After the second offense, up to a maximum fine of \$10,000 and/or revocation.

Willful filing or impeding or inducing another to file a false report – from a minimum fine of \$2,000 and/or suspension of license for three months followed by six months of probation up to a maximum fine of \$8,000 and/or revocation of license. After the first offense, up to a maximum fine of \$10,000 and/or revocation. However, regardless of whether an initial or repeat occurrence, if the violation is for fraud or knowingly making a false or fraudulent representation, the fine portion of the discipline imposed shall be \$10,000 per count or offense.

(f) Section 484.056(1)(f) or 456.072(1)(m), F.S.: False/misleading advertisement or fraudulent representation – from a minimum letter of concern and/or fine of \$1,000 up to a maximum fine of \$5,000 and a year of probation. For a second

offense, from a minimum fine of \$1,500 and/or 18 months of probation to a maximum fine of \$10,000 and/or six months suspension followed by probation. After the second offense, a fine of up to \$10,000 and/or revocation. However, regardless of whether an initial or repeat occurrence, if the violation is for fraud or knowingly making a false or fraudulent representation, the fine portion of the discipline imposed shall be \$10,000 per count or offense.

(g) Section 484.056(1)(g) or 456.072(1)(aa), F.S.: Fraud, deceit, negligence, incompetency, or misconduct in the practice – from a minimum fine of \$300 and/or two years of probation to a maximum fine of \$5,000 and/or up to one year of suspension followed by up to two years of probation. For a second offense, from a minimum fine of \$800 and one year of probation to a maximum fine of \$10,000 and/or revocation. After the second offense, a fine of \$10,000 and/or revocation. However, regardless of whether an initial or repeat occurrence, if the violation is for fraud, the fine portion of the discipline imposed shall be \$10,000 per count or violation.

(h) Section 484.056(1)(h) or 456.072(1)(q), F.S.: Violating an order or failing to comply with subpoena – from a minimum fine of \$500 and a reprimand up to a maximum fine of \$5,000 and/or three years suspension followed by probation. For a second offense, from a minimum fine of \$1,500 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation. After the second offense, from a minimum fine of \$5,000 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or revocation.

(i) Section 484.056(1)(i) or 456.072(1)(o), F.S.: Practicing with a suspended, inactive, or delinquent license or beyond the scope permitted by law – from a minimum fine of \$1,000 and a reprimand up to a maximum fine of \$10,000 and/or revocation. For a second offense, from a minimum fine of \$2,000 and/or one year of probation to a maximum fine of \$10,000 and/or revocation. After the second offense, a fine of \$10,000 and/or revocation.

(j) Section 484.056(1)(j) or 456.072(1)(a), F.S.: Misleading advertising, guarantee, warranty, or representation – from a minimum letter of concern and/or fine of \$1,000 up to a maximum fine of \$5,000 and a year of probation. For a second offense, from a minimum fine of \$1,500 and/or 18 months of probation to a maximum fine of \$10,000 and/or six months suspension followed by probation. After the second offense, a fine of up to \$10,000 and/or revocation. However, regardless of whether an initial or repeat occurrence, if the violation is for fraud or knowingly making a false or fraudulent representation, the fine portion of the discipline imposed shall be \$10,000 per count or offense.

(k) Section 484.056(1)(k), F.S.: Showing or delivering an unusable or impractical product – from a minimum fine of \$1,000 and/or one year of probation to a maximum fine of \$10,000 and/or revocation. For a second offense, a minimum fine of \$1,500 and/or six months suspension followed by one

year probation to a maximum fine of \$10,000 and/or revocation. After the second offense, up to a fine of \$10,000 and/or revocation.

(l) Section 484.056(1)(l), F.S.: Misrepresentation of services available or terms or titles – from a minimum fine of \$200 and/or one year of probation to a maximum fine of \$4,000 and/or two years of probation. For a second offense, from a minimum fine of \$1,000 and/or two years of probation to a maximum fine of \$10,000 and/or revocation. After the second offense, up to a fine of \$10,000 and/or revocation.

(m) Section 484.056(1)(m), F.S.: Less than full disclosure of guarantee – from a minimum letter of concern and/or fine of \$150 to a maximum six months of probation and fine of \$2,500. For a second offense, from a minimum fine of \$300 and/or one year of probation up to a maximum fine of \$5,000 and one year of suspension followed by probation. After the second offense, a fine of up to \$10,000 and/or revocation.

(n) Section 484.056(1)(n), F.S.: Bone conduction disclosure failures – from a minimum letter of concern and/or fine of \$150 to a maximum six months of probation and fine of \$2,500. For a second offense, from a minimum fine of \$300 and/or one year of probation up to a maximum fine of \$5,000 and one year of suspension followed by probation. After the second offense, a fine of up to \$10,000 and/or revocation.

(o) Section 484.056(1)(o), F.S.: Making prognostications as to hearing impairment – from a minimum letter of concern and/or fine of \$150 to a maximum six months of probation and fine of \$2,500. For a second offense, from a minimum fine of \$300 and/or one year of probation up to a maximum fine of \$5,000 and one year of suspension followed by probation. After the second offense, a fine of up to \$10,000 and/or revocation.

(p) Section 484.056(1)(p), F.S.: Implying that use of a hearing aid will improve or hearing or retard impairment – from a minimum letter of concern and/or fine of \$150 to a maximum six months of probation and fine of \$2,500. For a second offense, from a minimum fine of \$300 and/or one year of probation up to a maximum fine of \$5,000 and one year of suspension followed by probation. After the second offense, a fine of up to \$10,000 and/or revocation.

(q) Section 484.056(1)(q), F.S.: Making any statement regarding cure or cause of an impairment by use of a hearing aid – from a minimum letter of concern and/or fine of \$150 to a maximum six months of probation and fine of \$2,500. For a second offense, from a minimum fine of \$300 and/or one year of probation up to a maximum fine of \$5,000 and one year of suspension followed by probation. After the second offense, a fine of up to \$10,000 and/or revocation.

(r) Section 484.056(1)(r), F.S.: Representing aid is custom-made unless this is the case – from a minimum letter of concern and/or fine of \$150 to a maximum six months of probation and fine of \$2,500. For a second offense, from a minimum fine of \$300 and/or one year of probation up to a maximum fine of \$5,000 and one year of suspension followed by probation. After the second offense, a fine of up to \$10,000 and/or revocation.

(s) Section 484.056(1)(s), F.S.: Canvassing house to house to sell aids – Revocation as Section 484.056(2)(b), F.S., requires and a fine of \$500 to \$7,500.

(t) Section 484.056(1)(t), F.S.: Failing to submit proof of testing and calibration of equipment – from a minimum of a reprimand and/or a fine of \$300 to a maximum one year of probation and fine of \$3,500. For a second offense, from a minimum fine of \$500 and/or three months suspension followed by probation up to a maximum fine of \$5,000 and one year of suspension followed by probation. After the second offense, a fine of up to \$10,000 and/or revocation.

(u) Section 484.056(1)(u), F.S.: Failing to provide itemized listing of prices under Section 484.051(1) – from a minimum letter of concern and/or fine of \$150 to a maximum six months of probation and fine of \$2,500. For a second offense, from a minimum fine of \$300 and/or one year of probation up to a maximum fine of \$5,000 and one year of suspension followed by probation. After the second offense, a fine of up to \$10,000 and/or revocation.

(v) Section 484.056(1)(v), 456.072(1)(n) or 456.072(1)(u), F.S.: Exercising influence for financial gain or for other misconduct – from a minimum fine of \$1,000 and/or restitution of improper gains and six months of probation to a maximum suspension of license for two years followed by probation and a fine of \$8,000. After the first offense, up to a maximum fine of \$10,000 and/or revocation.

(w) Section 484.056(1)(w), 456.072(1)(b), 456.072(1)(k) or 456.072(1)(cc), F.S.: Violating Chapter 484 or 456, F.S., or any of the rules adopted thereunder or failing to perform a legal obligation – from a minimum fine of \$300 and/or a letter of concern to a maximum fine of \$7,500 and/or revocation. For a second offense, a minimum fine of \$1,000 and/or six months probation to a maximum fine of \$10,000 and/or revocation. After the second offense, from a minimum fine of \$1,500 and/or one year of probation to a maximum fine of \$10,000 and/or revocation.

(x) Section 456.072(1)(i), F.S.: Failing to report a violator – from a minimum of a reprimand and/or a fine of \$300 to a maximum one year of probation and fine of \$1,500. For a second offense, from a minimum fine of \$500 and/or one year

of probation to a maximum fine of \$7,500 and/or a year of suspension followed by a year of probation. After the second offense, up to a maximum fine of \$10,000 and/or revocation.

(y) Section 456.072(1)(j), F.S.: Aiding unlicensed person to practice – from a minimum fine of \$300 and/or a reprimand to a maximum fine of \$5,000 and three months suspension followed by one year probation. For a second offense, from a minimum \$500 fine and/or one year of probation to a maximum fine of \$10,000 and/or revocation. After the second offense, up to a maximum fine of \$10,000 and/or revocation.

(z) Section 456.072(1)(p), F.S.: Delegating duties to unqualified person – from a minimum fine of \$150 and/or a reprimand to a maximum fine of \$3,000 and two years of probation. For a second offense, from a minimum fine of \$300 and/or 6 months of probation to a maximum fine of \$7,500 and/or one year suspension followed by two years probation. After the second offense, up to a maximum fine of \$10,000 and/or revocation.

(aa) Section 456.072(1)(r), F.S.: Interfering with investigation or proceeding – from a minimum letter of concern and/or a fine of \$300 up to a maximum fine of \$5,000 and two years probation. For a second offense, from a minimum fine of \$1,000 and/or one year probation up to a maximum \$10,000 fine and/or revocation. After the second offense, up to a maximum fine of \$10,000 and/or revocation.

(bb) Section 456.072(1)(w), F.S.: Failing to report criminal conviction: from a minimum letter of concern and/or a fine of \$150 up to a maximum 6 months probation and/or fine of \$1,500. After the first offense, from a minimum fine of \$1,000 and/or two years of probation up to a maximum fine of \$7,500 and or one year suspension followed by one year of probation.

(cc) Section 456.072(1)(y), F.S.: Being unable to practice with reasonable skill and safety – from a minimum referral for a PRN evaluation up to revocation for noncompliance. After the first offense, from a minimum referral for a PRN evaluation up to a maximum of revocation and/or a \$3,000 fine.

(3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended above. The Board shall consider as aggravating or mitigating factors the following:

(a) Exposure of patient or public to injury or potential injury, physical or otherwise;

(b) Legal status at the time of the offense: no restraints, or legal constraints;

(c) The number of counts or separate offenses established;

(d) Actions taken by the licensee to correct the violation or to remedy complaints;

(e) The disciplinary history of the applicant or licensee in any jurisdiction and the length of practice;

(f) Pecuniary benefit or self-gain inuring to the applicant or licensee;

(g) Any other relevant mitigating or aggravating factors.

(4) Stipulations or Settlements. The provisions of this rule are not intended and shall not be construed to limit the ability of the Board to dispose informally of disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(4), F.S.

(5) Notices of Noncompliance and Letters of Guidance. The provisions of this rule cannot and shall not be construed to limit the authority of the probable cause panel of the Board or the Department to send a notice of noncompliance or a letter of guidance pursuant to Sections 456.073(3) and (4), F.S., in any case for which it finds such action appropriate.

(6) Other Action. The provisions of this rule are not intended to and shall not be construed to limit the ability of the Board to pursue or recommend that the Department pursue collateral civil or criminal actions when appropriate.

Specific Authority 456.079 FS. Law Implemented 456.079 FS. History–New 2-11-87, Amended 2-16-89, Formerly 21JJ-7.005, Amended 8-18-93, 9-22-94, Formerly 61G9-7.005, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Hearing Aid Specialists

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Hearing Aid Specialists

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 26, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: August 2, 2002

## DEPARTMENT OF HEALTH

### Board of Medicine

RULE TITLE: Exemptions for Persons Not Practicing in

RULE NO.:

Florida; Change of Status

64B8-12.007

PURPOSE AND EFFECT: The proposed rule amendments address the requirements for reactivation with regard to financial responsibility.

SUMMARY: The proposed rule amendments delete the requirement for tail insurance when reactivating a 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 to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 458.309, 458.320 FS.

LAW IMPLEMENTED: 458.320 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-12.007 Exemptions for Persons Not Practicing in Florida; Change of Status.

Persons who are not practicing medicine in Florida may be exempt from compliance with the financial responsibility requirements pursuant to 458.320(5)(b) (licensees with inactive licenses) or 458.320(5)(e) (licensees with active licenses), as created by s. 47, Ch. 86-160, Laws of Florida.

(1) A licensee who has claimed an exemption based on the fact that the license is inactive and the licensee is not practicing medicine in Florida and who applies for reactivation of the medical license must, in addition to the other requirements for reactivation, ~~either show that he or she maintained tail insurance for the time periods prescribed by the Statute or~~ submit an affidavit stating that he or she has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(2) A licensee who has claimed an exemption based on the fact that, although an active license has been maintained, the licensee has not been practicing medicine in Florida must, before initiating or resuming the practice of medicine in this state, notify the Department of the intent to practice in the state and show compliance with the requirements of the financial responsibility law or show exemption therefrom in the manner set forth in Rule 64B8-12.005, F.A.C.

(3) A licensee who is both reactivating an inactive license and initiating or resuming the practice of medicine in Florida must meet the requirements of both ~~(1)(a)~~ and ~~(2)(b)~~ above.

Specific Authority 458.309, 458.320 FS. Law Implemented 458.320 FS. History—New 3-15-87, Formerly 21M-40.007, 61F6-40.007, 59R-12.007, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2002

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B17-7.001

PURPOSE AND EFFECT: The Board proposes to update the existing rule text with regard to disciplinary guidelines.

SUMMARY: This rule revises the disciplinary guidelines and adjusts penalties imposed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY: 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: 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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:

(Substantial rewording of Rule 64B17-7.001 follows. See Florida Administrative Code for present text.)

64B17-7.001 Disciplinary Guidelines.

(1) When the Board finds that an applicant or licensee whom it regulates has violated the below-listed provisions, it shall issue a final order imposing appropriate penalties, for each count, as set forth in Section 456.072(2), F.S., within the ranges recommended in the following disciplinary guidelines. The identification of offenses are descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included. For all persons subject to this rule, probation may include specific compliance conditions and conditions of probation may be required following any period of suspension of license. For applicants, all offenses listed herein are sufficient for refusal to certify an application for licensure. If the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In addition to or in lieu of any guideline penalties provided herein, if the violation is for fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000 per count or offense.

(a) Section 486.125(1)(a) or 456.072(1)(y), F.S.: Unable to practice with reasonable skill and safety – from a minimum fine of \$1,000, three years of probation, and referral for a PRN evaluation, up to a maximum of suspension of license for one year, followed by up to five years of probation. After the first



offense from a \$2,000 fine, referral for a PRN evaluation, and five years of probation to a maximum fine of \$10,000 and/or revocation;

(b) Section 486.125(1)(b) or 456.072(1)(h) F.S.: Obtain license by bribery or deceit – from a minimum fine of \$500 and/or up to two years of probation to a maximum of revocation. For a second offense, from a minimum fine of \$5,000 and three years of probation to revocation. After the second offense, revocation;

Fraud in the practice or obtaining license by fraudulent misrepresentations – from six months probation and a fine of \$10,000 to a maximum of revocation and a fine of \$10,000. For a second offense, a fine of \$10,000 and revocation;

Obtain license by Department or Board error – from a minimum letter of concern and/or a fine of \$500, up to a maximum of suspension of license for one year, followed by two years of probation, and a fine of \$5,000. For a second offense, from a minimum fine of \$5,000 to revocation of license, and after the second offense, revocation of license;

(c) Section 486.125(1)(c) or 456.072(1)(c), F.S.: Guilt of a crime that relates to the practice or the ability to practice – misdemeanor: from a minimum fine of \$1,500 and six months probation, up to a fine of \$5,000 and a year's suspension with conditions. After the first misdemeanor, from a minimum one year of probation, up to a maximum fine of \$10,000 and/or revocation; felony: from a minimum fine of \$5,000 and two years probation, up to a fine of \$10,000 and/or revocation. After the first felony, revocation;

(d) Section 486.125(1)(d), F.S.: Treatment of ailments by means other than physical therapy – from a minimum fine of \$1,000 and one year of probation to a maximum fine of \$5,000 and one year suspension followed by probation. After the first offense, from a minimum fine of \$2,000 and one year of probation to a maximum fine of \$8,000 and/or revocation.

(e) Section 486.125(1)(e) or 456.072(1)(b), F.S.: Failure to maintain acceptable standards of practice as set forth in rules – from a minimum fine of \$1,000 and a letter of concern, up to a maximum fine of \$6,000 and/or two years of suspension followed by two years of probation. For a second offense, from a minimum fine of \$2,000 and six months of probation up to a maximum fine of \$10,000 and/or revocation. After the second offense, up to a fine of \$10,000 and/or revocation;

(f) Section 486.125(1)(f) or 456.072(1)(x), F.S.: Engage in unlawful fee splitting or solicitation – from a minimum fine of \$1,000 and/or one year probation, up to a maximum fine of \$8,000 and/or revocation. After the first offense, from a minimum fine of \$5,000 and/or six months suspension up to a maximum of \$10,000 and/or revocation;

(g) Section 486.125(1)(g) or 456.072(1)(f), F.S.: License acted against in another jurisdiction – action consistent with the disciplinary guidelines for the offense that would have been imposed had the violation occurred in the State of Florida. Same penalty for a second or subsequent offense;

(h) Section 486.125(1)(h) or 456.072(1)(q), F.S.: Violation of an Order or subpoena – from a minimum fine of \$1,000 and a letter of concern, up to a maximum fine of \$10,000 and/or revocation. After the first offense, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation of license;

(i) Section 486.125(1)(i) or 456.072(1)(l), F.S.: Negligent filing of false report – from a minimum fine of \$1,000, up to a maximum of two years of probation and a fine of \$5,000. For a second offense, a minimum fine of \$2,500 and a reprimand to a maximum fine of \$10,000 and/or two years suspension followed by two years of probation. After the second offense, up to a maximum fine of \$10,000 and/or revocation;

Willful filing of false report, impeding, or inducing another to file false report – from a minimum of fine of \$5,000 and/or suspension of license for six months, followed by six months of probation, up to a maximum of revocation of license. After the first offense, up to a maximum fine of \$10,000 and/or revocation;

(j) Section 486.125(1)(j) or 456.072(1)(o), F.S.: Practice or offer to practice beyond the scope permitted or competent to perform – from a minimum fine of \$2,500 and/or one year of probation, up to a maximum suspension of license for two years followed by two years of probation and a fine of \$10,000. After the first offense, up to a maximum fine of \$10,000 and/or revocation;

(k) Section 486.125(1)(k) or 456.072(1)(cc), F.S.: Violation of this chapter, Chapter 456, F.S., or any related rules – from a minimum fine of \$1,000 and/or a letter of concern up to a maximum fine of \$5,000 and/or suspension of license for two years followed by two years of probation. For a second offense, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation of license. After the second offense, from a minimum fine of \$7,500 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or revocation;

(l) Section 456.072(1)(a), F.S.: Misleading, deceptive, or fraudulent representations - from a minimum of six months of probation and a fine of up to \$10,000 to a maximum fine of \$10,000 and/or revocation. After the first violation, a fine of up to \$10,000 per count or offense and a minimum of three years of probation up to a maximum of revocation;

(m) Section 456.072(1)(d), F.S.: Improper use of laser device – from a minimum fine of \$2,000 and/or one year of probation up to a maximum fine of \$10,000 and three years of suspension followed by at least two years of probation. After the first offense, up to a maximum fine of \$10,000 and/or revocation;

(n) Section 456.072(1)(e), F.S.: Failure to comply with HIV/AIDS course requirements – from a minimum fine of \$1,000 and a letter of concern up to a maximum fine of \$3,000 and/or one year of suspension followed by two years of

probation. For a second offense, from a minimum fine of \$2,500 and six months of probation up to a maximum fine of \$7,500 and/or revocation. After the second offense, up to a fine of \$10,000 and/or revocation;

(o) Section 456.072(1)(g), F.S.: Civil liability found for filing a false report against another licensee – from a minimum fine of \$1,000 and a reprimand up to a maximum fine of \$3,000 and/or three years of probation. After the first offense, from a minimum fine of \$2,500 and one year of probation up to a maximum fine of \$10,000 and/or revocation;

(p) Section 456.072(1)(i), F.S.: Failure to report health care violator – from a minimum letter of concern and a fine of \$500, up to a maximum fine of \$2,500 and/or one year of probation. After the first offense, a minimum of six months of probation and a fine of \$2,000 to a maximum fine of \$10,000 and/or revocation.

(q) Section 456.072(1)(j), F.S.: Aiding unlicensed practice – from a \$2,000 fine and/or one year of suspension to a maximum fine of \$5,000 and/or revocation of license. After the first offense, from a fine of \$7,500 up to a maximum fine of \$10,000 and/or revocation;

(r) Section 456.072(1)(k), F.S.: Failure to perform statutory or legal obligation – from a minimum fine of \$1,000 and a letter of concern, up to a maximum fine of \$7,500 and/or one year of suspension followed by two years of probation. For a second offense, from a minimum fine of \$2,500 and six months of probation up to a maximum fine of \$10,000 and/or revocation. After the second offense, up to a fine of \$10,000 and/or revocation;

(s) Section 456.072(1)(m), F.S.: Misrepresentations/trick or scheme – from six months of probation, up to a maximum of suspension of license for one year, followed by two years of probation and a \$10,000 fine per count or offense. After the first offense, from a minimum of two years of probation up to a maximum of revocation and a \$10,000 fine per count or offense;

(t) Section 456.072(1)(n), F.S.: Exploit patient for financial gain – from a minimum of restitution to the patient or patient's family, a \$1,000 fine, and six months of probation, up to a maximum fine of \$10,000 and/or revocation of license. After the first offense, restitution, and from a minimum of two years of probation and a fine of \$2,500 up to a maximum fine of \$10,000 and/or revocation;

(u) Section 456.072(1)(p), F.S.: Improper delegation – from a minimum fine of \$1,000 and/or six months of probation, up to a maximum fine of \$5,000 and suspension of license for three years, followed by up to three years of probation. After the first offense, from a minimum fine of \$5,000 and/or suspension of license for one year followed by two years probation up to a maximum fine of \$10,000 and/or revocation;

(v) Section 456.072(1)(r), F.S.: Improper interference with investigation, inspection, or discipline – from a minimum fine of \$1,000 and/or one year of probation up to a maximum fine of \$10,000 and/or revocation. After the first offense, a minimum fine of \$2,500 and three months suspension followed by two years probation up to a maximum fine of \$10,000 and/or revocation;

(w) Section 456.072(1)(u), F.S.: Sexual misconduct – from a minimum reprimand and/or a PRN referral for evaluation, up to a maximum fine of \$10,000 and/or revocation. After the first offense, a minimum of probation for three years and a referral to PRN for evaluation, up to a maximum fine of \$10,000 and/or revocation.

(x) Section 456.072(1)(w), F.S.: Failure to comply with 30-day notification of convictions and nolo pleas – from a minimum fine of \$1,000 and/or a letter of concern, up to a maximum fine of \$3,000 and/or one month suspension of license followed by two years of probation. After the first offense, from a minimum fine of \$3,000 and two years of probation up to a maximum fine of \$10,000 and/or revocation;

(y) Section 456.072(1)(z): Positive results on drug screening – from a minimum fine of \$500 and/or two years of probation and referral for a PRN evaluation, up to a maximum of suspension of license for one year, followed by up to five years of probation, and a fine of up to \$10,000. After the first offense, from a \$1,500 fine, and/or referral for a PRN evaluation and two years of probation up to a maximum fine of \$10,000 and/or revocation;

(z) Section 456.072(1)(aa), F.S.: Wrong patient, site, or unnecessary treatment – from a minimum fine of \$1,000 and/or a reprimand, up to a maximum fine of \$10,000 and/or three months suspension of license followed by three years probation. After the first offense, from a minimum fine of \$3,000 and/or a year of probation up to a maximum fine of \$10,000 and/or revocation;

(2) In determining what action is appropriate, the Board firstly shall consider what sanctions are necessary to protect the public or to compensate the patient. Secondly, the Board shall consider mitigating or aggravating circumstances in applying a penalty that is outside of the range provided for in the disciplinary guidelines. For initial and repeat offenses the Board may consider:

(a) The severity of the offense;

(b) The danger to the public;

(c) The number of distinct charges;

(d) The actual damage, physical or otherwise, to the patient(s);

(e) The length of time since the date of the last violation(s);

(f) The length of time that the licensee has held a license in any jurisdiction;

(g) The deterrent effect of the penalty imposed;

(h) Rehabilitation efforts of the licensee including remorse, restitution, and corrective action(s):

(i) The effect of the penalty on the licensee's livelihood:

(j) Efforts of the licensee to report or stop violations or the failure of the licensee to correct or stop violations:

(k) The willfulness and/or negligence of the licensee pertaining to any violation:

(l) Any other mitigating or aggravating circumstances.

Specific Authority 456.072, 456.079, 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 486.125 FS. History--New 2-10-87, Formerly 21M-9.023, Amended 8-2-90, 10-14-91, 12-6-92, 3-24-93, Formerly 21MM-7.002, 61F11-7.002, 59Y-7.002, Amended 1-8-98, 8-3-00, \_\_\_\_\_.

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: August 2, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 1, 2002

**DEPARTMENT OF HEALTH**

**School Psychology**

RULE TITLES:	RULE NOS.:
License Required	64B21-500.001
Application Requirements	64B21-500.003
Licensure by Endorsement	64B21-500.013

PURPOSE AND EFFECT: The Department of Health proposes to repeal these rules.

SUMMARY: The Department of Health has deemed these rules unnecessary.

SPECIFIC AUTHORITY: 120.53, 455.203, 455.213, 490.015 FS.

LAW IMPLEMENTED: 490.004, 490.006, 490.012 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B21-500.001 License Required.

Specific Authority 120.53(1) FS. Law Implemented 490.012 FS. History--New 4-13-82, Formerly 21U-500.01, 21U-500.001, 61E9-500.001, Repealed.

64B21-500.003 Application Requirements.

Specific Authority 120.53(1), 455.203(5), 455.213 FS. Law Implemented 490.005(2), 490.004(5) FS. History--New 4-13-82, Amended 2-12-85, 5-20-85, Formerly 21U-500.03, Amended 1-2-92, 6-21-92, Formerly 21U-500.003, 61E9-500.003, Repealed.

64B21-500.013 Licensure by Endorsement.

Specific Authority 490.015(2) FS. Law Implemented 490.006 FS. History--New 1-2-92, Amended 6-12-92, Formerly 21U-500.013, 61E9-500.013, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kaye Howerton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2002

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

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

DOCKET NO.: 01-43R

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
18-23	State Buffer Preserves
RULE NOS.:	RULE TITLES:
18-23.002	Scope and Intent
18-23.007	Limitations on Activities
18-23.010	Determination and Applicability of Fines

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed, pursuant to Sec. 120.551, F.S., in the Department's official notice Internet site at [www.dep.state.fl.us](http://www.dep.state.fl.us) under the link titled "Official Notices," and for which a summary of the notice was published in Vol. 28, No. 22, (May 31, 2002), Florida Administrative Weekly has been withdrawn.

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 CORRECTIONS**

RULE NOS.:	RULE TITLES:
33-210.101	Routine Mail
33-210.102	Legal Documents and Legal Mail
33-210.103	Privileged Mail

**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. 21, May 24, 2002, issue of the Florida Administrative Weekly:

33-210.101 Routine Mail.

(1) No change.

(2) Inmates will be permitted to receive only the following types of materials through routine mail:

(a) No change.

(b) Up to 5 ~~3~~ pages of additional written materials, unless prior approval is obtained from the warden to send in an enclosure of greater than five pages. Each page can be no larger than 8 1/2 x 14 ~~4~~ inches in size; material can be on both sides of a page. This does not include bound publications which will be handled pursuant to Rule 33-501.401, F.A.C. Individual newspaper or magazine articles or clippings or clippings from other publications are permissible, up to the 5 ~~3~~ page limit. No item can be glued, taped, stapled or otherwise affixed to a page. Requests to send enclosures of greater than five pages shall be made to the warden or his designee prior to sending the material. Exceptions to the five page limitation are intended for enclosures concerning legal, medical, or other significant issues, and not for material for general reading or entertainment purposes. The warden shall advise the sender and the mail room of his approval or disapproval of the request.

(c) No change.

~~(d) Cashiers checks, certified bank drafts or money orders. These items do not count toward the 3 page limitation for additional materials. Note: pursuant to Rule 33-203.201, F.A.C., persons sending money to inmates shall send the funds directly to the Bureau of Finance and Accounting Inmate Bank for deposit and shall not enclose them with routine mail.~~

~~(d)(e)~~ Self-addressed stamped envelopes. These items do not count toward the 5 ~~3~~ page limitation for additional materials, but cannot exceed the equivalent of 20 (1 ounce) first class stamps.

~~(e)(f)~~ Blank greeting cards (no larger than 8" x 10"), stationery or other blank paper or envelopes. These items do not count toward the 5 ~~3~~ page limitation for additional materials, but cannot exceed 10 in number, with a total possession limit of 15 of each item.

~~(f)(g)~~ U.S. postage stamps. The value of the stamps cannot exceed the equivalent of 20 (1 oz.) first class stamps. These items do not count toward the 5 ~~3~~ page limitation for additional materials.

(3) No other items may be received through incoming routine mail. If an impermissible item is found (other than items of an illegal nature ~~or cash concealed within the correspondence~~), the entire correspondence will be returned to the sender pursuant to subsection (11) of this rule. For example, the following items are not permissible for inclusion in or attachment to routine mail:

(a) through (e) No change.

(4) No change.

(5) Any routine mail sent or received may be opened, examined and read by a designated employee. Outgoing mail shall not be sealed by the inmate sender. Incoming and outgoing mail that is properly addressed and otherwise in

compliance with applicable rules shall not be held for processing for more than 48 hours of receipt by the mail room, excluding weekends and holidays.

(6) through (10) No change.

(11) When an inmate is prohibited from sending a letter, the letter and a written and signed notice stating one of the authorized reasons for disapproval and indicating the portion or portions of the letter causing disapproval will be given to the inmate. When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be given notice in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender. If contraband is discovered in the mail (other than contraband of an illegal nature ~~or concealed cash~~), the contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. In either case the inmate may file a grievance to be reviewed by an officer or official other than the person disapproving the mail. Form DC2-521 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(12) through (13) No change.

~~(14) Cashier's checks, certified bank drafts and money orders found in incoming mail shall be forwarded to the Bureau of Finance and Accounting Inmate Bank to be deposited in the inmate's account in the Inmate Trust Fund pursuant to Rule 33-203.201, F.A.C. Cash and uncertified bank drafts will not be accepted and will be returned to the sender. The department is not responsible for any cash sent through the mail.~~

~~(14)(15)~~ No postage or writing materials shall be provided to inmates for routine mail except that postage and writing materials shall be provided to any inmate with insufficient funds for mailing one first class letter weighing one ounce or less each month to be used for mailing one first class letter weighing one ounce or less each month. Local procedures may be established to require the inmate to request the free postage and writing materials or to establish a specific day of the month for the free letters to be processed. Inmates shall be permitted to receive U.S. postage stamps in their routine mail so long as the value of the stamps does not exceed the equivalent of 20 (1 oz.) first class stamps. Inmates may not possess more than the equivalent of 25 (1 oz.) first class stamps. Due care shall be exercised in processing mail, however, the department shall not be responsible for any postage stamps sent through the mail.

(15) through (17) renumbered (14) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended \_\_\_\_\_.

### 33-210.102 Legal Documents and Legal Mail.

(1) through (5) No change.

(6) Inmates shall be permitted to receive only legal documents, legal correspondence, written materials of a legal nature (other than publications) and self-addressed stamped envelopes through legal mail. No other items may be received through legal mail.

(a) The following items are not permissible for inclusion in legal mail, but are permissible for inclusion in routine mail, along with other materials listed in subsection 33-210.101(2):

1. through 2. No change.

3. Photographs, unless related to the inmate's legal ~~criminal~~ case. If related to the ~~criminal~~ case, the photographs shall still be subject to restriction based on content if the photographs present a threat to the security or order of the institution or the rehabilitative interests of the inmate. Polaroid photographs are prohibited.

~~4. Cashiers checks, certified bank drafts, or money orders. (See also Rule 33-203.201, F.A.C., for deposit procedures).~~

~~4.5.~~ No change.

(b) through (c) No change.

(7) When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be notified in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender. If contraband is discovered in the mail (other than contraband of an illegal nature ~~or concealed cash~~), the contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. Form DC2-521 is incorporated by reference in Rule 33-210.101, F.A.C.

(8) Processing of Legal Mail.

(a) through (b) No change.

(c) Incoming and outgoing legal mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 24 ~~48~~ hours of receipt by the mail room, excluding weekends and holidays.

(9) through (16) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended 5-5-02, \_\_\_\_\_.

### 33-210.103 Privileged Mail.

(1) No change.

(2) Inmates shall be allowed to receive only written correspondence and self-addressed stamped envelopes in privileged mail.

(a) The following items are not permissible for inclusion in privileged mail, but are permissible for routine mail along with other materials listed in subsection 33-210.101(2):

1. through 3. No change.

~~4. Cashiers checks, certified bank drafts or money orders (see also Rule 33-203.201, F.A.C., for deposit procedures);~~

~~4.5.~~ No change.

(b) through (c) No change.

(3) When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be notified in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender. If contraband is discovered in the mail (other than contraband of an illegal nature ~~or concealed cash~~), the contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. Form DC2-521 is incorporated by reference in Rule 33-210.101, F.A.C.

(4) Processing of Privileged Mail.

(a) through (b) No change.

(c) Incoming and outgoing privileged mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 48 hours of receipt by the mail room, excluding weekends and holidays.

(5) through (8) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 9-1-93, Amended 5-25-97, 2-15-98, Formerly 33-3.0052, Amended 12-20-99, Formerly 33-602.403, Amended 5-5-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jerry Vaughan, Peggy Ball

Hydrologic Basin,” “Legal Description of the Econlockhatchee River Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River Hydrologic Basin,” Legal Description Spruce Creek Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Marion County,” and “Legal Descriptions of the Lake Apopka Drainage Basin,” and Appendix M “Regional Watersheds for Mitigation Banking,” of the document entitled “Applicant’s Handbook: Management and Storage of Surface Waters,” effective \_\_\_\_\_ 4-10-02.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.:                    RULE TITLE:  
40C-4.091                    Publications Incorporated by Reference

**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., which was originally published in Vol. 28, No. 16 of the April 19, 2002, issue of the Florida Administrative Weekly.

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I “Policy and Procedures,” Part II “Criteria for Evaluation,” subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin,” “Legal Description of the Wekiva River

(b) through (c) No change.

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 373.016(2), 373.042, 373.0421 373.046, 373.085, 373.086, 373.109, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History–New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 8-11-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, \_\_\_\_\_.

INSERT MAP - PAGE 1 OF 2

INSERT MAP - PAGE 2 OF 2



REASON: The District has changed Figure 12.2.8-1 Drainage Basins for Cumulative Impacts Evaluation, and Appendix M Regional Water Sheds for Mitigation Banking, of the Applicant’s Handbook: Management and Storage of Surface Waters, by moving part of the boundary between drainage basins/watersheds 16 (Crescent Lake) and 17 (Halifax River), further west than had been originally proposed. On June 25, 2002, the District received new localized hydrologic studies and analyses pertaining to the boundary of Drainage Basins/Watersheds 16 and 17 in the vicinity of the Southeast corner of Flagler County. These drainage basin boundaries and watershed boundaries are based on hydrologic boundaries. The changes to Figure 12.2.8-1 and Appendix M are based on the new hydrologic information, and make the drainage basin/watershed boundaries more accurately reflect hydrologic conditions according to the best available information.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Managed Care and Health Quality**

RULE CHAPTER NO.: 59A-25  
 RULE CHAPTER TITLE: Minimum Standards for Home Medical Equipment Providers

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made in the above cited rule as published in Vol. 28, No. 17, Florida Administrative Weekly, April 26, 2002, Purchase Order Number J00693.

In 59A-25.001(3) we have deleted “may” and replaced it with “shall”. The sentence will now state: Class I deficiency is any act, omission, or practice that results in a patient’s death, disability, or permanent injury, or places a patient at imminent risk of death, disability, or permanent injury. Upon finding a class I deficiency, the agency shall impose an administrative fine in the amount of \$5,000 for each occurrence and each day that the deficiency exists. In addition, the agency shall immediately revoke the license, deny the renewal of a license or impose a moratorium on accepting new patients until the factors causing the deficiency have been corrected. ~~“Distribution centers” means those buildings that are not located at the address of the home office site and are utilized to provide home medical equipment services.~~

In 59A-25.001(4) we have deleted “may” and replaced it with “shall”. The sentence will now state: Class II deficiency is any act, omission, or practice that has a direct adverse effect on the health, safety, or security of a patient. Upon finding a class II deficiency, the agency shall impose an administrative fine in the amount of \$1,000 for each occurrence and each day that the deficiency exists. In addition, the agency shall revoke the

license, deny the renewal of a license or impose a moratorium on accepting new patients, until the deficiency has been corrected. ~~“HME” means home medical equipment.~~

In 59A-25.001(5) we have deleted “may” and replaced it with “shall”. The sentence will now state: Class III deficiency is any act, omission, or practice that has an indirect, adverse effect on the health, safety, or security of a patient. Upon finding an uncorrected or repeated class III deficiency, the agency shall impose an administrative fine not to exceed \$500 for each occurrence and each day that the uncorrected or repeated deficiency exists. ~~“Home office” means those buildings where the primary business site is located.~~

In 59A-25.001(6) we have deleted “may” and replaced it with “shall”. The sentence will now state: Class IV deficiency is any act, omission, or practice related to required reports, forms, or documents which does not have the potential of negatively affecting patients. These violations are of a type that the agency determines do not threaten the health, safety, or security of patients. Upon finding an uncorrected or repeated class IV deficiency, the agency shall impose an administrative fine not to exceed \$200 for each occurrence and each day that the uncorrected or repeated deficiency exists. ~~“Life-supporting or life-sustaining device”, as defined in 21 Code of Federal Regulations part 860.3, means a device that is essential to, or that yields information that is essential to, the restoration or continuation of a bodily function important to the continuation of human life.~~

In 59A-25.005(3)(a)(6) we have deleted “may” and replaced it with “shall”. The sentence will now state: If the provider is cited for a class II deficiency that is any act, omission or practice that has a direct adverse effect on the health, safety or security of a patient, the agency shall impose an administrative fine in the amount of \$1,000 for each occurrence and each day that the deficiency exists. In addition the agency shall revoke the license, deny the renewal of a license or impose a moratorium of new patients until the deficiency has been corrected; If the provider fails to carry out its responsibility regarding the provision of equipment and services by its staff or contractors in such a way that patients are subjected to inadequate care (fine or revocation);

In 59A-25.005(3)(a)(7) we have deleted “may” and replaced it with “shall”. The sentence will now state: If the provider is cited for a class III deficiency that is any act, omission or practice that has an indirect, adverse effect on health, safety, or security of a patient, the agency shall impose an administrative fine not to exceed \$500 for each occurrence and each day that the uncorrected or repeated deficiency exists; If the provider is cited for a deficiency that could have caused harm to a patient or did cause harm to a patient (fine, revocation, denial);

In 59A-25.005(3)(a)(8) we have deleted “may” and replaced it with “shall”. The sentence will now state: If the provider is cited for a class IV deficiency that is uncorrected or repeated acts or omissions or practices related to required reports, forms or documents which do not have the potential of negatively affecting patients, the agency shall impose an administrative fine not to exceed \$200 for each occurrence and each day that the uncorrected or repeated deficiency exists; If the provider is cited for repeated deficiencies or for uncorrected violations of state law and rule; (fine, revocation, denial); and;

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE NO.: 64B7-30.002  
 RULE TITLE: Disciplinary Guidelines

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 49, December 7, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsections (1)(a), (d) through (f), (k) and (n) through (q) of the rule shall now read as follows:

(1) When the Board finds that an applicant, apprentice, or licensee whom it regulates under Chapter 480, F.S., has committed any of the acts set forth in Sections 480.0485, 480.046, 480.047 and 456.072, F.S., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines after consideration of the aggravating and mitigating factors set forth in subsection three (3) of this rule:

- (a) 480.046(1)(a) Licensee First offense: Suspension and \$250 fine. Subsequent offense: \$1,000 fine & revocation. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine; second offense: \$10,000.00 fine & suspension of license; subsequent offense: \$10,000.00 fine & revocation of the license.
- Applicant Denial of licensure. If the offense is for fraud or making a false or fraudulent representation, denial of licensure and a \$10,000.00 fine.
- 456.072(1)(h) Revocation through error of Department or Board.
- (d) 480.046(1)(d) First offense: \$500 fine & reprimand; second offense: \$750 fine & probation; third offense: \$1,000 fine & suspension. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine & reprimand; second offense: \$10,000.00 fine & probation; third offense: \$10,000.00 fine & suspension.
- (e) 480.046(1)(e) or 456.072(1)(j) First offense: \$1,000.00 fine & suspension; second offense: \$1,000 fine & revocation for a minimum of two (2) years; third offense: permanent revocation. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine & suspension; second

- offense: \$10,000.00 fine & revocation for a minimum of two (2) years; third offense: \$10,000.00 fine & permanent revocation.
- (f) 480.046(1)(f) or 456.072(1)(a) or (m) First offense: \$500 fine & reprimand; second offense: \$500 fine & probation; third offense: \$1,000 fine & suspension. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000 fine; subsequent offense: \$10,000.00 fine & revocation.
- (k) 480.046(1)(k) Unless an offense specifically set forth below, first offense: \$250 fine; subsequent offense: \$250 fine & probation.
  - 1. 480.0485 \$1,000 fine & revocation.
  - 2. Violation of a Board order entered in a previous disciplinary case \$1,000 fine & suspension until compliant with previous order. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and suspension until compliant with previous final order.
  - 3. 480.047(1)(a) – violator’s license delinquent \$100 fine for first month and \$50 for each succeeding month or part thereof and reprimand. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and a reprimand.
  - 4. 480.047(1)(a) – violator’s license suspended or inactive Revocation. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and revocation of license.
  - 5. 480.047(1)(b) – violator’s license delinquent \$100 fine for first month and \$50 for each succeeding month or part thereof and reprimand. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and a reprimand.
  - 6. 480.047(1)(b) – violator’s license suspended or inactive Revocation. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and revocation.
  - 7. 480.047(1)(c) First offense: \$1,000 fine & revocation; subsequent offense: \$1,000 fine & revocation for minimum of two (2) years.
  - 8. 480.047(1)(d) Licensee First offense: \$1,000 fine; second offense: \$1,000 fine & revocation. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine; second offense: \$10,000.00 fine & revocation.
  - Applicant First offense: denial of licensure; subsequent offense: denial of licensure and prohibition on reapplication for 2-5 years. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine & denial of licensure; subsequent offense: \$10,000.00 fine & denial of licensure and prohibition on reapplication for 2-5 years.
  - 9. 480.047(1)(e) \$1,000 fine & revocation. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and revocation of license.
  - 10. 480.047(1)(f) Licensee First offense: \$1,000 fine & probation; second offense: \$1,000 fine & suspension; third offense: \$1,000 fine & revocation. If the offense is for fraud or making a false or fraudulent representation, first offense:

Applicant \$10,000.00 fine & probation; second offense: \$10,000.00 fine & suspension; third offense: \$10,000.00 fine & revocation.  
 First offense: denial of licensure; subsequent offense: denial of licensure and prohibition on reapplication for 2-5 years. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine and denial of licensure; subsequent offense: \$10,000.00 fine, denial of licensure and prohibition on reapplication for 2-5 years.

11. 480.047(1)(g) Licensee First offense: \$1,000.00 fine & probation; subsequent offense: \$1,000 fine & revocation. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine & probation; subsequent offense: \$10,000.00 fine & revocation.

Applicant First offense: denial of licensure; subsequent offense: denial of licensure and prohibition on reapplication for 2-5 years. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000 fine, denial of licensure and prohibition on reapplication for 2-5 years.

12. Failure to respond to continuing education audit First offense: \$500 fine & suspension; subsequent offense: \$500 fine & revocation.

(n) 480.046(1)(n)  
 1. Establishment license delinquent \$100 fine for the first month and \$50 for each succeeding month or part thereof and reprimand. If the offense is for fraud or making a false or fraudulent representation, the penalty is \$10,000.00 fine and reprimand.

2. Establishment license suspended – site owned by massage therapist First offense: Suspension of owner’s massage therapy license; subsequent offense: revocation of licensed owner’s massage therapy license. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine and suspension of owner’s massage therapy license; subsequent offense: \$10,000.00 fine and revocation of the owner’s massage therapy license.

(o) 456.072(1)(g) – false report to the Department regarding violation First offense: \$500 fine & suspension; subsequent offense: \$1,000 fine & revocation. If the offense is for fraud or making a false or fraudulent representation: first offense: \$10,000.00 fine and suspension; subsequent offense: \$10,000 fine and revocation.

(p) 456.072(1)(i) – failure to report violator First offense: \$500 fine & reprimand; subsequent offense: \$1,000 fine & suspension. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000 fine and reprimand; subsequent offense: \$10,000.00 fine and suspension.

(q) 456.072(1)(i) – filing a false report required by law First offense: \$500 fine & probation; subsequent offense: \$1,000 fine & revocation. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine and probation; subsequent offense: \$10,000.00 fine and revocation.

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-55.001  
 RULE TITLE: Disciplinary Guidelines  
 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. 17, of the April 26, 2002, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board of Medicine, at its meeting on August 3, 2002, in Orlando, Florida, voted to make the changes to subsections (3)(mm) and (nn) of the rule. When changed these subsections shall read as follows:

- (mm) Violating any provision of Chapters 478 or 456, Florida Statutes, or any rule of the Board of Department. (478.52(1)(v))
- (mm) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation and a fine of \$250 to \$1000.
- (nn) Performing or attempting to perform electrolysis on the wrong patient, a wrong-site procedure, a wrong procedure, an unauthorized procedure, or a procedure that is medically unnecessary or otherwise unrelated to the patient’s diagnosis or medical condition. (456.072(1)(aa))
- (nn) For the first offense, from one year probation with conditions and a \$1,000 fine to one year suspension, two years probation and a \$5,000 fine. For the second offense, from one year suspension, two years probation with conditions and a \$5,000 fine to revocation and a \$10,000 fine.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-8.023  
 RULE TITLE: Optical Establishment Inspections

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 13, March 29, 2002, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.:                      RULE TITLE:  
64B17-8.002                   Requirements for Prevention of  
  Medical Errors Education

**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. 27, No. 45, November 9, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on August 2, 2002.

The rule shall now read as follows:

64B17-8.002 Requirements for Prevention of Medical Errors Education

(1) To receive Board approval for biennial renewal, courses on medical error prevention shall be two contact hours and include a study of root-cause analysis, error reduction and prevention and patient safety, which shall encompass:

- (a) Medical documentation and communication
- (b) Contraindications and indications for physical therapy management and
- (c) Pharmacological components of physical therapy and patient management.

(2) through (4) No change.

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

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NO.:                      RULE TITLE:  
64E-16.011                   Permits

**NOTICE OF CHANGE**

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made in the proposed rule published in Vol. 28, No. 29, July 19, 2002, of the Florida Administrative Weekly.

The changes were made in response to written comments received from The Florida Legislature Joint Administrative Procedures Committee.

Subsection 64E-16.011(1) has been changed so that when adopted it will read: "All biomedical waste facilities, except those facilities operating under a Department of Environmental Protection permit, shall obtain a permit from the department annually. Application forms and annual report forms used by the public may be obtained from the environmental health section of the county health department in the county of their location or from the Department of Health, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1710. All forms listed in this section are incorporated by reference."

The first sentence in paragraph 64E-16.011(1)(b) has been changed so that when adopted it will read: " Application for an initial biomedical waste generator permit or exemption from permitting shall be submitted to the department on form DH 4089, Application for Biomedical Waste Generator Permit/Exemption, 8/98."

Paragraph 64E-16.011(1)(c) has been changed so that when adopted it will read: "Application for an initial biomedical waste storage facility permit shall be submitted to the department on form DH 4107, Application for Biomedical Waste Storage Permit, 8/98."

Paragraph 64E-16.011(1)(d) has been changed so that when adopted it will read: " Application for an initial biomedical waste treatment facility permit shall be submitted to the department on form DH 4111, Application for a Biomedical Waste Treatment Permit, 8/01. Renewals will not be considered complete without the submission of an annual report submitted on form DH 4110, Biomedical Waste Treatment Facility Annual Report, 8/01."

Paragraph 64E-16.011(1)(e) has been changed so that when adopted it will read: " Application for an initial biomedical waste sharps collection program permit shall be submitted to the department on form DH 4108, Application for Biomedical Waste Sharps Collection Program Permit, 8/98."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edward J. Golding, Environmental Specialist III, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NO.:                      RULE TITLE:  
64E-25.001                   Procedures to be Followed by DOH  
  Personnel When Investigating  
  Florida Clean Indoor Air Act  
  Complaints and Notifying  
  Alleged Violators

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made in the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 29, July 19, 2002, of the Florida Administrative Weekly.

The changes were made in response to written comments received from the Florida Legislature Joint Administrative Procedures Committee.

The first sentence in paragraph 64E-25.001(2), F.A.C., has been changed so that when adopted it will read: "Upon completion of the onsite inspection, environmental health personnel will complete the required sections of the Request for Inspection Form, DH 1026, 1/97, a copy of which may be obtained from the Department of Health, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710, and which is incorporated herein by referenced, reporting that;"

The first sentence in paragraph 64E-25.001(2)(a), F.A.C., has been changed so that when adopted it will read: "The facility is not in compliance with the FCIAA and an extension from the initial 30 days given from receipt of the noncompliance letter, and upon request of the facility, should be granted, or"

The first sentence in paragraph 64E-25.001(4)(a), F.A.C., has been changed so that when adopted it will read: Grant an extension, based upon request from facility to environmental inspector during initial inspection, in which facility indicates willingness to correct observed violations and meet compliance within 7 days of the next inspection. Should observed violations not be corrected within 7 days of the next inspection, an administrative penalty shall be assessed in accordance with Chapter 120, F.S., and Rule 64E-25.004, F.A.C. or"

Add to Rule 64E-25.001, F.A.C., Law Implemented 386.207 FS.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
65A-1 Public Assistance Programs

RULE NO.: RULE TITLE:  
65A-1.603 Food Stamp Program Income and Expenses

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 20, May 17, 2002, Florida Administrative Weekly, has been withdrawn.

**FLORIDA HOUSING FINANCE CORPORATION**

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

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 22, May 31, 2002 issue of the Florida Administrative Weekly.

(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) No change.

(b) For any Application cycle closing after January 1, 2002, 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 or (ii) be one that could have been cured, if the ability to cure was not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, it is presumed that a contested issue would have been cured, unless a petitioner can prove by competent substantial evidence that the contested issue was not feasibly curable within a reasonable time, 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 in the challenged Application, its Application would have been in the funding range at the time Florida Housing provided the Applicant with its final ranking.

(d) No change.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NO.: RULE TITLE:  
67-48.005 Applicant Administrative Appeal Procedures

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 22, May 31, 2002 issue of the Florida Administrative Weekly.

(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) No change.

(b) ~~For any Application cycle closing after January 1, 2002, 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 or (ii) be one that could have been cured, if the ability to cure was not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, it is presumed that a contested issue would have been cured, unless a petitioner can prove by competent substantial evidence that the contested issue was not feasibly curable within a reasonable time, 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 in the challenged Application, its Application would have been in the funding range at the time Florida Housing provided the Applicant with its final ranking.

(d) No change.

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 444, CASH BONANZA      RULE NO.: 53ER02-42

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 444, "CASH BONANZA," 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:

53ER02-42 Instant Game Number 444, CASH BONANZA.

(1) Name of Game. Instant Game Number 444, "CASH BONANZA."

(2) Price. CASH BONANZA lottery tickets sell for \$10.00 per ticket.

(3) CASH BONANZA 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 under the latex area on the ticket. To be a valid winning CASH BONANZA 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 CASH BONANZA lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to twenty matching sets of numbers. The prizes are: \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100, \$200, \$500, \$1,000, \$10,000, and \$250,000.

(b) A ticket having a “moneybag” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to a prize of \$50.00.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 444 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 47 POOLS OF 120,000 TICKETS PER POOL
\$5 x 2	\$10	15.00	376,000
\$10	\$10	30.00	188,000
\$5 x 3	\$15	30.00	188,000
\$15	\$15	30.00	188,000
\$5 x 4	\$20	20.00	282,000
\$10 x 2	\$20	30.00	188,000
\$20	\$20	60.00	94,000
\$5 x 8	\$40	266.67	21,150
(\$5 x 4) + (\$10 x 2)	\$40	300.00	18,800
\$10 x 4	\$40	300.00	18,800
\$15 + \$25	\$40	300.00	18,800
\$40	\$40	480.00	11,750
\$50 (MONEYBAG)	\$50	120.00	47,000
\$5 x 20	\$100	300.00	18,800
\$25 x 4	\$100	1,200.00	4,700
(\$10 x 6) + \$40	\$100	480.00	11,750
\$20 x 5	\$100	600.00	9,400
\$100	\$100	2,400.00	2,350
\$10 x 20	\$200	1,500.00	3,760
(\$10 x 10) + (\$20 x 3) + \$40	\$200	1,714.29	3,290
\$20 x 10	\$200	2,400.00	2,350
(\$25 x 4) + (\$50 x 2)	\$200	3,000.00	1,880
\$200	\$200	12,000.00	470
\$25 x 20	\$500	4,000.00	1,410
\$50 x 10	\$500	4,800.00	1,175
(\$20 x 5) + (\$25 x 12) + (\$50 x 2)	\$500	4,000.00	1,410
\$100 x 5	\$500	12,000.00	470
\$500	\$500	24,000.00	235
\$50 x 20	\$1,000	13,333.33	423
\$100 x 10	\$1,000	15,000.00	376
\$200 x 5	\$1,000	30,000.00	188
\$500 x 2	\$1,000	60,000.00	94
\$1,000	\$1,000	120,000.00	47
\$500 x 20	\$10,000	60,000.00	94
\$10,000	\$10,000	57,551.02	98
\$250,000	\$250,000	705,000.00	8

(10) The estimated overall odds of winning some prize in Instant Game Number 444 are 1 in 3.31. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(11) For reorders of Instant Game Number 444, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a CASH BONANZA lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for CASH BONANZA 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 8-9-02.

**THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE.**

**EFFECTIVE DATE: August 9, 2002**

**DEPARTMENT OF THE LOTTERY**

**RULE TITLE: Instant Game Number 441, TOUCHDOWN DOLLARS** **RULE NO.: 53ER02-43**

**SUMMARY OF THE RULE:** This emergency rule relates to the Instant Game Number 441, “TOUCHDOWN DOLLARS” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; and the 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:**

**53ER02-43 Instant Game Number 441, TOUCHDOWN DOLLARS.**

(1) Name of Game. Instant Game Number 441, “TOUCHDOWN DOLLARS.”

(2) Price. TOUCHDOWN DOLLARS tickets sell for \$1.00 per ticket.

(3) TOUCHDOWN DOLLARS 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 under the latex area on the ticket. To be a valid winning TOUCHDOWN DOLLARS 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 TOUCHDOWN DOLLARS lottery ticket, or as to the prize amount, the Void If Removed 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 legends are as follows:

INSERT SYMBOLS

(7) Determination of Prize Winners. There are four games on each ticket. A ticket having a total of ten or more yards by adding all four downs in any one game shall entitle the claimant to a prize of the corresponding amount shown for that game. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$250, and \$500. 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 TOUCHDOWN DOLLARS 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.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 441 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1 TICKET	10.00	1,008,000
\$1 x 2	\$2	16.67	604,800
\$2	\$2	42.86	235,200
(\$1 x 2) + \$2	\$4	75.00	134,400
\$4	\$4	300.00	33,600
(\$1 x 3) + \$2	\$5	300.00	33,600
\$1+ (\$2 x 2)	\$5	300.00	33,600
\$1 + \$4	\$5	300.00	33,600
\$5	\$5	300.00	33,600
\$1 + (\$2 x 2) + \$5	\$10	600.00	16,800
\$1 + \$4 + \$5	\$10	600.00	16,800
\$5 x 2	\$10	600.00	16,800
\$10	\$10	600.00	16,800
\$5 x 3	\$15	150.00	67,200
(\$5 x 3) + \$10	\$25	762.71	13,216
\$25	\$25	2,400.00	4,200
\$25 x 4	\$100	18,000.00	560
(\$25 x 2) + \$50	\$100	18,000.00	560
\$100	\$100	1,260,000.00	8
\$250 x 2	\$500	720,000.00	14
\$500	\$500	1,680,000.00	6

(9) The estimated overall odds of winning some prize in Instant Game Number 441 are 1 in 4.38. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(10) For reorders of Instant Game Number 441, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a TOUCHDOWN DOLLARS lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(12) Payment of prizes for TOUCHDOWN DOLLARS 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 8-9-02.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 9, 2002

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Procurement of Commodities and Contractual Services

RULE NO.: 53ER02-45

SUMMARY OF THE RULE: This emergency rule replaces previously adopted Emergency Rule 53ER01-27. This rule reflects statutory changes made in Chapters 120 and 287 and sets forth provisions for the Florida Lottery's procurement of commodities and contractual services.

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:

53ER02-45 Procurement of Commodities and Contractual Services.

(1) The secretary or a designee is authorized to execute contracts for commodities and contractual services which are to be used in the normal operation of the Lottery provided that such contracts are made in accordance with the provisions of these rules. The Lottery specifically finds that, due to the unique nature of its business, strict compliance with Chapter 287, Florida Statutes, and the rules adopted thereunder, would impair or impede the effective and efficient operation of the Lottery. Therefore, the Lottery is adopting this rule to provide the following alternative procedures for purchasing commodities and contractual services in an open and competitive manner. Chapter 287, Florida Statutes, and the rules (excluding the forms) adopted thereunder shall govern in all areas not specifically addressed.

(2) A formal competitive process is required for the purchase of commodities or contractual services that have a total contract value in excess of the threshold for Category



Three of the purchasing categories established in Section 287.017, Florida Statutes unless the purchase is a single source, emergency, state term contract or purchasing agreement, or is a purchase of the commodities or services specified in Section 287.057(5)(f), Florida Statutes, or paragraph 60A-1.002(3)(c), Florida Administrative Code.

(3) Purchases that have a total contract value less than or equal to the threshold for Category Three will be made using an informal competitive process unless there are exigencies that prevent the use of such process or unless the purchase is a single source, emergency or state term contract or purchasing agreement purchase.

(4) Legal Notice. All purchases of commodities or contractual services in excess of the threshold amount for Category Three that are to be acquired by a formal competitive process shall be posted electronically as defined in Section 287.012(11), Florida Statutes, at a centralized Internet website designated by the Department of Management Services no less than 10 calendar days prior to the date set for receipt of submissions to the procurement solicitation document ("submissions").

(5) Procedures Regarding Submissions.

(a) Submissions shall be opened publicly at the time and place designated in the procurement solicitation document. The name of each vendor shall be recorded, and in the case of an invitation to bid, the amount of the bid shall be recorded. Sealed submissions are not public records subject to the provisions of Chapter 119, Florida Statutes, until such time as the agency provides notice of a decision or intended decision or within ten days after submission opening, whichever is earlier. When the competitive procurement document requires the submission to be placed in two separately sealed envelopes to be submitted simultaneously and not opened on the same date, the 10-day period begins the day after the opening of the second envelope.

(b) In the event that only one or no responsive submissions are received, the Lottery shall review the situation in order to determine the reasons, if any, why only one or no responsive submissions were received before making a determination of whether or not to issue a second procurement solicitation document. If the Lottery determines that the commodities or contractual services are available only from a single source, or that conditions and circumstances warrant negotiation on the best terms and conditions, the Lottery's intended decision shall be posted in accordance with Section 120.57(3), Florida Statutes, and paragraph (7)(a) below before the Lottery proceeds with procurement. The Lottery shall document the conditions and circumstances used in making the decision to proceed without a second call for submissions.

(6) Evaluation of Submissions. Submissions in response to a procurement solicitation shall be evaluated as specified in the solicitation document.

(7) Notice of Intended Award and Award.

(a) Notice of an award of contract, or of an intended award of contract, as applicable, including rejection of some or all submissions received, shall be given by electronic posting at a centralized Internet website designated by the Department of Management Services. All notices of decision or intended decision shall contain the following statement: "Failure to file a protest within the time prescribed in Section 24.109(2)(a), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."

(b) Any contract entered into pursuant to an invitation to bid, request for proposals, or invitation to negotiate shall be evidenced by a purchase order or other written agreement with the vendor selected pursuant to the solicitation document.

(c) If the contract is terminated during the initial or renewal contract period, the award may be made to the next responsive vendor who agrees to hold the prices, terms, and conditions submitted in response to the original solicitation. In making this determination, the Lottery will consider if such action is warranted in light of good business practices, such as the time remaining on the contract term and any changes in technology that have occurred.

(8) Single Source Purchase. Commodities or contractual services available only from a single source costing in excess of the threshold for Category Three may be purchased without a formal competitive procurement process as follows:

(a) For promotional events and sponsorship opportunities, such as community fairs and sports team sponsorships, which offer promotional opportunities unique to the event or sponsorship and in which participation is available only through the organizer of the event or the sponsorship provider, the commodities and contractual services are hereby determined to be available from only a single source and the notice of agency decision shall be given as set forth in paragraph (8)(c) below.

(b) For the purchase of a license to use the trademark or other intellectual property of a person or entity, from the owner of the property or its authorized agent, the license and any associated commodities and contractual services are hereby determined to be available from only a single source and the notice of agency decision to make such purchases shall be given as set forth in paragraph (8)(c) below.

(c) For the single source purchases set forth in paragraphs (8)(a) and (b) above, the Lottery shall provide notice of its agency decision by electronic posting in accordance with paragraph (7)(a) above. Such single source purchases shall be excepted from the posting requirements specified in Section 287.057(5)(c), Florida Statutes.

(d) For all other commodities and contractual services that are believed to be available only from a single source, the Lottery shall electronically post a description of the commodities or contractual services sought and the name of the intended single source provider for at least 7 business days and request prospective vendors to provide information

regarding their ability to provide the commodities or services sought. If information is received from prospective vendors and the Lottery determines after reviewing the information that the commodities and contractual services are available from only a single source, the Lottery shall provide notice of its agency decision by electronic posting in accordance with paragraph (7)(a) above. If no information is received from prospective vendors, no additional posting will be made.

(9) Emergency Purchases.

(a) The Secretary may waive any requirement of this rule and permit emergency purchases of commodities and contractual services where a valid emergency exists.

(b) A valid emergency is defined as a circumstance caused by an unexpected turn of events beyond the control of the Lottery involving the security, integrity or the financial status of the Lottery; or involving public health, welfare, safety, injury or loss.

(c) An emergency purchase shall be made by:

1. Obtaining pricing information from at least two prospective vendors unless the Lottery determines in writing that the time required to obtain pricing information will increase the immediate danger involving the security, integrity or financial status of the Lottery; or involving the public health, safety, or welfare, or injury or loss. In such case, the pricing requirement shall be excepted; and

2. The responsible executive or senior manager providing a written certification under oath stating the conditions and circumstances of the emergency and the basis for the waiver of the procurement requirements of this rule and the selection of the particular source. This certification shall be submitted to the Secretary for approval.

(10) The Lottery may participate in, sponsor or conduct cooperative purchasing arrangements with other governmental entities for the purchase of commodities or contractual services, including construction.

(11) The Lottery may acquire any commodity or contractual service that is available on state term contract or purchasing agreement without competitive bidding.

(12) The Lottery may, at reasonable times, inspect a vendor's place of business to determine the capability of the vendor to perform any contract awarded by the Lottery.

(13) This emergency rule replaces emergency Rule 53ER01-27, Florida Administrative Code.

Specific Authority 24.105(14), 24.109(1) FS. Law Implemented 24.105(14), 24.111, 119.07(3)(m), 120.57(3)(a),(b), 287.017, 287.057(5)(a),(c),(d), 287.0943 FS. History--New 8-9-02, Replaces 53ER01-27, F.A.C.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 9, 2002

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections received a Petition for Waiver or Variance from Robert Nolan on August 1, 2002, with regard to Rules 33-601.602 (Community Release Programs) and Rule 33-601.606 (Placement of Inmates into Community Release Programs), Florida Administrative Code. The Petition has been assigned DC Case Number: DC 02-57.

A copy of the Petition may be obtained from: Deputy Agency Clerk, Florida Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

For additional information, contact: Anthony W. Garcia, Assistant General Counsel, Florida Department of Corrections, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

### WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District hereby gives notice that it received a petition on July 29, 2002, from NASA Environmental Program Office for the Shiloh Impoundment Restoration Project, seeking a variance from paragraph 40C-4.302(1)(c), F.A.C., and the associated portion of the Applicant's Handbook: Management and Storage of Surface Waters, including Section 12.2.5(c), with respect to Environmental Resource Permit Application 4-009-84196-1 to perform an impoundment restoration/enhancement project to be used by NASA as mitigation for future development plans. Some of the planned construction is proposed to occur directly in the Indian River Lagoon in Brevard County, which is categorized as Class II waters that are classified by the Department of Agricultural and Consumer Services as approved for shellfish harvesting.

Comments on this petition should be filed with Sandy Bertram, District Clerk, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2002-064.

For a copy of the petition or additional information, contact: Thomas I. Mayton, Sr. Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429 or telephone (386)329-4108.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection is granting a petition for variance received from Harding ESE, Inc., (OGC Case Number 02-0275) on February 20, 2002. Notice of receipt of this petition was published in the Florida Administrative Weekly and the Department’s Internet, on March 15, 2002. The petition requested a variance from the zone of discharge prohibition for discharges through wells under subsection 62-522.300(3) of the Florida Administrative Code.

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,” under the underground injection control program area.

For information on this final order call Cathy McCarty, (850)921-9412.

DEP received on July 19, 2002, a petition from MRI Funding Incorporated, (Facility ID# 298735902) for a waiver pursuant to subparagraph 376.3071(12)(k)5., F.S., of certain record keeping requirements under paragraph 376.3071(12)(e), F.S.

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 HEALTH**

The Board of Medicine hereby gives notice that it has received a petition for waiver or variance filed on August 6, 2002, by Edward J. Gross, M.D., seeking a waiver from sub subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition for waiver filed on August 8, 2002, by Edward S. Truppan, M.D., seeking a waiver from sub subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition for waiver filed on August 12, 2002, by James D. Stern, M.D., seeking a waiver from sub subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition for waiver filed on August 9, 2002, by Kriston J. Kent, M.D., seeking a waiver from sub subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education

Administration Commission  
Florida Land and Water Adjudicatory Commission  
Board of Trustees of the Internal Improvement Trust Fund  
Department of Environmental Protection  
DATE AND TIME: September 10, 2002, 9:00 a.m.  
PLACE: Cabinet Meeting Room, Lower Level, The Capitol,  
Tallahassee, Florida  
PURPOSE: Regular scheduled meeting of the Governor and  
Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental

budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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#### DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs**, Florida Arts Council announces public meetings to which all persons are invited.

**DATES AND TIMES:** Thursday, September 19, 2002, 9:00 a.m.; Friday, September 20, 2002, 8:30 a.m.

**PLACE:** Mayfair House, 3000 Florida Avenue, Coconut Grove, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Committee and general session meetings, and planning workshops of the Council.

A copy of the agenda may be obtained by writing: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301 or by calling Dianne Alborn, Administrative Assistant, (850)487-2980.

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 in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division Office by the September 13, 2002, if you need an accommodation. Please contact Valerie Ohlsson, Arts Consultant, Division of Cultural Affairs, (850)487-2980 or (850)488-5779 (TDD) or by Fax, (850)922-5259.

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#### DEPARTMENT OF LEGAL AFFAIRS

The Ad Hoc Committee to Review State Commissions on the Status of Women of the Florida **Commission on the Status of Women** will hold a telephone conference on:

**DATE AND TIME:** Tuesday, September 3, 2002, 10:00 a.m.

**PLACE:** Please call (850)414-3300 for instructions on participation

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

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#### DEPARTMENT OF INSURANCE

The **Department of Insurance** announces a series of public meetings to which all persons are invited.

**DATES AND TIME:** September 5, 27, 2002, 9:00 a.m. – 3:00 p.m. on each date

**PLACE:** The Florida Department of Insurance, Room 116, 200 East Gaines Street, Tallahassee, Florida 32399-0328

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Florida Small Group Standard and Basic Benefit Plan Review.

A copy of the agendas may be obtained by contacting: Rich Robleto, Chief, Florida Department of Insurance, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5110.

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

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The **Department of Insurance** announces a final hearing to which all persons are invited.

**DATES AND TIMES:** September 9, 2002, 1:00 p.m.; September 10-13, 2002, 9:00 a.m.

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The arbitration of State Farm's rate filing. The purpose of the hearing is to review the Department's decision to disapprove State Farm's rate filing #FCP 02-03780, made on April 5, 2002.

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a meeting of the Animal Industry Technical Council.

**DATE AND TIME:** September 13, 2002, 2:00 p.m. – 5:00 p.m.

**PLACE:** Wyndham Palace Resort and Spa, Cambridge Room, 1900 Buena Vista Drive, Lake Buena Vista, FL 32830, (407)827-2727

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss animal health issues of concern to the agricultural industry both intrastate and interstate and to provide a forum for the Department to keep agricultural industry groups abreast of state and national activities as they relate to animal health issues in Florida, and activities of other states and USDA, affecting Florida's agriculture animal industries.

A copy of the agenda can be obtained by contacting: Dr. Leroy Coffman, Florida Department of Agriculture and Consumer Services, Room 335, Mayo Building, Tallahassee, FL 32399-0800, (850)410-0900.

If special accommodations are needed to attend this meeting because of a disability, please contact the above mentioned as soon as possible.

**DEPARTMENT OF EDUCATION**

The State of Florida, **Education Standards Commission** announces public meetings to which all persons are invited.

**DATES AND TIMES:** Thursday, September 12, 2002, 8:30 a.m. – 5:00 p.m.; Friday, September 13, 2002, 8:30 a.m. – 12:00 Noon

**PLACE:** Department of Education, Turlington Building, Suite 1704, 325 West Gaines Street, Tallahassee, Florida 32301, (850)488-1523

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Members of the Florida Education Standards Commission will meet and discuss issues related to the Commission’s charge.

To obtain a copy of the agenda, please call or write: Florida Education Standards Commission, 325 West Gaines Street, 1446 Turlington Building, Tallahassee, Florida 32399, (850)488-1523 or Suncom 278-1523.

**SPECIAL ACCOMMODATIONS:** Persons with disabilities who require assistance to participate in this meeting are requested to contact Dr. Adeniji Odutola at the above address or telephone numbers.

The Florida **Board of Education** announces a public meeting of the Governor’s Blue Ribbon Task Force on Accommodations and Access for Students with Disabilities to which all interested persons are invited.

**DATES AND TIMES:** Wednesday, August 28, 2002, 10:00 a.m. – 5:00 p.m.; Thursday, August 29, 2002, 8:30 a.m. – 5:00 p.m.; Friday, August 30, 2002, 8:30 a.m. – 3:00 p.m. Public input is scheduled for Wednesday, August 28, 2002, 3:00 p.m. – 5:00 p.m. The entire meeting is open to observation. Meeting ending times may vary from published times.

**PLACE:** Radisson Hotel, 415 N. Monroe Street, Tallahassee, FL 32301, (850)224-6000

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Task Force will gather information through expert presentations and public testimony relevant to Executive Order No. 02-108, Office of the Governor, State of Florida. Such information will include reasonable assessment accommodations, high school credentials and diploma options, and access to postsecondary education for students with disabilities.

A copy of the agenda may be obtained by writing: Florida Department of Education, Room 432, Turlington Building, Tallahassee, Florida 32399-0400, by calling the Bureau of School Improvement, (850)487-8780 or Suncom 278-8780 or from the web page at [www.firn.edu/doe/blueribbon/](http://www.firn.edu/doe/blueribbon/).

Any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours in advance by calling the number indicated above.

The Florida **Community Colleges Risk Management Consortium** announces a meeting to which all persons are invited.

**DATE AND TIME:** Monday, August 26, 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, 5700 Southwest 34th Street, Suite 1205, Gainesville, FL 32608, or by telephoning (352)955-2190, Ext. 2.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Department of Community Affairs** announces a meeting of the State Energy Program (SEP) Clean Fuel Florida Advisory Board (CFF) to which all interested parties are invited.

**SEP CFF MEETING**

**DATES AND TIME:** September 4-5, 2002, 9:00 a.m. – 4:30 p.m.

**PLACE:** University of South Florida, Center for Urban Transportation Research, Room CUT – 100, 4202 East Fowler Avenue, Tampa, Florida 33620-5375

**ACTIONS TO BE TAKEN:** The CFF will consider the following items:

1. Report on State Energy Initiatives.
2. Legislative Outreach Committee Report.
3. Education and Outreach Program.
4. State/Regional/National Transportation Meetings Being Hosted in Florida.
5. CFFAB “Cornerstone” Report.

**APPEAL INFORMATION:** If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting he or she may need a record or transcript of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record may include testimony and evidence relevant to the appeal.

Anyone who wants a copy of the agenda or additional information on this meeting may write or call: Essie Turner, Administrative Assistant, Department of Community Affairs, 2255 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-2475.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP,

(850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** (DCA) announces a public workshop to which the public is invited to attend.

DATE AND TIME: September 9, 2002 (times as noted, below)

SESSION 1 9:00 a.m.

Chapter 4, Needs Assessments, Resources and Planning for Housing

Native American Need Assessment (New Section)

Fair Housing in Florida – Florida Analysis of Impediment

SESSION 2 10:00 a.m.

Chapter 5, The Homeless

SESSION 3 11:00 a.m.

Chapter 6, Migrant and Seasonal Farmworkers

SESSION 4 1:00 p.m.

Chapter 7, The Elderly

SESSION 5 2:00 p.m.

Chapter 8, Persons with Special Needs

SESSION 6 3:00 p.m.

Chapter 9, Needs Assessment, Resources and Plan for Community Development in Florida

PLACE: Department of Community Affairs (DCA), Sadowski Building, Room 260N, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To solicit public input on a substantial amendment to the State of Florida Five-Year (2000-2004) Consolidated Plan.

It is the intent of the Department to seek to substantially amend the current plan to update assessments, to reflect recent changes in state housing and community development legislation, to accommodate programmatic priorities, and to otherwise be responsive to community development needs.

We have already begun this process by holding public hearings earlier this year. These hearings were held in April 2002, at the following locations: Hollywood, Florida at the South Florida Regional Planning Council (SFRPC); Tampa, Florida at the Tampa Bay Regional Planning Council (TBRPC); and at the Department of Community Affairs, Tallahassee, Florida.

Based on the responses received, it is the intent of the Department of Community Affairs to invite participation in workshops to further the Consolidated Planning Amendment Process.

ACTION TO BE TAKEN: Begin rewriting of the State of Florida Consolidated Plan and to receive comments from persons interested in program activities covered by the Plan.

The Department intends to accomplish this by conducting a series of public workshop sessions dealing with specific consolidated plan topics, as outlined below.

A copy of the agenda may be obtained by appearing in person at the agency headquarters or by writing or calling: Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-3581.

Written comments are encouraged and may be submitted at the workshop or mailed to Melba Hawkins at the address listed above no later than September 30, 2002. These comments will be used in drafting proposed changes to the Consolidated Plan.

Any person requiring a special accommodation at this workshop because of a disability, physical impairment or English language deficiency should contact the Department of Community Affairs, (850)487-3644, at least five calendar days prior to the workshop. If you are hearing impaired, please contact the Department using the Florida Dual Party Relay System at 1(800)922-8771 (TDD).

The Department has created a special web page for the State of Florida Consolidated Plan and the 2002 substantial amendment process. We intend to use this vehicle to publish all available drafts, agendas and schedules. For updates on the State of Florida Consolidated Plan amendment process, locations of public workshop, and other pertinent information, please refer to [www.dca.state.fl.us/fhcd/Florida-Consolidated-Plan](http://www.dca.state.fl.us/fhcd/Florida-Consolidated-Plan).

The **Florida Communities Trust** announces a public meeting of the Governing Body to which all persons are invited.

DATE AND TIME: September 19, 2002, 1:00 p.m. – Until conclusion

PLACE: Jacksonville City Hall, Renaissance Room, 117 West Duval Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Extend grant contracts for certain funded projects; approve project plans for certain funded projects; other business that the governing board deems necessary.

ACTION TO BE TAKEN: Consideration of above-stated business. To obtain a copy of the agenda, contact the Trust, (850)922-2207.

If any person desires to appeal any decision with respect to any matter considered at the meeting, such person will need a record of the proceeding and may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

Persons requiring a special accommodation for a disability or physical impairment should contact Florida Communities Trust, (850)922-2207, Suncom 292-2207, at least five days prior to the meeting. If hearing or speech impaired, contact Florida Communities Trust using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF LAW ENFORCEMENT**

The **Criminal Justice Professionalism Program** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend.

DATE AND TIME: September 10, 2002, 10:00 a.m. – Open  
PLACE: Broward Community College, Criminal Justice Institute, 3501 Southwest Davie Road, Fort Lauderdale, Florida 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the probable cause case agenda can be obtained by calling: Brenda S. Presnell, (850)410-8648, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Officer Discipline Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

**DEPARTMENT OF TRANSPORTATION**

The **Department of Transportation**, District 1 announces a public hearing to which all persons are invited.

DATE AND TIME: Thursday, September 19, 2002, 7:00 p.m.  
PLACE: Comfort Inn Suites, 3680 Tollgate Boulevard, Naples, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of proposed improvements to SR 84 (Davis Boulevard) in Collier County, Financial Project Identification Number 195416 1 22 01, Federal Project Identification Number 0581 055 P. The limits of the project are from Santa Barbara Boulevard to SR 951, a distance of about 2.5 miles.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Antone Sherrard, (863)519-2304.

Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Dick Combs, District Planning and Environmental Manager, Florida Department of Transportation, District 1, Post Office Box 1249, Bartow, Florida 33831.

**STATE BOARD OF ADMINISTRATION**

NOTICE IS HEREBY GIVEN by the State **Board of Administration** of a public meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATE AND TIME: Monday, September 16, 2002, 1:00 p.m. – 4:00 p.m. (Eastern Standard Time)

PLACE: This meeting will be a conference call. Persons who wish to participate or listen may call (850)921-2530 or Suncom 291-2530 on the date and time indicated for access to the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain approval to file Rules 19-8.010, F.A.C. (Reimbursement Contract), and 19-8.029, F.A.C. (Insurer Reporting Requirements) for adoption, and to engage in the general business of the Council.

In compliance with the Americans with Disabilities Act, any person needing special accommodation to attend the meeting is requested to contact Patti Elsbernd by mail, at the address given immediately above or by telephone, (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the Florida Hurricane Catastrophe Fund, which is administered by the **State Board of Administration**, of a meeting of the State Board of Administration to which all persons are invited.

DATE AND TIME: Tuesday, September 24, 2002, 9:00 a.m. – Conclusion (Eastern Standard Time)

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the adoption, as amended, of Rules 19-8.010, and 19-8.029, F.A.C. and the forms incorporated therein. In addition, the Board will address other general business.

Anyone wishing a copy of any of the Rules or Forms should contact: Tracy Allen, Florida Hurricane Catastrophe Fund, Post Office Drawer 13300, Tallahassee, FL 32317-3300.

**DEPARTMENT OF CITRUS**

The **Department of Citrus** announces a public meeting of the Web Hosting Selection Committee to which all persons are invited.

DATES AND TIME: September 3, 4, 5, 6, 9, 10, 19, 20, 2002, 8:00 a.m. – 5:00 p.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, FL 33802

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review presentations from potential vendors and any other issues that may properly come before the Committee.



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 by telephone at (863)499-2510.

PLEASE NOTE MEETINGS ARE SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.

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### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a Special Commission Conference in the following dockets to which all interested persons are invited.

DOCKET NO.: 960786A-TL – Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. (Hearing)

DOCKET NO.: 960786B-TL – Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. (Third Party OSS Testing)

DOCKET NO.: 981834-TP – Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

DATE AND TIME: September 9, 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 and make a decision regarding the consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996 (Hearing); consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. (Third Party OSS Testing); and petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

**LEGAL AUTHORITY AND JURISDICTION:** Chapters 120, 350 and 367, F.S.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy, (\$1.00 per copy, Rule 25-22.002, F.A.C.) by writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida. The agenda and recommendation are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need a record of the proceedings and, for

such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

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The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

DOCKET NO.: 020129-TP – Joint petition of US LEC of Florida, Inc., Time Warner Telecom of Florida, L.P., and ITC^DeltaCom Communications objecting to and requesting suspension of proposed CCS7 Access Arrangement tariff filed by BellSouth Telecommunications, Inc.

DATE AND TIME: September 10, 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 permit parties to present testimony and exhibits relative to the joint petition of US LEC of Florida, Inc., Time Warner Telecom of Florida, L.P., and ITC^DeltaCom Communications objecting to and requesting suspension of proposed CCS7 Access Arrangement tariff filed by BellSouth Telecommunications, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on August 19, 2002. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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

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The Florida **Public Service Commission** announces customer service hearings in the following docket, to which all interested persons are invited.

DOCKET NO.: 020384-GU – Petition for Rate Increase by Tampa Electric Company d/b/a Peoples Gas System

DATE AND TIME: September 17, 2002, 12:00 Noon

PLACE: Hollywood Beach Cultural and Community Center, 1301 South Ocean Drive, Hollywood, Florida

DATE AND TIME: September 24, 2002, 12:00 Noon

PLACE: Doubletree Hotel Tampa-Westshore, Lake Forest Ballroom, 4500 West Cypress Street, Tampa, Florida

DATE AND TIME: September 25, 2002, 12:00 Noon

PLACE: Orlando City Council Chambers, 400 South Orange Avenue, Orlando, Florida

DATE AND TIME: September 26, 2002, 12:00 Noon

PLACE: Holiday Inn – Baymeadows, 9150 Baymeadows Road, Jacksonville, Florida

DATE AND TIME: October 22, 2002, 5:00 p.m.

PLACE: Holiday Inn Select, 2001 North Cove Boulevard, Panama City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit members of the public to give testimony regarding the petition for rate increase by Tampa Electric Company d/b/a Peoples Gas System. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

These hearings will begin as scheduled and will continue until all witnesses have been heard. If no witnesses are present, the hearing may be adjourned. All persons desiring to present testimony are urged to appear at the beginning of the hearing.

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

For further information, contact Adrienne Vining, Office of the General Counsel, (850)413-6199.

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The Florida **Public Service Commission** announces a public meeting or staff workshop in the following undocketed matter to which all persons are invited.

UNDOCKETED MATTER: Workshop on Regulatory Implications and Implementation of Financial Accounting Standards Board (FASB) 143

DATE AND TIME: Thursday, September 19, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to afford an opportunity for staff, utilities, and other interested parties to discuss the accounting, reporting, and ratemaking implications related to asset retirement obligations associated with the retirement of tangible long-lived assets (SFAS 143). In addition, comments are sought on the above. If you have questions on the subject matter of the workshop, or would like to do a presentation, please contact: Pat Lee, Senior Analyst, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6453.

A copy of the agenda for this workshop may be obtained by writing: Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or by calling (850)413-6770.

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the workshop. Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing.

Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

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### EXECUTIVE OFFICE OF THE GOVERNOR

Notice is hereby given this 23rd day of August, 2002, that a meeting of the **Emerging Technology Commission** (“ETC”) will be conducted.

DATE AND TIME: Wednesday, September 4, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, Florida 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purposes of the meeting are to receive and consider presentation from the Florida Research Consortium related to proposed criteria and standards governing evaluation of proposals to establish and operate Centers of Excellence; receive and consider expert testimony relating to criteria and standards governing evaluation of proposals to establish and operate Centers of Excellence; receive and consider presentation relating to the request for proposals for Centers of Excellence; and cover any other business that may be necessary or appropriate to facilitate timely achievement of the objectives and goals required for the ETC to fulfill its statutory mission.

The agenda for the meeting is available in hard copy or by electronic transmission. To request a copy of the agenda, contact Brett Doster by telephone, (850)487-2568, by email [brett.doster@myflorida.com](mailto:brett.doster@myflorida.com) or by mail: Office of Tourism, Trade and Economic Development, The Capitol, Suite 2001, Tallahassee, Florida 32399-0001.

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### REGIONAL PLANNING COUNCILS

The **Central Florida Regional Planning Council** will hold its public meeting and the Council’s Executive Committee meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 4, 2002, 9:00 a.m.

PLACE: Highlands County Health Department, Conference Room, 7205 South George Blvd., Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 9, 2002, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Proposed Local Government Comprehensive Plan Amendment for Tamarac; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the subcommittees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (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 **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: Tuesday, September 10, 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, 3440 Hollywood Boulevard, Suite 140, 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 Regional Forum on Coordinated Land Use and School Planning and Water Supply Planning.

DATE AND TIME: September 19, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: Port St. Lucie Community Center, 2195 Southeast Airoso Boulevard, Port St. Lucie, FL 34982

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Forum will address the requirements of Chapter 2002-296, Florida Statutes, which requires local governments and school boards to coordinate land use and school planning by entering into an interlocal agreement and requires local governments to integrate District Water Supply Plans. The Forum is sponsored by the Florida Department of Community Affairs, the Florida Department of Education, South Florida Water Management District, St. Johns River Water Management District, and the Treasure Coast Regional Planning Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 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 will need a

record of proceedings, and that, for such purpose, he 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.

The Florida District X, **Local Emergency Planning Committee** announces the following meeting to which all persons are invited.

DATE AND TIME: September 26, 2002, 10:00 a.m.

PLACE: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X, Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Florida District X, LEPC with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he 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.

**COMMISSION ON ETHICS**

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, September 5, 2002, 8:00 a.m.

PLACE: Tampa International Airport, Tampa Airport Marriott, Duval Room, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. to 5:00 p.m., Monday through Friday at 2822 Remington Green Circle, Suite 101, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding 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 meeting is asked to advise the Commission at least 48 hours before the meeting by contacting the Commission on Ethics, (850)488-7864. If you are hearing or

speech impaired, please contact the Commission by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

**WATER MANAGEMENT DISTRICTS**

The **Southwest Florida Water Management District** announces the following meeting to which all interested parties are invited.

ENVIRONMENTAL ADVISORY COMMITTEE

DATE AND TIME: Wednesday, September 11, 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 and Legislative 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).

The **South Florida Water Management District** announces a meeting to conduct the public review of the 2003 Everglades Consolidated Report to which all persons are invited to view and in which all members of the public are encouraged to participate. The review will be conducted through the use of an internet accessible website.

DATE AND TIME: The Web Board will be available for public viewing from August 29, 2002 through October 17, 2002, and available for public comment from August 29, 2002 through October 3, 2002

PLACE: <http://www.sfwmd.gov/org/ema/everglades/> For persons without access to the Internet, access to the website is available at the Offices of the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida, 8:00 a.m. – 5:00 p.m., Monday through Friday

GENERAL SUBJECT MATTER TO BE CONSIDERED: This website <http://www.sfwmd.gov/org/ema/everglades/> will be used to allow public access to and participation in communications among the chairman and members of the independent peer review panel created to conduct a review of the 2003 Everglades Consolidated Report, pursuant to Section 373.4592(4)(d), F.S.

Beginning on August 29, 2002, through October 17, 2002, interested parties may access ongoing communications among the peer review panelists, electronically stored

communications and other public records associated with the 2003 Report that are posted to this site. Peer review panelists will post information at the website from Monday through Friday during normal working hours, Eastern Daylight Time. The public can provide comment directly at the website at any time between August 29, 2002 and October 3, 2002 on any aspect of the Report, particularly on relevant scientific or technical data and findings. Communications and documents posted are preserved and can be accessed at anytime after they occur or are posted. The peer review panelists will continue to use the Web Board for revisions and additions to the Report from October 4, 2002 through delivery of the final Report on October 17, 2002.

Peer Review and public workshops on the 2003 Everglades Consolidated Report will be held as follows:

**DATES AND TIMES:** September 24, 2002, 8:15 a.m. – 5:00 p.m.; September 25, 2002, 8:30 a.m. – 5:00 p.m.; September 26, 2002, 8:30 a.m. – 2:00 p.m. (panel working session)

**PLACE:** Sheraton West Palm Beach Hotel at City Place, Gallery Conference Room, 630 Clearwater Park Road, West Palm Beach, Florida 33401

For information regarding this review, please write: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680 or call Garth Redfield, (561)682-6611. For assistance in obtaining computer access to this review, please write: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680 or call Trudy Morris, (561)682-6569.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this review is asked to advise the agency when access to the Web Board is needed by contacting Garth Redfield, (561)682-6611. If you are hearing or speech impaired, please contact the agency by calling (561)697-2574.

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#### **COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Insurance Committee to which all persons are invited to participate.

**DATE AND TIME:** Tuesday, September 10, 2002, 10:00 a.m. – until completion

**PLACE:** Conference call – to access call (850)921-6623 or SC 291-6623 or 2740 Centerview Drive, Rhyne Building, Suite 1A, Tallahassee, Florida, (850)410-5700.

**PURPOSE:** Organizational meeting to discuss ways to address current insurance crisis for entities involved in the State's Transportation Disadvantaged Program and to determine possible solutions.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the

following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

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#### **REGIONAL UTILITY AUTHORITIES**

The **Tampa Bay Water** announces the following Joint Workshop of the Southwest Florida Water Management District and the Tampa Bay Water Board of Directors to which all persons are invited.

**PLACE:** Bayfront Center, Sun Pavilion Room, 400 1st Street, South, St. Petersburg, Florida

**DATE AND TIME:** Friday, September 6, 2002, 9:00 a.m.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Joint Workshop of the Southwest Florida Water Management District Board of Directors and the Tampa Bay Water Board of Directors to discuss regional water supply issues of concern in the Tampa Bay area.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes 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.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

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The **Peace River/Manasota Regional Water Supply Authority** announces the following meeting to which the public is invited.

**DATE AND TIME:** Wednesday, September 4, 2002, 10:00 a.m.

**PLACE:** DeSoto County Administration Center, 201 East Oak Street, Arcadia, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration, Medicaid, Bureau of Research** will hold a public meeting for the Proposer's Conference to discuss the Health and Human Services Eligibility Access Pilot Project Initiative and respond to questions about the Request For Proposal (RFP) application process. All interested parties are invited.

DATE AND TIME: August 28, 2002, 10:00 a.m. – Noon

PLACE: Agency for Health Care Administration, Conference Rooms D & E, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of the RFP, the RFP Review Process, and questions about the RFP.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Mel Chang, (850)922-5530, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Mel Chang, Government Analyst II, Agency for Health Care Administration, Medicaid, Bureau of Research, Bldg. 3, Suite 2340, Mail Stop #48, 2727 Mahan Drive, Tallahassee, FL 32308-5403.

The **Agency for Health Care Administration, Medicaid, Bureau of Research** announces a Health Care Access Steering Committee Meeting to which all interested persons are invited.

DATE AND TIME: August 26, 2002, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Rooms D & E, 2727 Mahan Drive, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approve Revised Workplan; IT Consultant Workplan and Status Report; RFP Review Process; and general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Mel Chang, (850)922-5530, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Mel Chang, Government Analyst II, Agency for Health Care Administration, Medicaid, Bureau of Research, Building 3, Suite 2340, Mail Stop #48, 2727 Mahan Drive, Tallahassee, FL 32308-5403.

**DEPARTMENT OF MANAGEMENT SERVICES**

The **Florida Partnership for School Readiness** announces a meeting of their Board to which all interested parties are invited.

DATE AND TIME: September 26, 2002, 10:00 a.m. – 3:00 p.m.

PLACE: The Radisson Hotel Orlando, 5780 Major Boulevard, Orlando, Florida. For reservations, please contact the hotel at (407)351-1000, and state that you are part of the Early Childhood Association Conference in order to get the \$99.00 per night room rate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Board business.

For more information, please contact: Lisa Barnes, (850)922-4200 or lisa.barnes@myflorida.com.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Florida **Board of Pilot Commissioners** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: September 12, 2002, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules Committee Meeting, Finance Committee Meeting, immediately followed by Probable Cause Panel meeting, which portions may be closed to the public. Agenda available on request.

DATE AND TIME: September 13, 2002, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

PLACE: Four Seasons Resort, 2800 South Ocean Boulevard, Palm Beach, Florida

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office at least five calendar days prior to the meeting. 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 Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: August 27, 2002, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, Florida 32301, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202 or by phone, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

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NOTICE OF REVISION – The **Florida Engineers Management Corporation** and the **Florida Board of Professional Engineers** announces a public telephone conference call to conduct the business of the Corporation and the Board, including committee business which all persons are invited.

DATE AND TIME: Friday, August 23, 2002, 9:00 a.m.

PLACE: Conference Call Number: 1(800)659-8290

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Corporation and the Board and any old or new business.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, 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 original notice started running on August 16, 2002.

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NOTICE OF CANCELLATION – The **Florida Board of Professional Engineers** announces the Probable Cause Panel meeting of the Board is cancelled.

DATE AND TIME: Tuesday, September 10, 2002, 10:00 a.m.

PLACE: Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, 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.

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NOTICE OF CANCELLATION – The **Florida Board of Professional Engineers** announces the public meeting of the Educational Advisory and Application Review Committee of the Board is cancelled.

DATE AND TIME: Wednesday, September 11, 2002, 9:00 a.m.

PLACE: Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, 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.

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The **Florida Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Tuesday, September 17, 2002, 8:30 a.m.

PLACE: Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, 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 **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committee to which all persons are invited.

DATE AND TIME: Wednesday, September 18, 2002, 8:00 a.m.

PLACE: Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, 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 **Board of Professional Engineers** announces a Board Member workshop which all persons are invited.

DATE AND TIME: Wednesday, September 18, 2002, 8:00 a.m.

PLACE: Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review policies and procedures of the Board with board members.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, 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 **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committee to which all persons are invited:

DATE AND TIME: Thursday, September 19, 2002, 8:00 a.m.

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

PURPOSE: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal and 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 at (850)521-0500.

The **Board of Professional Geologists** announces a General Business Meeting of the Board to which all persons are invited.

DATE AND TIME: August 30, 2002, 10:30 a.m. or soon thereafter

PLACE: The meeting will be conducted by telephone conference call. The telephone number is (850)488-5776 or Suncom (850)278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida or by calling Leon Biegalski, Executive Director, (850)487-9630.

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 forty-eight (48) hours before the meeting by contacting Leon



Biegalski, Executive Director, (850)487-9630. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based; and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

The **Board of Architecture and Interior Design** announces a General Business Meeting of the Board to which all persons are invited.

DATE AND TIME: September 3, 2002, 10:00 a.m. or soon thereafter

PLACE: The meeting will be conducted by telephone conference call. The telephone number is (850)414-1710 or Suncom (850)994-1710

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida or by calling Leon Biegalski, Executive Director, (850)487-9630.

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 forty-eight (48) hours before the meeting by contacting Leon Biegalski, Executive Director, (850)487-9630. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based; and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

The **Board of Accountancy**, Committee on Continuing Professional Education announces the following public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 17, 2002, 9:00 a.m.

PLACE: Via Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reporting forms and requests for course approval.

If you wish to participate in this meeting or receive a copy of the agenda, please contact: Karan Lee, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607, (352)333-2500, as soon as possible.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces four (4) public meetings to which all persons are invited.

DATE AND TIME: Thursday, September 5, 2002, 9:30 a.m. – 4:00 p.m.

PLACE: Department of Environmental Protection, Douglas Building, First Floor, Conference Room A, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000

DATE AND TIME: Monday, October 7, 2002, 9:30 a.m. – 4:00 p.m.

PLACE: Orlando International Airport, Hyatt Hotel, Tegel and Tullamarine Rooms, Orlando, Florida

DATE AND TIME: Thursday, November 7, 2002, 9:30 a.m. – 4:00 p.m.

PLACE: Department of Environmental Protection, Douglas Building, First Floor, Conference Room A, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000

DATE AND TIME: Tuesday, December 10, 2002, 9:30 a.m. – 4:00 p.m.

PLACE: Department of Environmental Protection, Douglas Building, First Floor, Conference Room A, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of each meeting is to discuss the progress of the seven (7) pilot communities' respective field-testing of the fiscal impact analysis model (FIAM) being developed. Meeting participants include the project consultant, agency representatives, working group, and pilot community representatives.

A copy of the agenda, if any, may be obtained by writing: Ms. Sally B. Mann, Director of Intergovernmental Programs, Department of Environmental Protection, 3900 Commonwealth Blvd., MS #47, Tallahassee, Florida 32399-3000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by 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."

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, September 11, 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, 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 **Department of Environmental Protection**, Clean Boating Partnership announces that the fourth quarterly meeting for 2002 is scheduled for:

DATES AND TIMES: Thursday, September 12, 2002, 12:00 Noon – 5:00 p.m.; Friday, September 13, 2002, 8:00 a.m. – 12:00 Noon

PLACE: AmeriSuites Hotel, Orlando Airport, N. E., 7500 Augusta National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review, discuss and develop policy and implementation strategy recommendations for the Clean Marina Program to the Florida Department of Environmental Protection.

A copy of the agenda may be obtained by contacting: Jan R. De Laney, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #665, Tallahassee, Florida 32399-3000, (850)488-5757, Extension 178.

In accordance with the Americans With Disabilities Act, if you need a special accommodation to attend you should contact our office immediately, (850)488-5757, Extension 178 or call 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), via Florida Relay Service.

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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## DEPARTMENT OF HEALTH

The Florida **Emergency Medical Services Advisory Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 4, 2000, 1:00 p.m. – 2:00 p.m. (EST)

PLACE: Meet Me Number: 1(800)647-7427, Florida Bureau of Emergency Medical Services, 4052 Bald Cypress Way, BIN #C18, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Bureau of Emergency Medical Services, (850)245-4440, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For further information, write: Desi Lassiter, 4052 Bald Cypress Way, BIN #C18 (HEMS), Tallahassee, Florida 32399-4881 or call (850)245-4055.

P. O. # B00829

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The **Department of Health**, Bureau of Emergency Medical Services announces a conference call to which all persons are invited.

DATES AND TIME: August 28, 2002; November 19, 2002, 9:30 a.m. – 10:30 a.m.

PLACE: Conference Call: Toll Free 1(888)461-8118

GENERAL SUBJECT MATTER TO BE CONSIDERED: A subcommittee appointed by the State Trauma System Plan Implementation Committee is holding a conference call to assist the Department of Health in the implementation of a trauma system evaluation tool to evaluate trauma care in areas of the state that do not have trauma agencies.

A copy of the agenda may be obtained by writing: Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, BIN #C-18, Tallahassee, FL 32399-1738 or by calling George Schaffer, (850)245-4440.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this conference call is asked to advise the agency before August 21, 2002 for the August 28, 2002 meeting and before November 12, 2002 for the November 19, 2002 meeting, by contacting George Schaffer, (850)245-4440. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).  
Purchase Order Number B00829.

The Florida **Board of Medicine** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, September 4, 2002, 12:00 Noon

PLACE: Contact: Florida Board of Medicine, (850)245-4131 for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

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 Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to 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. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The **Board of Optometry** will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Friday, September 13, 2002, 9:00 a.m.

PLACE: Radisson Riverwalk, 1515 Prudential Drive, Jacksonville 32207, (904)396-5100

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Optometry, (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 Optometry, Executive Director, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Physical Therapy Practice** announces a conference call to which all persons are invited.

DATE AND TIME: September 12, 2002, 8:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Education Committee meeting by conference call.

DATE AND TIME: September 12, 2002, 9:30 a.m. or soon thereafter

PLACE: (850)488-8295, Suncom 278-8295

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting by conference call.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical 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**, Bureau of Chronic Disease Prevention will hold the following meeting:

MEETING: Florida Arthritis Partnership

DATE AND TIME: September 27, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Tampa, Florida – TBD

GENERAL SUBJECT MATTER TO BE CONSIDERED: To bring together state, local and regional decision makers and grassroots advocates who share the vision of the highest possible quality of life free from arthritis-related pain and disability. This will be the 3rd meeting of the Florida Arthritis

Partnership (FLAP). Participants will have the opportunity to network and share progress toward goals in arthritis prevention and education efforts in Florida. The meeting will focus on action planning for 2003 and will include presentations from key arthritis stakeholders.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

**EXECUTIVE COMMITTEE**

**DATES AND TIME:** September 4, 6, 11, 13, 18, 20, 24, 2002, 9:00 a.m. – 12:00 Noon

**PLACE:** Department of Children and Family Services, Room 327-D, 337 North 4th Street, Ft. Pierce, FL 34950

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Suite A, Ft. Pierce, FL 34950, (772)467-4174.

**SPECIAL ACCOMMODATION:** Any person requiring special Accommodation for this meeting because of a disability or physical Impairment should contact Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Advocacy Committee**, Service Area 11 announces a public meeting to which all persons are invited.

**DATE AND TIME:** September 17, 2002, 9:30 a.m.

**PLACE:** Benton Regional Service Center, Room 335, 337 North 4th Street, Fort Pierce, FL 34950

A copy of the agenda may be obtained by contacting: Ellen Higinbotham, FLAC Liaison, (561)467-4176.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of The **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

**ALLIANCE MEETING**

**DATE AND TIME:** September 27, 2002, 8:30 a.m. – 5:00 p.m.

**PLACE:** Village Green Retail Center, Workforce Development Board Room, 9350 S. US 1, Port St. Lucie, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 N. 4th St., Suite A, Ft. Pierce, FL 34950, (772)467-4174.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Children and Family Services** announces a meeting of the Marion County Children’s Alliance Steering Committee to which all persons are invited.

**DATE AND TIME:** Wednesday, September 4, 2002, 12:00 Noon

**PLACE:** Marion County Sheriff’s Office, 692 N. W. 30th Avenue, Ocala, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

**FLORIDA HOUSING FINANCE CORPORATION**

**NOTICE OF CANCELLATION – The Florida Housing Finance Corporation**, Review Committee meeting to discuss the evaluation of responses submitted for the Request for Qualifications #2002/01 for Management Company Services scheduled for Wednesday, August 14, 2002 in the Rick Seltzer Conference Room at Florida Housing was cancelled.

If you have questions, please contact: Ms. Robin Grantham, Senior Contracts Analyst, (850)488-4197 or by e-mail robin.grantham@floridahousing.org.

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** (“Florida Housing”) will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 (“TEFRA”) to which all interested persons are invited.

**DATE AND TIME:** Wednesday, September 4, 2002, 10:00 a.m. (EST)

**PLACE:** The Offices of Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to refund bonds previously issued to finance the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Cypress Lake Apartments, a 236-unit multifamily residential rental development located at 4711 West Waters Avenue, Tampa, Hillsborough County, Florida 33614. The owner of the development is Cypress Lakes Apartments, Ltd., c/o OLP Management Company, Inc., 8181 East Tufts Avenue, Suite 510, Denver, Colorado 80237, or such successor in interest in which OLP Management Company, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$6,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being re-financed. Written comments should be received by Florida Housing, by 5:00 p.m. (EST), Tuesday, September 3, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, 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 will include the testimony and evidence upon which the appeal is based.

**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: September 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.

**Section VII  
 Notices of Petitions and Dispositions  
 Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT the Petition for Declaratory Statement received from Philip J. Childs, P.E., P.A., has been withdrawn. Notice of receipt of this petition, which was assigned the number DCA02-DEC-203, appeared in the July 19, 2002, edition of the Florida Administrative Weekly.

Information regarding this petition may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Petition for Declaratory Statement received from Christine A. White, Custom Drafting, Inc., has been withdrawn. Notice of receipt of this petition, which was assigned the number DCA02-DEC-191, appeared in the July 5, 2002, edition of the Florida Administrative Weekly.

Information regarding this petition may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has received a petition for a Declaratory Statement from Florida Keys Electric Cooperative. The petition asks the Commission to declare that the Cooperative shall promptly construct a new electric substation at a certain site no later than December 31, 2002.

A copy of the petition may be obtained at: <http://www.psc.state.fl.us/psc/dockets/> or by writing: Division of the Commission Clerk and Administrative Services, 4075 Esplanade Way, Tallahassee, FL 32399-0862.

DOCKET NO.: 020829-EC.

**DEPARTMENT OF CORRECTIONS**

NOTICE IS HEREBY GIVEN THAT the Florida Department of Corrections received a Petition for Declaratory Statement from Gary Shurden on July 18, 2002. The Petition requests a Declaratory Statement regarding applicability of Chapter 120, Florida Statutes, Sections 120.54(3)(d)5., 944.275(7),

944.28(1), 948.06(7), Florida Statutes, and the 1989-1991 versions of Rule 33-11.011(1)(a)(3), Florida Administrative Code, as it applies to petitioner.

A copy of the Petition may be obtained from: Deputy Agency Clerk, Florida Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

For additional information, contact: Anthony W. Garcia, Assistant General Counsel, Florida Department of Corrections, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on May 28, 2002, the Board of Chiropractic Medicine received a Petition for Declaratory Statement from Angel Tribuno. The petition was noticed in the Florida Administrative Weekly on June 21, 2002, in the Vol. 28, No. 25 issue and no public comments were received.

The Final Order, which was filed on August 12, 2002, provides in summary that no controversy exists because the rule is sufficiently clear with regard to attendance at continuing education courses. Accordingly, the request for an interpretation of Rule 64B2-13.004(4), Florida Administrative Code, has been DENIED.

A copy of the Final Order may be obtained by writing: Amy Thomas, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C01, Tallahassee, Florida 32399-3251, (850)245-4121.

**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:**

Florida Home Builders Association, Florida A.G.C. Council, Inc. and Parrish Group, Inc. vs. Department of Insurance, Division of Workers' Compensation; Case No.: 02-3096RP; Rule No.: 4L-6.020

A Choice for Women, Inc., Edward Watson, M.D. and Monica Navarrete vs. Agency for Health Care Administration; Case No.: 02-3079RX; Rule Nos.: 59G-4.150, 59G-4.160, 59G-4.230

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Michael J. Hason vs. Board of Medicine; Case No.: 02-1612RX; Rule No.: 64B8-4.022(1); Invalid

**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**

**INVITATION TO BID**

The Florida State University FO&M Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University  
F O & M Maintenance, Purchasing  
114F Mendenhall, Building A  
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number: F O & M 33-2  
Purchasing Agent: B. J. Lewis, F O & M  
Florida State University

**MANDATORY**

PRE BID: September 4, 2002, 9:00 a.m.  
LOCATION: Central Utility Plant  
Woodward Street, Room 144

Public Bid Opening: October 4, 2002, 2:30 p.m.  
 F.S.U. – F O & M Maintenance  
 Central Utility Plant  
 Woodward Street, Room 144  
 Tallahassee, Florida  
 32306-4150  
 F O & M Maintenance  
 Purchasing

Bid Documents: Florida State University is inviting qualified firms to bid on providing Eddy Current testing of all of the Utilities Plants Chillers. The objective of this bid is two fold. First, brush cleaning of all tubes and secondly internally inspecting each tube for corrosion or worn surfaces. This project will involve all chillers at Plant one, Two and Three for a total of fifteen (15) machines. Work will include but not be limited to, chiller preparation for testing, evaporator/condenser head removal and replacement, plugging tubes if necessary and returning machines to normal operational status. This will be a turn-key type project.

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.

NOTICE OF CORRECTION – The published Project Fact Sheet for BR-633 Christine E. Lynn College of Nursing, Florida Atlantic University, Vol. 28, No. 33, dated August 16, 2002, was published incorrectly. Please see corrected advertisement to be published August 23, 2002.

**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-633, Christine E. Lynn College of Nursing located at Florida Atlantic University's Boca Raton Campus.

The project consists of site development and construction of a 75,000 gross square feet building. Major space categories within the building include offices, classrooms, teaching labs, instructional media center and a 350-seat auditorium. The building will be located on Florida Atlantic University's Boca Raton Campus, west of Florida Atlantic Boulevard on the north section of Parking Lot 1.

The total Construction Budget is approximately \$13 million. 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

The Florida Board of Education – Division of Colleges and Universities “Construction Manager Qualifications Supplement” form and the Project Fact Sheet is available to download on our web page located at [www.fau.edu/divdept/univarch/](http://www.fau.edu/divdept/univarch/) and may also be obtained by contacting: Carla Capeletti, Office of the Associate Vice President to the University Architect, Florida Atlantic University, 777 Glades Road, Campus Operations Building-69, Room 101, Boca Raton, Florida 33431, Telephone (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, Campus Operations Building-69, Room 101, 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 PM local time, on Thursday, September 26, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

**PROJECT FACT SHEET**

Christine E. Lynn College of Nursing  
BR-633

Florida Atlantic University

**PROJECT DESCRIPTION**

The project consists of site development and construction of a 75,000 gross square feet building. Major space categories within the building include offices, classrooms, teaching labs, instruction media center and a 350-seat auditorium. This building will be designed as green/sustainable architecture. The Construction budget is approximately \$13 million.

The Construction budget is approximately \$13 million.

**SELECTION CRITERIA**

Firms will be evaluated in the following areas: 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.

1. Experience and ability scores will be based on the following criteria:
2. Experience in projects of similar size and scope (identify completed projects that were green/sustainable in design).

Experience in working with Universities.

**SELECTION COMMITTEE**

Bob Friedman, University Architect & Vice President – FAU

Tom Donaudy, Associate Vice President – FAU

Ray Nelson, Director of Facilities Planning – FAU

Dr. Anne Boykin, Dean – FAU

Christine E. Lynn, Donor

**SELECTION SCHEDULE:**

The anticipated schedule for selection, award, and negotiation is as follows:

Submittals Due: Thursday, September 26, 2002

Shortlist Meeting: Thursday, October 17, 2002

Final Interviews: Thursday, November 14, 2002

Contract Negotiation: Tuesday, November 26, 2002

**GENERAL INFORMATION**

1. All applicants will be notified of the results of the shortlisting in writing. Finalists will be informed of the interview date and time and will be provided with additional project information, if available.
2. The Selection Committee will make a recommendation to the President of the University. All finalists will be notified in writing of the President's action. Upon approval by the President, negotiations will be conducted in accordance with Section 287.055, Florida Statutes.
3. A copy of the building program may be purchased at Boca Blueprint, 2029 N.W. 2nd Avenue, Boca Raton, FL 33431, (561)395-4944.

**CALL FOR PRE-QUALIFICATION INFORMATION**

**PROJECT:** Construction of Residence Hall

**QUALIFICATION:** All responders must be qualified at the time of submission of qualifying information.

**PRE-QUALIFICATION INFORMATION SOLICITATION:** Available at <http://www.uwf.edu/purchasing> or by contacting Sue Morgan, (850)474-2069, e-mail: [smorgan@uwf.edu](mailto:smorgan@uwf.edu).

Sealed responses will be received on:

**DATE AND TIME:** September 23, 2002, 2:00 p.m.

**PLACE:** University of West Florida, Bldg. 20, Room 158

at which time and place they will be publicly opened and names of respondents announced. Mailed responses should be sent to:

Purchasing Department  
University of West Florida  
11000 University Parkway  
Pensacola, FL 32514

Attn: Elaine Smith, Assistant Purchasing Director

RFQ number must be marked on outside of response package. The University will not be responsible for unopened response packages at the bid opening when the package is not properly identified.

**PROPOSAL:** Responses must be submitted in full as outlined in the pre-qualification solicitation.

**NOTICE TO PROFESSIONAL CONSULTANTS**

The University of Central Florida on behalf of the State of Florida, Divisions of Colleges and Universities announces that Professional Services in the discipline of architecture will be required for the projects listed below:



Project No. BR-501

Project and Location: Engineering III Building, University of Central Florida, Orlando, Florida 32816-3020.

The project consists of the design and construction of a new facility that contains approximately 24,713 sq. ft. of research labs, 7,306 sq. ft. of study space, 18, 634 sq. ft. of office/computers, and 1,350 sq. ft. of auditorium, 9,480 sq. ft. of academic support, and 13,986 sq. ft. of classrooms.

The combined construction cost will be approximately \$15,000,000.

This facility will be in the planning phase in the fiscal year 2002-03. The selected firm will provide design, construction documents, and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,500,000 and will be provided as a part of Basic Services.

Note: With respect to the Florida Building Code, the University may elect to use the "affidavit method" for compliance, to include plans review and construction inspection services to be provided by the architect.

**INSTRUCTIONS**

Firms desiring to apply for consideration must submit a letter of application. The letter of application should have attached:

1. The most recent version of the Florida Board of Education "Professional Qualifications Supplement" (PQS) dated 2/02, completed by the applicant. Do not alter the PQS form.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for Florida Board of Education 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 \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Ms. Gina Seabrook, University of Central Florida, Phone (407)823-2166, Fax (407)823-5141, Email: gseabroo@mail.ucf.edu, website: www.fp.ucf.edu. Submittals must be

received in the Physical Plant Building, University of Central Florida, Office of Facilities Planning, 4000 Central Florida Boulevard, P. O. Box 163020, Orlando, FL 32816-3020, by 5:00 p.m. (Local Time), September 23, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

**NOTICE TO DESIGN/BUILD FIRMS**

Request for Qualifications (RFQ) for Selection of the Design/Build Firm on the Basis of Qualifications

The Office of Facilities Planning and Construction announces that Design/Build services are required for the project(s) listed below. Applications are to be sent to:

Tony Gimenez, Project Manager  
 Duval County Public Schools  
 Facilities Planning & Construction  
 1701 Prudential Drive – 5th Floor  
 Jacksonville, FL 32207-8182

PROJECT NO.: C-90550  
 PROJECT NAME: Additions, Renovations, Remodeling and Site Improvements at Paxon Middle School No. 92

PROJECT LOCATION: 3276 Norman Thagard Blvd., Jacksonville, FL 32254

PROJECT BUDGET: \$13,802,133

DESIGN BUILD BUDGET: \$11,033,055

SERVICES TO BE PROVIDED: Design Build Services for the replacement of existing sixth, seventh, and eighth grade classroom buildings 1, 2 and 3 to include classrooms, science labs, administration office, restrooms, business and resources labs; temporarily housing students in portables during construction; replacement of existing bus loop and includes major maintenance and repairs to the existing campus. The shortlisted firms shall be required to meet the Design Criteria package and District Educational Specifications and Guidelines. The selected firm will be expected to present an approved design and a Guaranteed Maximum Price to meet the stated requirements in this advertisement.

Proposed Construction  
 Start Date: March 15, 2003  
 Proposed

Occupancy Date: July 15, 2004  
 DCPS PROJECT  
 MANAGER: Tony Gimenez  
 PHONE NO.: (904)390-2279  
 RESPONSE  
 DUE DATE: 4:30 p.m., September 17, 2002  
 MBE GOALS: Design: 6% AA, 9% HANA, 7% WBE  
 Construction: 10% AA, 5% HANA, 5% WBE

**NOTICE TO DESIGN/BUILD FIRMS**

Request for Qualifications (RFQ) for Selection  
 of the Design/Build Firm on the Basis of Qualifications  
 The Office of Facilities Planning and Construction announces that Design/Build services are required for the project(s) listed below. Applications are to be sent to:

John Nicholson  
 Duval County Public Schools  
 Facilities Planning & Construction  
 1701 Prudential Drive – 5th Floor  
 Jacksonville, FL 32207-8182

PROJECT NO.: C-90930  
 PROJECT NAME: New Elementary School “Y” #141  
 (Montessori-Windsor Parke)

PROJECT  
 LOCATION: Duval County, Jacksonville, FL  
 PROJECT  
 BUDGET: \$10,800,000  
 CONSTRUCTION  
 BUDGET: \$7,850,000  
 SERVICES TO  
 BE PROVIDED: Design and construction of a 788 student station, single story, elementary school to be used for the Montessori method of instruction. An existing prototype that can be modified to meet Duval County Education Specifications, Design Guidelines and other design criteria may be considered by the selection committee. If presenting a reuse plan of an existing school, please indicate so in the letter of interest; giving details of construction costs, location, contact person at that school district, and any other pertinent information. The selected firm will be expected to present an approved design and a Guaranteed Maximum Price to meet the stated required dates in this advertisement.

Proposed  
 Construction  
 Start Date: May 1, 2003  
 Proposed  
 Occupancy Date: July 1, 2004  
 DCPS PROJECT  
 MANAGER: John Nicholson  
 PHONE NO.: (904)390-2279  
 RESPONSE  
 DUE DATE: 4:30 p.m., September 17, 2002  
 RESPONSE  
 DUE DATE: 4:30 p.m., September 17, 2002  
 MBE GOALS: Design: 5% AA, 10% HANA, 5% WBE  
 Construction: 10% AA, 5% HANA, 5% WBE

**Invitation To Bid (ITB)**

For a General Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207, until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools School Board Building, located at 1701 Prudential Drive, 5th Floor, Room 513-D, Jacksonville, FL.

**BIDS ARE DUE ON OR BEFORE  
 TUESDAY, SEPTEMBER 24, 2002**

**AND WILL BE ACCEPTED UNTIL 2:00 P.M.**

PROJECT TITLE: Mandarin Middle School No. 259 “ESE” Conversion

DCPS PROJECT No. C-90960

This project will convert 3 existing shop spaces and adjacent storage/office space into 5 ESE (Exceptional Student Education) classrooms and related therapy rooms, restrooms, offices, and lab; and add exterior walkway canopies. The total construction budget is \$770,000.

All contractors interested in bidding are required to attend a mandatory pre-bid conference to be held on September 9, 2002, 10:00 a.m. The meeting location is Mandarin Middle School (check in at Main Office), 5100 Hood Road, Jacksonville, Florida. Failure to attend the pre-bid conference in its entirety shall result in disqualification of that firm’s proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$150 at the office of:

Junck & Walker Architects  
8111 Old Kings Road, South, Suite 2A  
Jacksonville, FL 32217  
Contact: Jeni Lassley, (904)731-4033  
DCSB Point of Contact: Raymond Varas at  
varasr@educationcentral.org

Contract documents for bidding may also be examined at, but not obtained at Duval County Public Schools, Facilities Services, 5th Floor, 1701 Prudential Drive.

MBE Participation Goal: 20% Overall

The Bid Award Recommendation will be posted on the First Floor, Bulletin Board, Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

#### REQUEST FOR ARCHITECTURAL SERVICES

The Gulf Coast Community College, District Board of Trustees is seeking submittals from architectural firms qualified to render services for the remodeling /renovation of the Language Arts Building. The scope for this project includes the complete remodeling of about 10,000 square feet of classrooms, offices, and related support spaces as well as the renovation and technological upgrade of a 3,000 square foot lecture hall. The project will also include the upgrading and/or replacement of the existing electrical, plumbing, telecommunications, and roofing systems. The funding limitation for the design, construction, and furnishing of the facility is approximately 2 million dollars.

For the submittal format, contact: Coordinator of Purchasing, Administration Building, Room 126, 5230 West U.S. Highway 98, Panama City, FL 32401 or call (850)872-3843. Submittals must be received by the coordinator of purchasing on or before 2:00 p.m., September 3, 2002. Label your submittal as "2003-01 Language Arts Building." Submittals received after the stated time and date will not be considered. Direct all questions to the coordinator of purchasing.

In accordance with Chapter 287 of the Florida Statutes, a committee appointed by the board will evaluate the submittals and select a minimum of three firms for interview. It is anticipated that the committee will complete the process and be prepared to make a recommendation at the October meeting of the District Board of Trustees.

#### DEPARTMENT OF MANAGEMENT SERVICES

##### NOTICE REGARDING ELECTRONIC POSTING

Pursuant to Section 287.042(3)(b)2. of the Florida Statutes, the Department of Management Services hereby provides notice of the following URL for the centralized website that will be used

for electronically posting solicitations, decisions or intended decisions, and other matters relating to procurement: [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

## Section XII Miscellaneous

#### DEPARTMENT OF STATE

The Division of Historical Resources announces that it is soliciting applications for State Grants-in-Aid assistance for historical museums projects.

An anticipated \$1,500,000 could be available to assist General Operating Support and Public Educational Exhibit activities.

Solicitation begins Tuesday, October 1, 2002.

The deadline for filing applications is December 16, 2002. Applications must be delivered to the Grants Office, Room B-11, The Old Capitol, 400 South Monroe Street, Tallahassee, Florida, by 5:00 p.m., on that date or be clearly postmarked or show evidence of submission to an express mail service on or before that date.

Application forms and more information may be obtained from the Grants Manager, Bureau of Historical Museums, The Old Capitol, 400 South Monroe Street, Tallahassee, Florida 32301, or call (850)487-1902.

#### DEPARTMENT OF BANKING AND FINANCE

##### NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.dbf.state.fl.us/banking.html>. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, 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, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Section 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., September 13, 2002):

Name and Address of Applicant: Railroad & Industrial Credit Union, Post Office Box 5125, Tampa, Florida 33675-5125

Expansion includes 25 select employee groups located in Hillsborough and Polk counties.

Received: August 9, 2002

**DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation announces a change to the specifications for orange vests and work zone signs to be used in Department of Transportation construction projects. The revised standards are specified as follows:

- Orange Vest/Garments: American National Standards Institute (ANSI) and International Safety Equipment Association (ISEA) High-Visibility Apparel
- Work Zone Signs: Fluorescent Orange Sheeting (FOS)

Due to the wide use of the above Maintenance of Traffic items, the Department is making a special effort to notify organizations in advance of the changes to these two specifications. With this advance notification, it is the Department's intent to minimize the potential impacts of the impact and allow time to plan for these changes when purchasing materials for use on State Highways. The changes and implementation plans are as follows:

**Orange Vest/Garments:** The Department has adopted the use of orange vest/garments that conform to ANSI/ISEA 107-1999 Standard Class 3 to be worn whenever workers are within 15 feet of the edge of the travelway. Class 3 vest/garments will apply to "ALL SPEEDS" on FDOT facilities. Vest/garments that meet this standard provide users with a high level of conspicuity through the use of combined fluorescent and retroreflective materials. This will be effective for all personnel working on Department projects let after January 1, 2003. For all other work on the State Highway system, consultants, surveyors, utility company personnel, local maintaining agency personnel, or any other person working within 15 feet of the edge of the travelway shall conform to this requirement by July 2004.

**Work Zone Signs:** The Department has adopted the use of FOS for all work zone signs where the color orange is required. FOS signs are significantly more conspicuous than standard orange signs, giving drivers more awareness of upcoming work zone operations.

**Implementation Plan:** The implementation plan for this is as follows:

All Orange Work Zone Roll-Up Signs	July 2004
All Orange Work Zone Signs on Interstates	July 2004
All Orange Work Zone Signs on other systems and uses	July 2005

The Department would encourage the use of ANSI/ISEA 107-1999 Standard Class 3 vest/garments and FOS prior to the above implementation dates to expedite the replacement of obsolete stock. Please advise the appropriate affected staff within your area of these changes. For additional information, please contact Cheryl Adams, (850)414-4327.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**CERTIFICATE OF NEED**

**DECISIONS ON EXPEDITED APPLICATIONS**

The Agency For Health Care Administration made the following decisions on Certificate of Need applications for expedited review:

County: Columbia Service District: 3  
 CON #: 9592 Decision Date: 8/12/2002 Decision: D  
 Facility/Project: Lake City Hospitals  
 Applicant: Notami Hospitals of Florida, Inc.  
 Project Description: Convert 20 adult psychiatric beds to 20 acute care beds  
 Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

**CERTIFICATE OF NEED**

**LETTERS OF INTENT**

The Agency For Health Care Administration received and accepted the following letters of intent for the September 11, 2002 application filing date for Hospital Beds and Facilities batching cycle:

County: Escambia	District: 1
Date Filed: August 12, 2002	LOI#: H0208001
Facility/Project: Baptist Hospital, Inc.	
Applicant: Baptist Hospital, Inc.	
Project Description: Establish an acute care satellite hospital with up to 100 beds	
County: Bay	District: 2
Date Filed: August 12, 2002	LOI#: H0208002
Facility/Project: SemperCare Hospital of Panama City, Inc.	
Applicant: SemperCare Hospital of Panama City, Inc.	
Project Description: Establish a long-term care hospital of up to 45 beds	
County: Bay	District: 2
Date Filed: August 12, 2002	LOI#: H0208003
Facility/Project: SemperCare Hospital of Panama City, Inc.	
Applicant: SemperCare Hospital of Panama City, Inc.	
Project Description: Establish a long-term care hospital of up to 45 beds	
County: Bay	District: 2
Date Filed: August 12, 2002	LOI#: H0208004
Facility/Project: Healthsouth Emerald Coast Rehabilitation Hospital	
Applicant: Lakeshore System Services of Florida, Inc.	
Project Description: Add up to 10 CMR beds	

County: Citrus District: 3  
 Date Filed: August 12, 2002 LOI#: H0208005  
 Facility/Project: Seven Rivers Community Hospital  
 Applicant: Tenet HealthSystems Hospital, Inc.  
 Project Description: Add up to 16 CMR beds through the delicensure of up to 8 acute care beds and 8 adult psychiatric beds

County: Duval District: 4  
 Date Filed: August 12, 2002 LOI#: H0208006  
 Facility/Project: St. Vincent's Medical Center, Inc.  
 Applicant: St. Vincent's Medical Center, Inc.  
 Project Description: Establish a Level II NICU of up to 10 beds through the delicensure of up to 10 Level II NICU beds at St. Luke's Hospital

County: Duval District: 4  
 Date Filed: August 12, 2002 LOI#: H0208007  
 Facility/Project: St. Vincent's Medical Center, Inc.  
 Applicant: St. Vincent's Medical Center, Inc.  
 Project Description: Establish a new acute care hospital of up to 220 beds

County: Duval District: 4  
 Date Filed: August 12, 2002 LOI#: H0208008  
 Facility/Project: Southern Baptist Hospital of Florida, Inc.  
 Applicant: Southern Baptist Hospital of Florida, Inc.  
 Project Description: Establish a new acute care hospital of up to 125 beds through the delicensure of 125 acute care beds at Baptist Medical Center

County: Duval District: 4  
 Date Filed: August 12, 2002 LOI#: H0208009  
 Facility/Project: St. Luke's Hospital Association  
 Applicant: St. Luke's Hospital Association  
 Project Description: Establish a replacement hospital of up to 214 beds and existing cardiac and transplant services

County: Volusia District: 4  
 Date Filed: August 12, 2002 LOI#: H0208010  
 Facility/Project: SemperCare Hospital of Volusia, Inc.  
 Applicant: SemperCare Hospital of Volusia, Inc.  
 Project Description: Establish a long-term care hospital of up to 45 beds

County: Volusia District: 4  
 Date Filed: August 12, 2002 LOI#: H0208011  
 Facility/Project: SemperCare Hospital of Volusia, Inc.  
 Applicant: SemperCare Hospital of Volusia, Inc.  
 Project Description: Establish a long-term care hospital of up to 45 beds

County: Clay District: 4  
 Date Filed: August 12, 2002 LOI#: H0208012  
 Facility/Project: Kindred Hospital of North Florida  
 Applicant: Kindred Hospitals East, L.L.C.  
 Project Description: Add up to 20 long-term care hospital beds

County: Pinellas District: 5  
 Date Filed: August 12, 2002 LOI#: H0208013  
 Facility/Project: HealthSouth Rehabilitation Hospital  
 Applicant: HealthSouth of Largo Limited Partnership  
 Project Description: Add up to 20 CMR beds

County: Pinellas District: 5  
 Date Filed: August 12, 2002 LOI#: H0208014  
 Facility/Project: All Children's Hospital  
 Applicant: All Children's Hospital, Inc.  
 Project Description: Add up to 22 Level III NICU beds through the delicensure of up to 15 Level II beds and the addition of up to 7 Level III beds

County: Pinellas District: 5  
 Date Filed: August 12, 2002 LOI#: H0208015  
 Facility/Project: All Children's Hospital  
 Applicant: All Children's Hospital, Inc.  
 Project Description: Add up to 7 Level III NICU beds

County: Pinellas District: 5  
 Date Filed: August 12, 2002 LOI#: H0208016  
 Facility/Project: Morton Plant Hospital  
 Applicant: The Morton Plant Hospital Association  
 Project Description: Establish a 7-bed Level III NICU

County: Hillsborough District: 6  
 Date Filed: August 12, 2002 LOI#: H0208017  
 Facility/Project: St. Joseph's Hospital, Inc.  
 Applicant: St. Joseph's Hospital, Inc.  
 Project Description: Establish a 150-bed acute care satellite hospital through the delicensure of 150 beds at St. Joseph's Hospital

County: Polk District: 6  
 Date Filed: August 12, 2002 LOI#: H0208018  
 Facility/Project: MHC/CSI Florida, Inc.  
 Applicant: MHC/CSI Florida, Inc.  
 Project Description: Establish a long-term care hospital of up to 40 beds

County: Orange District: 7  
 Date Filed: August 12, 2002 LOI#: H0208019  
 Facility/Project: Arnold Palmer Hospital  
 Applicant: Orlando Regional Healthcare System, Inc.  
 Project Description: Add up to 34 Level II NICU beds

County: Orange District: 7  
 Date Filed: August 12, 2002 LOI#: H0208020  
 Facility/Project: Arnold Palmer Hospital  
 Applicant: Orlando Regional Healthcare System, Inc.  
 Project Description: Add up to 127 acute care beds

County: Charlotte District: 8  
 Date Filed: August 12, 2002 LOI#: H0208021  
 Facility/Project: Punta Gorda, H.M.A.  
 Applicant: Punta Gorda, H.M.A.

Project Description: Establish a new acute care hospital of up to 75 beds through the delicensure of up to 75 acute care beds at Charlotte Regional Medical Center

County: Charlotte District: 8  
 Date Filed: August 12, 2002 LOI#: H0208022  
 Facility/Project: MHC/CSI Florida, Inc.  
 Applicant: MHC/CSI Florida, Inc.

Project Description: Establish a long-term care hospital of up to 30 beds

County: Palm Beach District: 9  
 Date Filed: August 12, 2002 LOI#: H0208023  
 Facility/Project: JFK Medical Center  
 Applicant: Columbia JFK Medical Center, L.P.

Project Description: Add up to 75 acute care beds

County: Palm Beach District: 9  
 Date Filed: August 12, 2002 LOI#: H0208024  
 Facility/Project: Wellington Regional Medical Center  
 Applicant: Wellington Regional Medical Center, Inc.

Project Description: Add up to 25 new acute care beds

County: Indian River District: 9  
 Date Filed: August 12, 2002 LOI#: H0208025  
 Facility/Project: HealthSouth of Stuart, Inc.  
 Applicant: HealthSouth of Stuart, Inc.

Project Description: Establish a long-term care hospital of up to 18 beds

County: Broward District: 10  
 Date Filed: August 12, 2002 LOI#: H0208026  
 Facility/Project: St. John's Rehabilitation Hospital and Nursing Center

Applicant: St. John's Rehabilitation Hospital and Nursing Center, Inc.

Project Description: Add up to 6 CMR beds

County: Broward District: 10  
 Date Filed: August 12, 2002 LOI#: H0208027  
 Facility/Project: Kindred Hospital South Florida - Ft. Lauderdale

Applicant: Kindred Hospitals East, L.L.C.

Project Description: Add up to 6 long-term care hospital beds

County: Dade District: 11  
 Date Filed: August 12, 2002 LOI#: H0208028  
 Facility/Project: Palmetto General Hospital  
 Applicant: Lifemark Hospitals of Florida, Inc.

Project Description: Add up to 5 Level II NICU beds through the delicensure of up to 5 acute care beds

County: Dade District: 11  
 Date Filed: August 12, 2002 LOI#: H0208029  
 Facility/Project: South Miami Hospital  
 Applicant: South Miami Hospital, Inc.

Project Description: Establish a Level III NICU of up to 6 beds through the delicensure of up to 6 Level II NICU beds

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after October 16, 2002, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on September 27, 2002.

AHCA Purchase Order Number: S5900K00142

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**FLORIDA CATEGORICAL EXCLUSION NOTIFICATION**  
**GRACEVILLE, FLORIDA**

The Florida Department of Environmental Protection has determined that the project involving wastewater facilities improvements 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 regarding the Categorical Exclusion Notification, please call Troy Mullis, (850)488-8163.

**NOTICE OF FLORIDA COASTAL MANAGEMENT**  
**PROGRAM - ROUTINE PROGRAM CHANGE**

A routine request to update the Approved Florida Coastal Program has been submitted to the federal Office of Ocean and Coastal Resource Management of the National Oceanic and Atmospheric Administration. The Department of Environmental Protection has determined that the proposed program changes are a routine program change as defined by 15 CFR 923.84.

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."

**NOTICE OF INTENT TO GRANT EXEMPTION**

The Department of Environmental Protection gives notice of its intent to grant an exemption to Billy Blake and Kathy Keck from the maximum contaminant levels for color and iron at the J & S Fish Camp Public Water System. The system is located at 9500 S. W. Connors Highway, Okeechobee, in Martin County, Florida.

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, or a copy of the petition for exemption or intent to grant, call Michele Owens, (561)681-6751.

**DEPARTMENT OF JUVENILE JUSTICE**

The Florida Department of Juvenile Justice has posted the following revised policy for review and comment on MyFlorida.com at: <http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>. The department-wide policy (type B) addresses the following issue: Property Management and Control – revises formal procedures for the management, control and inspection of State-owned, tangible personal property, providing accountability for property through inventory and records management. This is the first of two – 20 working day review and comment periods.

Please submit comments to the contact person identified on the above website. The closure date for submission of comments is September 6, 2002. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of a review period at: <http://www.djj.state.fl.us/reference/policiesandprocedures/policycomments.html>.

**DEPARTMENT OF HEALTH**

On August 13, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Ann Wade Burnett, R.N. Burnett holds license number RN 2709752. Burnett's last known address is 3291 Bahia Del Mar, #107, St. Petersburg, Florida 33715. 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.

On August 13, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Dora Elisa Donaldson, L.P.N. Donaldson holds license number PN 1130281. Donaldson's last known address is 805 Melody Drive, Chuluota, Florida 32766. 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.

On August 13, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Patricia Richards, license number PN 5149099. Patricia Richards' last known address is 1427 Monte Lake Drive, Valrico, Florida 33594. 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 August 13, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Rebecca Rose Wilson, R.N. Wilson holds license number RN 3039252. Wilson's last known address is 9205 Binnacle Drive, Apartment 3214, Port Richey, Florida 34668. 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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**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The Florida Automobile Joint Underwriting Association (the residual auto insurance market for Florida) is seeking a General Manager for our Tallahassee, FL office. The ideal candidate will utilize their experience in business or government as they work with the FAJUA, Board of Governors, Committees, as well as the Florida Insurance Department to:

Manage a portfolio of financial systems balancing current and future business demands.

Direct the operation of the association to ensure that operational efficiency and quality have a positive impact on operating results.

Develop, direct and implement strategies to improve operational efficiency and meet objectives.

Maintain full compliance with state regulatory requirements.

Manage the business planning process; monitoring, analyzing and reporting on financial and operational results and analyzing economic and industry trends in support of short and long range strategies.

Supervise employees in the Tallahassee office.

Work with servicing carriers on underwriting and claim issues. Requirements include a Bachelors degree and a minimum of 5-7 years of PC insurance related experience. We offer an excellent benefit package and competitive salary. In accordance with Florida's public records laws, inquiries are NOT confidential.

Send resume and salary requirements to: Spencer L. Cullen, Jr., 1113 East Tennessee Street, Suite 401, Tallahassee, FL 32308 or Fax to (850)681-7802.

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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 August 5, 2002  
and August 9, 2002**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**STATE BOARD OF ADMINISTRATION**  
**Florida Prepaid Postsecondary Education Expense Board**

19B-5.001	8/7/02	8/27/02	28/25	
19B-5.003	8/7/02	8/27/02	28/25	

**WATER MANAGEMENT DISTRICTS**  
**Southwest Florida Water Management District**

40D-1.6105	8/5/02	8/25/02	28/16	28/25
40D-1.659	8/5/02	8/25/02	28/16	

**DEPARTMENT OF HEALTH**  
**Division of Medical Quality Assurance Boards**

64B-8.001	8/5/02	8/25/02	28/27	
64B-8.002	8/5/02	8/25/02	28/27	
64B-8.003	8/5/02	8/25/02	28/27	
64B-8.004	8/5/02	8/25/02	28/27	

64B-8.005	8/5/02	8/25/02	28/27	
64B-8.006	8/5/02	8/25/02	28/27	
64B-8.009	8/5/02	8/25/02	28/27	
64B-8.013	8/5/02	8/25/02	28/27	
64B-8.014	8/5/02	8/25/02	28/27	
64B-8.015	8/5/02	8/25/02	28/27	
64B-8.016	8/5/02	8/25/02	28/27	
64B-8.017	8/5/02	8/25/02	28/27	
64B-8.018	8/5/02	8/25/02	28/27	

**Board of Pharmacy**

64B16-27.831	8/9/02	8/29/02	28/19	28/27
64B16-30.002	8/6/02	8/26/02	28/27	
64B16-30.003	8/6/02	8/26/02	28/27	

**Council of Medical Physicists**

64B23-5.001	8/6/02	8/26/02	28/20	
64B23-6.003	8/6/02	8/26/02	28/20	