

PURPOSE AND EFFECT: Rule Chapter 14-87 is being amended relating to commercial motor vehicle penalties and fees. The definitions rule is amended and restructured, the surety bonds rule is repealed, and the rule relating to penalties, fees, and detaining and impounding commercial motor vehicles is amended.

SUBJECT AREA TO BE ADDRESSED: Rule Chapter 14-87 is being amended relating to commercial motor vehicle penalties and fees.

SPECIFIC AUTHORITY: 316.302, 334.044(2) FS.

LAW IMPLEMENTED: 316.302, 316.3025, 316.515, 316.535, 316.545, 316.550, 316.70 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 IS: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-87.0011 Definitions.

The following words and phrases, when used in these rules, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(1) "Citation" means a written statement issued by the Department to a motor carrier for:

(a) A violation A Load Report and Field Receipt issued to the owner or driver of a commercial motor vehicle for violation of weight or and vehicle registration laws; or

(b) A Safety Report and Field Receipt issued to the owner or driver of a commercial motor vehicle for violation of safety laws, and regulations, or and permit violations; or

(c) A The penalty portion of an I.R.P. Trip Permit & Temporary Fuel Use Permit issued to the owner or driver of a commercial motor vehicle in violation of the fuel use tax requirements contained in Chapter 207, Florida Statutes.

(2) "Commercial Motor Vehicle" means as defined in Section 316.003(66), Florida Statutes.

(3) "Department" means the Florida Department of Transportation.

(4) "Director" means the Director of the Motor Carrier Compliance Office, Florida Department of Transportation.

(5) "Fee" means a charge for a permit.

(6) "Motor Carrier" means any person, corporation, or entity of any kind owning, controlling, operating, managing, contracting with the owner or operator of, or dispatching any commercial motor vehicle.

(7) "Motor Carrier Compliance Office" means that office within the Department which is responsible for enforcing Commercial Motor Vehicle regulations.

(8) "Penalty" means a monetary amount prescribed by statute or Department rule as an administrative assessment for a violation of a commercial motor vehicle law or rule pursuant to the issuance of a citation or a notice of violation.

(9) "Penalty Collections Unit" means those employees of the Motor Carrier Compliance Office assigned by the Director to ensure that penalties are collected in a manner consistent with applicable rules and laws.

(10)(2) "Permit" means:

(a) An International Registration Plan (~~I.R.P.~~) Trip Permit issued to a motor carrier ~~the owner or driver of a commercial motor vehicle~~ authorizing temporary operation on the public roads of this State in lieu of permanent registration; or

(b) A Temporary Fuel Use Permit issued to a motor carrier ~~the owner or driver of a commercial motor vehicle~~ authorizing temporary operation on the public roads of this State in lieu of permanent registration.

(c)(3) ~~A~~ "Special Permit" means a permit issued by the Department which authorizes the operation of an oversize or overweight commercial motor vehicle and load over the State Highway System.

(4) "~~Penalty~~" means a monetary amount prescribed by statute or Department rule as a civil penalty to be assessed administratively for a violation of a commercial motor vehicle law pursuant to the issuance of a citation or a notice of violation.

(5) "Fee" means a charge for a permit.

(6) "~~Commercial Motor Vehicle~~", when used in these rules shall be as defined in Section 316.003(66), Florida Statutes.

(7) "Director" means the Director of the Motor Carrier Compliance Office, Florida Department of Transportation.

(8) "Association" means an organized body of people who have a common interest in the business of transporting persons or property by commercial motor vehicle in commerce on the public roads of this State, and who have registered as an association with the Secretary of State.

(9) "Notice of Violation" means a notice of violation as defined by Rule 14-108.002(5).

Specific Authority 316.302, 316.3025, 316.515, 316.535, 316.545, 316.550, 316.70, 334.044(2) FS. Law Implemented 316.302, 316.3025, 316.515, 316.535, 316.545, 316.550, 316.70 FS. History—New 7-15-91, Amended 9-12-96.

14-87.002 Penalties and Fees Due; Detaining and Impounding Commercial Motor Vehicles.

(1) Penalties and fees imposed upon the operations of commercial motor vehicles are due and payable upon the issuance of a citation or a permit. Law enforcement officers and weight inspectors employed by the Motor Carrier Compliance Office, and other authorized agents of the

Department, upon issuance of a citation, shall allow motor carriers in good standing to make payment of penalties within 20 calendar days from the issuance of the citation. Payment must be received by the Motor Carrier Compliance Office Penalty Collections Unit in Tallahassee, Florida, within 20 calendar days from the date of the citation. Penalties due under Chapter 14-108 are due in accordance Rule 14-108.004. All penalties and fees not guaranteed by a Surety Bond must be paid to the officer or inspector issuing the citation or permit or detaining the vehicle for nonpayment of penalties prescribed under Rule 14-108.005 prior to further operation of the affected commercial motor vehicle on the roads of this State. Payment may be in cash, by cashier's check or by money order. In the event that payment is not made when payment is due, the motor vehicle will be impounded in accordance with Sections 316.3025 or 316.545, Florida Statutes.

(2) In the event that payment of penalties is not received within the 20 calendar day period, the commercial motor vehicle(s) shall be impounded in accordance with Sections 316.545, 316.3025, 316.516, and 316.550, Florida Statutes. Motor carriers who fail to pay any and all penalties owed to the Department will be referred to the Department of Highway Safety and Motor Vehicles, where the vehicle's registrations and fuel permits shall be revoked or suspended in accordance with Section 320.18, Florida Statutes. When a Surety Bond has been properly filed and accepted by the Department, the vehicle will be released upon presenting written evidence of the surety bond to the officer or inspector detaining the vehicle and payment must be remitted to the officer or inspector within ten working days of the release of the vehicle. Company checks may be accepted when a proper Surety Bond is on file. In the event that payment is not made within ten working days of release of the vehicle, the Department will take action to recover the penalty amount from the surety bond.

(3) The Director shall develop and adopt payment and collection practices consistent with state law and sound fiscal policy, and approve all forms for citations and notices of violations to be issued for violations involving commercial motor vehicles. Payment methods for citations include cash, money orders, certified funds (electronic or manual), credit cards, and company checks. A receipt shall be provided to the motor carrier upon payment of penalties collected. All penalties collected in accordance with these rules will be made payable to the State Treasurer, who will credit the funds to the State Transportation Trust Fund and any other accounts specified by state law.

(4) Motor carriers who owe penalties to the state or have not paid penalties in a timely fashion on one or more previous occasion, shall be deemed to be not in good standing. Commercial motor vehicles operated by such motor carriers may be detained or impounded immediately and held until all penalties are paid to the Department. A list of such motor

carriers will be provided statewide to Motor Carrier Compliance Office law enforcement officers and weight inspectors by the Penalty Collections Unit.

(5) Except as set forth in Rule Chapter 14-108, F.A.C., involving penalties assessed during compliance reviews, the fact that a motor carrier has requested a hearing before the Commercial Motor Vehicle Review board does not relieve responsibility to make payment of the assessed penalty within the 20 day period.

(6)(3) Commercial mMotor vehicles impounded in accordance with this rule will be released upon payment of all penalties owed to the Motor Carrier Compliance Office Penalty Collections Unit in Tallahassee, Florida, the penalty of the posting of a bond pursuant to Section 316.545, Florida Statutes, or upon a determination by the Commercial Motor Carrier Review Board to cancel or revoke the penalty, or upon the issuance of a Department order setting aside the penalty as the result of a proceeding held pursuant to Section 120.57, Florida Statutes. Commercial mMotor vehicles released as a result of the posting of a bond under Section 316.545, Florida Statutes, remain subject to the lien imposed by that statute.

(7) Any costs associated with the detention, impoundment, and storage of commercial motor vehicles in accordance with Sections 316.545, 316.3025, and 316.516, Florida Statutes, shall be the responsibility of the motor carrier, and proof of payment of such costs shall be provided to the Department prior to the vehicle being released.

Specific Authority 316.302, 316.515, 316.3025, 316.545, 316.550, 316.70, 334.044(2) FS. Law Implemented 316.302, 316.3025, 316.515, 316.535, 316.545, 316.550, 316.70 FS. History--New 1-8-86, Amended 2-25-87, 7-15-91, 9-12-96, _____.

14-87.004 Surety Bonds.

Specific Authority 316.3025, 316.515, 316.545, 316.550, 316.70, 334.044(2) FS. Law Implemented 316.302, 316.3025, 316.515, 316.535, 316.545, 316.550, 316.70 FS. History--New 1-8-86, Amended 2-25-87, 7-15-91, Repealed _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Transition Assistance Program
 RULE NO.: 33-601.504

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement s. 944.7065, F.S., which requires that each inmate released from incarceration be provided with a 100 hour comprehensive transition course that covers job readiness and life management skills.

SUBJECT AREA TO BE ADDRESSED: Mandatory transition skills program.

SPECIFIC AUTHORITY: 944.09, 944.701, 944.706, 944.708 FS.

LAW IMPLEMENTED: 20.315, 944.291, 944.708, 944.611, 944.613, 944.7065 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.504 Transition Assistance Program.

(1) through (3)(a) No change.

(b) The transition skills program will be provided to all inmates and all inmates will be required to complete the course prior to release except for the following:

1. Emergency releases;

2. Inmates who are not to be released from incarceration such as those released to detainees to other state or federal authorities where the inmate will be detained or incarcerated. However, pursuant to Section 944.703, F.S., the Department of Corrections shall determine whether cancellation of the detainer is likely or that the incarceration for which the detainer was issued will be of short duration.

3. Inmates who are unable to attend due to mental or medical conditions as supported by written medical staff direction or opinion.

4. Inmates who are in the reception process.

5. Inmates who have completed the reception process but cannot complete the course.

6. Inmates who are serving a Florida sentence in another jurisdiction.

(c) The transition assistance specialist shall review all inmates at the facility who are within 180 days of release to verify completion of the transition skills program.

(d) The Institutional Classification Team (ICT) shall ensure that inmates mandated for the 100-Hour Transition Skills Program are informed of this assignment in accordance with classification procedures and that the consequences of the refusal are explained. The explanation shall include:

1. The inmate is required to participate in the mandatory transition skills program.

2. Disciplinary action in accordance with Chapter 33-601, F.A.C., will be imposed as a consequence of the inmate refusing to work or participate in mandatory programs.

3. In addition to disciplinary action, no inmate will be eligible to participate in a work release center assignment or work release program if he or she refuses to participate in the mandatory transition skills program or has not subsequently completed the program.

4. Disciplinary action will also be taken if the inmate agrees to enter the mandatory transition skills program but is subsequently reassigned due to behavior problems or the inmate's unwillingness to actively participate in program activities and follow program rules as determined by transition services staff.

(e) If an inmate refuses to participate after program enrollment, the refusal shall be documented in the Ofender Based Information System (OBIS).

1. The inmate shall be required to sign Form DC5-415, Refusal of Mandatory 100-Hour Transition Skills Program. Form DC5-415 is hereby incorporated by reference. Copies of this 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 _____.

2. If the inmate refuses to sign Form DC5-415, the refusal shall be noted on the referral form and witnessed by two staff members.

3. If the inmate refuses to participate and later recants, the inmate shall be allowed to request to participate by completing an Inmate request, Form DC6-236, and submitting it to the transition assistance specialist. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(b) through (c) renumbered (f) through (g) No change.

(4) through (7) No change.

(8) The department is authorized to enter into contracts with the Agency for Workforce Innovation ~~Department of Labor and Employment Security~~ for the provision of job placement. The department is authorized to enter into contracts with the Department of ~~Children Health~~ and ~~Family Rehabilitative~~ Services, the Salvation Army, and other public or private organizations, including faith-based service groups, for the provision of basic support services in the various counties of the state for other provisions and special needs as the receiving agencies for inmate releaseses.

Specific Authority 944.09, 944.701, 944.706, 944.708 FS. Law Implemented 20.315, 944.291, 944.701-708, 944.611, 944.613, 944.7065 FS. History--New 1-19-86, Amended 11-8-86, 5-18-87, 4-20-89, 1-29-92, 5-21-92, 1-5-93, 11-16-97, Formerly 33-7.008, Amended _____.

DEPARTMENT OF ELDER AFFAIRS

Ageing and Assisted Living Programs

RULE TITLE: Administration RULE NO.: 58C-1.003

PURPOSE AND EFFECT: The purpose of this rule development is to consider making changes to the above referenced rule relating to the administration of the Department's Community Care for the Elderly (CCE) Program. This rule has not been updated since 1995.

SUBJECT AREA TO BE ADDRESSED: Department of Elder Affairs, Community Care for the Elderly Program.

SPECIFIC AUTHORITY: 410.021-.029, 430.08 FS., ch. 80-101, s. 10, ch. 91-115, s. 10, Laws of Fla.

LAW IMPLEMENTED: 410.024, 410.0241, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla.

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, IF AVAILABLE, IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Medicaid Certified School Match Program

RULE NO.: 59G-4.035

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Certified School Match Program Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Medicaid Certified School Match Program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 1011.70, 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126 FS.

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

TIME AND DATE: 9:30 a.m. (EST), March 7, 2003

PLACE: 2728 Ft. Knox Blvd., Bldg. 3, Conf. Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kim Corsmeier, Bureau of Medicaid Services, 2728 Ft. Knox Blvd., Bldg. 3, MS #20, Tallahassee, Florida 32308-5403, (850)922-7318

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.035 Medicaid Certified School Match Program.

(1) This rule applies to all school districts enrolled in the Medicaid certified school match program, as described in Section 409.9071, F.S.

(2) All school district providers enrolled in Medicaid under the certified school match program must be in compliance with the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, October 2003 ~~July 2002~~, incorporated by reference, and the Florida Medicaid General Handbook and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 1011.70, 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126 FS. History--New 4-9-98, Amended 11-23-99, 5-27-01, 10-31-02, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Chiropractic Services

RULE NO.: 59G-4.040

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Chiropractic Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Chiropractic Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., March 5, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Jackson, Medicaid Services, 2727 Mahan Drive, Building #3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.040 Chiropractic Services.

(1) No change.

(2) All chiropractic services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Chiropractic Coverage and Limitations Handbook, October 2003, ~~January 2001~~, which is incorporated by reference, and the Florida Medicaid Provider General Handbook and the Florida Medicaid Provider Reimbursement

Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. These Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History--New 6-1-89, Amended 7-1-91, 12-31-91, 3-17-92, 4-21-92, 11-9-92, 7-5-93, 1-19-94, Formerly 10C-7.066, Amended 10-10-94, 5-25-95, 1-9-96, 10-21-97, 5-24-99, 4-23-00, 7-5-01, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

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

TIME AND DATE: 9:30 a.m., March 7, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room E, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kay Aloï, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5403, (850)922-7330

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.055 County Health Department Clinic Services.

(1) No change.

(2) All county health department clinic services providers enrolled in the Medicaid program must comply with the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook, October 2003 ~~Florida Medicaid County Public Health Unit Clinic Services Coverage and Limitations Handbook, October 2000~~, incorporated by reference, the Florida Medicaid Provider General Handbook, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, incorporated by reference in Rule 59G-5.020, F.A.C. These Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, FS. History--New 6-27-93, Formerly 10P-4.350, Amended 4-16-95, 6-4-96, 6-24-98, 7-18-01, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Medicaid County Health Department
 Certified Match Program
 RULE NO.: 59G-4.058

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid County Health Department Certified Match Program Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid County Health Department Certified Match Program Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Medicaid County Health Department Certified Match Program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 381.0056, 381.0057, 409.905, 409.908, 409.9122 FS.

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

TIME AND DATE: 11:00 a.m. (EST), March 7, 2003

PLACE: 2728 Fort Knox Blvd., Building 3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ward Peck, Bureau of Medicaid Services, 2728 Fort Knox Blvd., Building 3, MS #20, Tallahassee, Florida 32308-5403, (850)922-7307

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.058 Medicaid County Health Department Certified Match Program.

(1) This rule applies to all county health departments enrolled in the Medicaid County Health Department Certified Match Program, as described in Section 409.9122, F.S.

(2) All county health department providers enrolled in Medicaid under the County Health Department Certified Match Program must comply with the Florida Medicaid County Health Department Certified Match Program Coverage and Limitations Handbook, October 2003 ~~July 1998~~, incorporated by reference, and the Florida Medicaid General Handbook and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference, in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 381.0056, 381.0057, 409.905, 409.908, 409.9122 FS. History--New 6-21-00, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Independent Laboratory Services
 RULE NO.: 59G-4.190

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Independent Laboratory Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., March 7, 2003

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room E, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Susan Rinaldi, Medicaid Services Office, 2728 Ft. Knox, Building 3, MS #20, Tallahassee, Florida 32308-5403, (850)922-7308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.190 Independent Laboratory Services.

(1) No change.

(2) All independent laboratory providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, October 2003 ~~April 2004~~, incorporated by reference, and the Florida Medicaid General Handbook and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. These Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Amended 10-11-81, Formerly 10C-7.41, Amended 6-30-92, Formerly 10C-7.041, Amended 9-28-94, 1-9-96, 10-20-96, 9-14-97, 3-22-00, 5-16-01, 2-14-02, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Podiatry Services
 RULE NO.: 59G-4.220

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Podiatry Services Coverage and Limitations Handbook,

October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Podiatry Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Podiatry Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Jackson, Medicaid Services, 2727 Mahan Drive, Building #3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.220 Podiatry Services.

(1) No change.

(2) All podiatry service providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Podiatry Services Coverage and Limitations Handbook, October 2003 ~~January 2004~~, which is incorporated by reference, and the Florida Medicaid Provider General Handbook and Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. These Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New 1-23-84, Amended 10-25-84, Formerly 10C-7.529, Amended 4-21-92, 11-9-92, 7-1-93, Formerly 10C-7.0529, 10P-4.220, Amended 1-7-96, 3-11-98 10-13-98, 5-24-99, 4-23-00, 7-5-01, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Physician Services
 RULE NO.: 59G-4.230

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Physician Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Physician Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Physician Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., March 5, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynne Metz, Medicaid Services, 2727 Mahan Drive, Building #3, MS 20, Tallahassee, Florida 32308, (850)922-7325

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Coverage and Limitations Handbook, October 2003 ~~January 2002 and April 2002~~, which is incorporated by reference, and the Florida Medicaid Provider General Handbook and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check Up 221, which is incorporated in Rule 59G-5.020, F.A.C. These Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.38, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE TITLE: General Definitions
 RULE NO.: 61G6-4.019

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

SUBJECT AREA TO BE ADDRESSED: General Definitions.

SPECIFIC AUTHORITY: 489.507(3) FS.

LAW IMPLEMENTED: 489.521(7)(b) 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: Anthony Spivey, Executive Director, Electrical Contractors Licensing Board, 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

Electrical Contractors’ Licensing Board

RULE TITLE: Application for Certification by Examination
 RULE NO.: 61G6-5.002

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

SUBJECT AREA TO BE ADDRESSED: Reexamination.

SPECIFIC AUTHORITY: 489.507(3) FS.

LAW IMPLEMENTED: 489.511 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: Anthony Spivey, Executive Director, Electrical Contractors’ Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Ballyhoo
 RULE CHAPTER NO.: 68B-56

RULE TITLES: Definitions
 RULE NOS.: 68B-56.001

Commercial Licensing Requirements; Appeals 68B-56.002

Allowable Commercial Harvesting Gear 68B-56.003

Commercial Season; Season Closure;

Daily Harvest and Possession Limits 68B-56.004

PURPOSE AND EFFECT: The purpose of this new rule chapter is to protect and conserve Florida’s ballyhoo resources and assure their continuing abundance. The ballyhoo stocks are being harvested at unsustainable levels and the commercial fishery is overcapitalized. The effect of these rules should be to reduce commercial harvest and effort and assure that there will be no entrants into the fishery until the ballyhoo stocks are no longer overfished.

SUBJECT AREA TO BE ADDRESSED: Florida’s commercial ballyhoo fishery.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charlie Hood, School Transportation Management Section, 325 West Gaines Street, Room 1114, Tallahassee, Florida 32399-0400, (850)488-4405

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-3.0171 Responsibilities of School Districts for Student Transportation.

Each school district shall exercise specific powers and responsibilities, as follows:

- (1) through (7) No change.
- (8) Inspection and maintenance of school buses.

(a) To provide, after considering recommendations of the superintendent, adequate storage, maintenance and inspection procedures for all buses owned by the school board, and to assure that all contract buses in use in the district are properly inspected and maintained in accordance with law and rules of the State Board.

(b) The inspection shall be conducted in accordance with procedures and include all items listed in the State of Florida School Bus Safety Inspection Manual, 2003 ~~2000~~ Edition which is hereby incorporated by reference and made a part of this rule. This document may be obtained from the Bureau of Career Development, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost not to exceed actual production and distribution cost.

(c) Inspection of buses shall be scheduled and performed at a maximum interval of thirty (30) ~~required every twenty (20)~~ school days. Any bus that is removed from service or deadlined so as to disrupt the safety inspection schedule shall be inspected prior to being returned to service. All deficiencies discovered during the safety inspection shall be noted on the inspection form. Follow-up repairs of all safety related items shall be made before the bus is returned to service and shall be documented.

(d) School bus inspections shall be conducted by technicians certified as school bus inspectors in accordance with the State of Florida School Bus Safety Inspection Manual, 2003 ~~2000~~ Edition. The requirement that inspections be performed by a certified school bus inspector may be waived for a period not to exceed six (6) months when an emergency condition exists, upon written notification to the Commissioner by the district superintendent. ~~This paragraph shall become effective January 1, 2001.~~

(e) No person shall knowingly render inoperative or reduce compliance of any school bus equipment required to meet Federal Motor Vehicle Safety Standards applicable at the time of manufacture.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Responsibilities of School Districts 6A-3.0171
for Student Transportation

PURPOSE AND EFFECT: The purpose of this rule amendment is to accommodate changes made by the Florida Legislature relating to school bus inspections and certification of school bus safety inspectors, and to incorporate by revision updated out-of-service criteria in the "State of Florida School Bus Safety Inspection Manual" to be used throughout the state in performing school bus inspections. In addition to improving the safety, efficiency, and reliability of school buses, the time period between required school bus safety inspections has been extended from 20 days to 30 days. The extension of this time period will have no effect on safety or reliability of school buses in use in Florida, and this change will result in cost savings for Florida's school districts and charter schools.

SUMMARY: This rule is amended to incorporate changes relating to school bus inspections and certification of school bus safety inspectors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1006.22 FS.

LAW IMPLEMENTED: 1006.22 FS.

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

TIME AND DATE: 9:00 a.m., March 18, 2003

Specific Authority ~~1003.31, 1006.21, 1006.22, 232.25, 234.01, 234.02, 234.051, 234.061, 235.26~~ FS. Law Implemented ~~1003.31, 1006.21(3), 1006.22, 230.23(8), 230.33(10), 234.01, 234.02, 234.021, 234.051, 234.061, 316.183(3), 316.189~~ FS. History—Amended 9-4-64, 3-25-66, 1-17-72, Revised 7-20-74, Repromulgated 12-5-74, Amended 11-24-76, 10-1-81, Formerly 6A-3.17, Amended 9-30-87, 6-26-89, 11-15-94, 8-28-95, 4-19-96, Formerly 6A-3.017, Amended 6-11-00, Formerly 6-3.017, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Morris, School Support Services, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wayne V. Pierson, Chief Financial Officer, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002 (as previously numbered Rule 6-3.017, FAC.)

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Specifications for New School Buses

RULE NO.: 6A-3.0291

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt revised specifications which ensure that new Florida school buses incorporate the latest safety and reliability-related technological improvements available from all manufacturers. The effect is to improve the safety, efficiency, and reliability of new school buses, through incorporation of the proposed changes including, in part: revision of warranty requirements; revised definition of Type A buses; adoption of National School Transportation Specifications and Procedures, Revised 2000; revised transmission and lighting requirements; additional of remote control rear view mirrors as standard equipment; and revised wheelchair securement requirements.

SUMMARY: This rule is amended to adopt revised specifications for new Florida school buses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1001.02, 1006.25 FS.

LAW IMPLEMENTED: 1006.22, 1006.25 FS.

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

TIME AND DATE: 9:00 a.m., March 18, 2003

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charlie Hood, School Transportation Management Section, 325 West Gaines Street, Room 1114, Tallahassee, Florida 32399-0400, (850)488-4405

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-3.0291 Specifications for New School Buses.

(1) School buses purchased each year shall conform to current National School Transportation Specifications and Procedures ~~Standards for School Buses~~ of the National Conference on School Transportation, current Federal Motor Vehicle Safety Standards and to specifications prescribed by the State Board for body, chassis and special equipment as provided in Section ~~1006.25, 234.051~~, Florida Statutes. Each school bus as defined by Section ~~1006.25(1), 234.051(1)~~, Florida Statutes, shall meet the requirements of the Florida School Bus Specifications applicable for the year the bus was manufactured or the previous year if specifications were not revised and approved for a given year. Specifications shall incorporate the specific standards as approved by the State Board prior to and including the following years: 1965, 1966, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1992, 1993, 1995, ~~and 2000, and 2002~~ revised. Copies of the above specifications are on file and available from the School Transportation Management Section, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. Specifications may vary for different sizes and types of buses to meet specific needs and conditions. Bid forms prepared under the direction of the Commissioner shall incorporate basic specifications and equipment.

(2) Any school district may, at its option, upgrade any school bus or buses with equipment meeting specifications which are current at the time of the upgrade.

(3) The ~~Chief Financial Officer Deputy Commissioner for Planning, Budgeting and Management~~ may approve special equipment differing from or not prescribed in Florida School Bus Specifications for the specific purpose of limited pilot testing to determine if such equipment provides substantive improvements in safety or cost effectiveness. Pilot testing of equipment shall not be approved until the Chief Financial Officer Deputy Commissioner for Planning, Budgeting and Management has determined to the extent practical that the equipment will not compromise safety.

Specific Authority ~~1006.25, 234.051~~ FS. Law Implemented ~~1006.22, 1006.25, 234.02, 234.051~~ FS. History—Amended 9-17-72, 7-20-74, Repromulgated 12-5-74, Amended 11-10-83, 3-28-84, 10-8-84, 10-8-85, Formerly 6A-3.29, Amended 8-19-86, 9-30-87, 10-4-88, 12-11-89, 12-18-90, 11-10-92, 9-5-93, 11-15-94, 10-18-95, Formerly 6A-3.029, Amended 6-11-00, Formerly 6-3.029, Amended _____.

c.f. Florida School Bus Specifications Revised, January 1965
 Florida School Bus Specifications Revised, Chassis – 1966;
 Body – 1966
 Florida School Bus Specifications Revised, January 1966
 Florida School Bus Specifications Revised, 1968
 Florida School Bus Specifications Revised, 1969
 Florida School Bus Specifications Revised, 1970
 Florida School Bus Specifications Revised, 1971
 Florida School Bus Specifications Revised, 1972
 Florida School Bus Specifications Revised, 1973
 Florida School Bus Specifications Revised, November 1974
 Florida School Bus Specifications Revised, January 1975
 Florida School Bus Specifications Revised, Chassis – October
 1976;
 Body – October, 1976, No Type A; No Exceptional Child
 Florida School Bus Specifications Revised, Body, Chassis,
 Type A, and Exceptional Child, March 1977
 Florida School Bus Specifications Revised, 1978
 Florida School Bus Specifications Revised, Amended, 1979
 Florida School Bus Specifications Revised, November 1980
 Florida School Bus Specifications Revised, 1982
 Florida School Bus Specifications Revised, 1983
 Florida School Bus Specifications Revised, January 1984
 Florida School Bus Specifications Revised, September 1984
 Florida School Bus Specifications Revised, September 1985
 Florida School Bus Specifications July 1986
 Florida School Bus Specifications Revised, October 1987
 Florida School Bus Specifications Revised, 1988
 Florida School Bus Specifications Revised, 1989
 Florida School Bus Specifications Revised, 1990
 Florida School Bus Specifications Revised, 1992
 Florida School Bus Specifications Revised, 1993
 Florida School Bus Specifications Revised, 1995
 Florida School Bus Specifications Revised, 2000
Florida School Bus Specifications Revised, 2002

NAME OF PERSON ORIGINATING PROPOSED RULE:
 David Morris, School Support Services, Department of
 Education,
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Wayne V. Pierson, Chief Financial
 Officer, Department of Education
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: February 4, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: December 27, 2002 (as previously
 6A-3.0291 numbered Rule 6-3.029, FAC.)

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Scope of Rules	12-24.001
Definitions	12-24.002
General Requirements	12-24.003
Enrollment	12-24.004
Methods of Payment by Electronic Means	12-24.005
Means of Communication to Report Payment Information	12-24.006
Electronic Payment Transmission Errors	12-24.007
Procedures for Payment	12-24.008
Due Date; General Provisions	12-24.009
General Administrative Provisions; Voluntary Participation; Confidentiality; Granting of Waivers From Electronic Filing Requirements	12-24.010
Scope	12-24.021
Recordkeeping Requirements – General	12-24.023

PURPOSE AND EFFECT: The purpose of these rules is to implement the legislative provisions contained in sections 38 and 52 of chapter 2002-218, Laws of Florida.

SUMMARY: A) Rule 12-24.001, F.A.C. (Scope of Rules) – these proposed amendments explain that the rules in Part I of this rule chapter apply to the payment of fees and the filing of tax returns, and not just the payment of taxes. These changes also explain that the payment of taxes and filing of returns is accomplished by electronic means, instead of by electronic funds transfer (EFT). B) Rule 12-24.002 (Definitions) – these proposed changes establish new definitions for the terms “associated remittance information,” “e-Cash presentment,” “electronic filing,” “electronic payment,” “electronic means,” “e-Services,” and “tax return” which are used in Part I of this rule chapter. C) Rule 12-24.003 (General Requirements) – these recommended revisions clarify that taxpayers who paid \$30,000 or more in taxes or fees in the prior fiscal year (instead of \$50,000 or more) must pay such amounts and file their returns by electronic means. Specifies the taxes and fees subject to “e-payment” and “e-filing”. D) Rule 12-24.004 (Enrollment) – these proposed amendments state that the ACH debit system is the primary method for paying taxes or fees by electronic means. Explains that, by January 1st each year, DOR will notify affected taxpayers that they must pay unemployment compensation tax and file their returns by electronic means. Provides that DOR will send an enrollment package containing three items to taxpayers who are told they must begin paying taxes and/or submitting returns by electronic means: a) an enrollment form; b) an e-Services calendar of due dates for the upcoming calendar year; and, c) an explanation of the options available for filing electronically. Revises the procedures taxpayers must follow after receiving their enrollment package, including encouraging them to use DOR’s Internet site to complete and submit their enrollment form. Changes the information that enrolling taxpayers must

provide to the Department. Explains that by completing the enrollment form (DR-600), the taxpayer is agreeing that: 1) the same statutes and rules that apply to paper documents submitted to DOR apply to submissions by electronic means; 2) the submission by electronic means will be in a manner compatible with DOR's software and equipment, and any failure by the taxpayer will be treated as the failure to file a return or pay; 3) the typing of his or her name on the bottom of the DR-600 constitutes a declaration that the enrollee is authorized to sign on behalf of the applicant; and, 4) the typed name of the enrollee on the correct DR-600 is deemed to appear on any payment or return submitted electronically. Clarifies where a taxpayer can obtain copies of documents and information discussed in Part I. E) Rule 12-24.005 (Methods of Payment by Electronic Means) – these proposed changes conform language in this rule to the proposed new terms and procedures established in other rules in Part I. States that taxpayers who are already using the ACH credit method do not have to submit a written request to continue using such method. F) Rule 12-24.006 (Means of Communication to Report Payment Information) – this rule is being repealed because its content is replaced by statutory changes enacted by the 2002 Legislature, and by other proposed amendments contained in this rule package. G) Rule 12-24.007 (Electronic Payment Transmission Errors) – these proposed amendments explain how taxpayers should contact DOR if they have a problem with an electronic payment. Changes from 3:45 to 5:00 p.m. the time by which a taxpayer must complete the transmission of payment information to the Data Collection Center for each taxable period. H) Rule 12-24.008 (Procedures for Payment) – these proposed changes conform the provisions in this rule to the proposed changes for other rules in this part. States that a confirmation code, instead of a verification code, will be sent to the taxpayer at the completion of the transmission of information to the Data Collection Center. I) Rule 12-24.009 (Due Date; General Provisions) – these recommended revisions conform language in this rule to the proposed new terms and procedures established in other rules in Part I. Adds a citation to Rule 60BB-2.028, F.A.C., to ensure that the rules that govern the compromise and settlement of penalties and interest assessed on late-filed unemployment compensation tax apply to late payments made by electronic means. Removes a provision for a grace period that was previously granted by this rule, since there is no statutory authority for such provision. J) Rule 12-24.010, (General Administrative Provisions; Voluntary Participation; Confidentiality; Granting of Waivers From Electronic Filing Requirements) – these proposed changes explain how taxpayers should contact DOR to obtain information about the e-Services program. Conforms language in this rule to the

proposed new terms and procedures established in other rules in Part I. Establishes procedures a taxpayer can use to request a waiver from the requirement that he or she submit tax returns by electronic means. States that such waiver is valid for up to two years, and sets conditions for issuing subsequent waivers. K) Rule 12-24.021 (Scope) – adds references to recently-amended Rule 12-3.0012 and new Rule 12-3.0017 (these rule revisions explain what constitutes the “adequate records” that a taxpayer must maintain pursuant to Section 213.35, Florida Statutes). L) Rule 12-24.023 (Recordkeeping Requirements – General) – these proposed amendments provide that taxpayers must maintain records that comply with the “adequate records” provisions of Rule 12-3.0012 and DOR publication GT400515. Explains that taxpayers must use the revised DR-600 to enroll to remit taxes and fees, and submit tax returns, by electronic means.

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: 202.26(3)(a), 212.06(1)(a), 213.06(1) FS.

LAW IMPLEMENTED: 202.26(3)(a), 202.28, 202.30, 212.12, 213.34, 213.35, 213.755, 443.1613, 443.163 FS.

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

TIME AND DATE: 11:00 a.m., March 11, 2003

PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry Green, Tax Law Specialist, Rules and Policy Administrative Process, Office of the General Counsel, Department of Revenue, P. O. Box 6668, Tallahassee, Florida 32314-6668, telephone (850)922-4830, e-mail address greenl@dor.state.fl.us.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing before the Rules and Policy Administrative Process is asked to advise the Department at least 48 hours before the hearing by contacting Nancy Purvis at (850)488-0712. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The Department's proposed rules are available on the Department's website: www.myflorida.com/dor/rules

THE FULL TEXT OF THE PROPOSED RULES IS:

PAYMENT OF TAXES AND SUBMISSION OF RETURNS BY ELECTRONIC MEANS THROUGH ELECTRONIC FUNDS TRANSFER; TAXPAYER RECORDKEEPING AND RETENTION REQUIREMENTS

12-24.001 Scope of Rules.

Part I of this rule chapter sets forth the rules to be used by the Department of Revenue in the administration of ss. 202.30 and 213.755, F.S., authorizing the Executive Director to require taxpayers specified by statute ~~or rule~~ to ~~pay~~ ~~remitt~~ taxes ~~and fees~~ and to ~~file tax returns by electronic means by electronic transfer of funds~~. If there is a conflict between these rules and any other rules applicable to ~~the payment of taxes and fees and the filing of tax returns, information reports, and data by electronic means~~ subject to ~~electronic funds transfer~~, these rules shall govern.

Specific Authority 202.26(3)(a), 213.06 FS. Law Implemented 202.30, 213.755, 443.1613, 443.163 FS. History—New 12-19-89, Amended 10-24-96, 4-30-02, _____.

12-24.002 Definitions.

For the purposes of Part I of this rule chapter, the terms and phrases used in these rules shall have the meanings prescribed in this section, unless a different meaning is clearly indicated by the context in which the term or phrase is used.

(1) “ACH” or “Automated Clearing House” means a central distribution and settlement point for the electronic clearing of debits and credits between financial institutions rather than the physical movement of paper items.

(2) “ACH credit” means the payment of funds by electronic means ~~electronic transfer of funds~~ generated by the taxpayer, cleared through the ACH for deposit to the State Treasury.

(3) “ACH debit” means the payment of funds by electronic means ~~electronic transfer of funds~~ from the taxpayer’s account which is generated upon the taxpayer’s instruction and cleared through the ACH for deposit to the State Treasury.

(4) “Addenda record” means that information required by the Department in an ACH credit transfer or wire transfer that is needed to completely identify a taxpayer or provide information concerning a payment, in approved electronic format.

(5) “Associated remittance information” means any payment information required by statute or rules adopted by agencies that administer the programs for which the funds are collected.

(6)(5) “Submission Call-in day” means the day on which a taxpayer communicates payment or tax return information to the Data Collection Center.

(7)(6) “Submission Call-in period” means:

(a) For the electronic submission of a payment and return together, or just a payment, the specified time interval in each submission call-in day during which an electronic EFT

payment or electronically-filed tax return information received by the Data Collection Center is processed for transactions occurring on the next business day, or on a date specified by the taxpayer. Electronic payment ~~Payment and electronically-filed tax return~~ information must be communicated to the Data Collection Center and completed no later than 5:00 ~~prior to 3:45~~ p.m., Eastern Time, on the submission call-in day to clear the ACH for deposit in the State Treasury on the next business day.

(b) For the electronic submission of a return only, any business day on or before the due date.

(8)(7) “Data Collection Center” means the Department, or a third party vendor, who, under contract with the Department, collects and processes electronic payments and electronically-filed tax return ~~EFT payment~~ information from taxpayers.

(9)(8) “Department” means Florida Department of Revenue.

(10)(9) “Due date” means the date on or before which an electronic payment must be received or an electronically-filed tax return must be submitted ~~a payment is required to be made~~ by a taxpayer under a revenue law of this state.

(11) “e-Cash presentment” means the conversion of an electronic check into an electronic payment.

(12) “Electronic-filing” or “electronically-filed” means the submission of a tax return by electronic means.

(13) “Electronic payment” means the remittance of a tax or fee payment by electronic means.

(10) “~~Electronic Funds Transfer~~” or “~~EFT~~” means ~~any transfer of funds initiated through an electronic terminal, telephone instrument, computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account using the methods specified in these rules, or to transfer funds by e-cash presentment or other electronic payment~~.

(14) “Electronic means” includes any one or more of the following methods of transmitting funds, information, or data: electronic data interchange, electronic funds transfer, telephone, Internet, or any other technology designated by the Department.

(15) “E-Services” means all Department programs associated with the payment of taxes and fees, and the filing of tax returns, information reports, and data by electronic means.

(16)(11) “Payment information” means the data which the Department requires of a taxpayer making an electronic payment ~~EFT payment~~ and which must be communicated to the Data Collection Center.

(17)(12) “Payor” means the taxpayer or an employer, or his or her designee.

(18)(13) “Personal identification ~~Payor information~~ number (PIN or password)” means a confidential code assigned to each taxpayer which uniquely identifies the payor and allows the payor to communicate payment information

~~and/or return information, information reports, or data to the Data Collection Center. The taxpayer will be given a separate payor identification number for each tax type.~~

~~(19)(14)~~ “State fiscal year” means July 1 through June 30.

~~(20)(15)~~ “Taxpayer” means any person required to pay ~~remitt~~ an amount by electronic means ~~the electronic transfer of funds or file a tax return, information report, or data by electronic means~~. For the purpose of these rules, “person” includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit and also includes any political subdivision, municipality, state agency, bureau, or department and includes the plural as well as the singular number. For electronic payment purposes, the ~~The~~ term “person” does not include ~~county tax collectors or these~~ political subdivisions, municipalities, state agencies, bureaus, or departments which remit taxes subject to electronic payment requirements ~~EFF~~ through journal transfer. Solely for the purposes of these rules, a person required to electronically-pay ~~remitt~~ a tax or to electronically-file a tax return, information report, or data acting as a collection agent, or dealer for the state, or a person that prepared and reported the Employer’s Quarterly Report (UCT-6) for 5 or more employers in the preceding state fiscal year, shall nonetheless be considered a taxpayer. For the purposes of this definition, “prepared and reported” means the completion of the Employer’s Quarterly Report (UCT-6) and the submission of the completed report directly to the Data Collection Center.

~~(21)~~ “Tax return” shall have the meaning prescribed in subsection (2)(b) of Section 213.755, Florida Statutes.

~~(22)(16)~~ “Tax type” means a tax or fee which is subject to remittance of payments and the submission of tax returns, information reports, or data by electronic means ~~EFF~~, each of which shall be considered a separate category of payment. The tax types for which taxpayers will be required to pay amounts due and/or submit tax returns, information reports, or data by electronic means ~~EFF~~ are as follows:

(a) Taxes administered under Chapter 212, F.S., and those taxes and fees reported on the DR-15 form series, including sales and use tax, local option taxes, surcharges, surtaxes, and solid waste fees;

(b) Corporate income/franchise tax (Chapter 220, F.S.) and emergency excise tax (Chapter 221, F.S.), reported on Form F-1120, including the required estimated tax payments (F-1120ES) and tentative tax payments (F-7004);

(c) Taxes on motor fuel, diesel fuel, liquefied petroleum gas, aviation fuel, and pollutants, including local option taxes reported under Chapter 206, F.S. (Form 3096 series);

(d) Gross receipts tax (Chapter 203, F.S.) reported on Form DR-133;

(e) All taxes reported on Forms DR-907 and DR-908, including insurance premium taxes and regulatory assessments subject to the provisions of Chapter 624, F.S., the excise tax on

property insurance (s. 175.101, F.S.), and the excise tax on casualty insurance (s. 185.08, F.S.), and the insurance policy surcharge (s. 252.37, F.S.);

(f) Intangible personal property taxes (Chapter 199, F.S.), as reported on Form DR-601 series C;

(g) Severance taxes (Chapter 211, F.S.) and the Miami-Dade Lake Belt Mitigation Fee (Chapter 373, F.S.) reported on Form DR-140 series;

(h) Documentary stamp tax (Chapter 201, F.S.) reported on Form DR-225 or DR-225B;

(i) Communications ~~Communication~~ services tax (Chapter 202, F.S.) reported on Form DR-700016 ~~DR 70016~~ and substitute communications services use system tax (Chapter 202, F.S.) reported on Form DR-700019 ~~DR 70019~~; and

(j) Unemployment tax (Chapter 443, F.S.) reported on Form UCT-6 or reimbursement payments billed on Form UCT-29.

~~(17)~~ “Trace number” means the verification code provided by the Data Collection Center upon receipt of all payment information from the payor which uniquely identifies the completed communication of payment information.

~~(23)(18)~~ “Treasury” or “State Treasury” means the Treasury of the State of Florida.

~~(24)(19)~~ “Wire transfer” or “Fedwire” means an instantaneous electronic funds transfer generated by the taxpayer to the State Treasury.

Specific Authority 202.26(3)(a), 213.06(1) FS. Law Implemented 202.30, 213.755, 443.1613, 443.163 FS. History—New 12-19-89, Amended 1-8-91, 10-24-96, 4-30-02, _____.

12-24.003 General Requirements.

(1) Any taxpayer subject to the following taxes and fees who has paid that tax or fee in the prior state fiscal year in an amount of \$30,000 ~~\$50,000~~ or more must pay taxes and fees ~~remitt tax payments~~ by electronic means ~~funds transfer~~.

(a) Sales and use tax, local option sales taxes, surcharges, surtaxes, and solid waste fees;

(b) Corporate income/franchise tax and emergency excise tax;

(c) Motor fuel, diesel fuel, liquefied petroleum gas, aviation fuel, oil and gas production, and pollutants taxes;

(d) Local option fuel tax;

(e) Insurance premium taxes and assessments;

(f) Gross receipts tax;

(g) Intangible personal property tax;

(h) Severance taxes and Miami-Dade Lake Belt Mitigation Fee; and

(i) Documentary stamp tax (other than remittances subject to s. 213.13, F.S.).

(2) Any taxpayer subject to the following taxes or fees who has paid that tax or fee in the prior state fiscal year in an amount of \$30,000 or more must file tax returns by electronic means;

(a) ~~Sales and use tax, local option sales taxes, surcharges, surtaxes, and solid waste fees; and~~

(b) ~~Intangible personal property tax, who is required to pay the communications services tax or the substitute communications systems tax must remit tax payments by electronic funds transfer in the following manner:~~

(a)1. ~~Any taxpayer who has paid taxes imposed under Chapter 212, F.S. (Sales and Use Tax), in an amount of \$50,000 or more for the state fiscal year July 1, 2000, through June 30, 2001, must remit tax payments by electronic funds transfer beginning with the communications services tax or substitute communications systems tax return due on February 1, 2002.~~

2. ~~Any taxpayer who has paid taxes imposed under Chapter 203, F.S. (Gross Receipts Tax), in an amount of \$50,000 or more for the state fiscal year July 1, 2001, through June 30, 2002, must remit tax payments by electronic funds transfer in conjunction with the communications services tax or substitute communications systems tax return due on February 1, 2002.~~

(b) ~~Any taxpayer who has paid a combined amount of taxes discussed in paragraph (a) of this subsection in an amount of \$50,000 or more for the state fiscal year July 1, 2000, through June 30, 2001, must remit tax payments by electronic funds transfer in conjunction with the communications services tax or substitute communications systems tax return due on February 1, 2002.~~

(3)(e) ~~Any taxpayer who pays communications services tax, gross receipts tax, and sales and use tax or substitute communications systems tax in an aggregate the amount of \$50,000 or more for the state fiscal year ending June 30, 2002, or in any state fiscal year thereafter, must remit communications services tax payments by electronic funds transfer for taxes due during the succeeding calendar year.~~

(4) ~~In addition, any taxpayer subject to the taxes enumerated in subsection (1) must pay taxes and fees and/or file tax returns by electronic means if he or she:~~

(a) ~~Filed a zero return for an applicable tax period for taxes due pursuant to Chapters 212 and 220, Florida Statutes;~~

(b) ~~Filed a consolidated return pursuant to the provisions of Chapter 212, Florida Statutes, for every applicable tax period in the prior state fiscal year; or~~

(c) ~~Has two or more places of business for which the combined tax and/or fee payments equal or exceed \$30,000 for the state fiscal year ending June 30, 2002, or any year thereafter, for taxes due pursuant to Chapter 212, Florida Statutes.~~

(5)(3) ~~All taxpayers required to pay taxes or fees and/or file tax returns by electronic means participate in the EFT program shall participate for the entire a minimum of one calendar year for which they have enrolled. Persons required to participate selected on the basis of prior state fiscal year tax payments will be notified contacted by the Department at their~~

last address of record. Once notified of selected for this the EFT requirement, the taxpayer must electronically transmit by electronic means all payments and/or returns for that tax type as provided in this rule. Changes in a taxpayer's tax liability or registration during an enrollment period shall not suspend or terminate the requirement to pay taxes and file returns by electronic means for the entire calendar year for which he or she is enrolled.

Specific Authority 202.26(3)(a), 212.06(1)(a), 213.06(1) FS. Law Implemented 202.30, 213.755, 443.1613, 443.163 FS. History--New 12-19-89, Amended 1-8-91, 11-17-93, 4-30-02.

12-24.004 Enrollment Payor Information.

(1) ~~The ACH debit system is the primary EFT method required of taxpayers selected to pay taxes or fees remit funds by electronic means funds transfer. The ACH credit system is an electronic payment a payment method available only as an exception to taxpayers who qualify under the provisions of Rule 12-24.005, F.A.C. Wire transfer is an alternative method of paying taxes or fees by electronic means EFT available to taxpayers only as an exception under the provisions of subsection 12-24.008(3), F.A.C.~~

(2)(a) ~~On or before November 1st (January 1 for taxpayers remitting only unemployment tax), the Department will notify every taxpayer required to pay a tax or fee and/or file a tax return remit a tax by electronic means EFT in the upcoming calendar year, and include with such notification all of the following:~~

1. ~~An Enrollment and Authorization for e-Services Program a Registration/Authorization Form-Florida EFT/EDI Program-Electronic Tax Payment System (Form DR-600 DR-600F) or instructions on how to access and complete enrollment on the Department's Internet site; and~~

2. ~~A a Florida e-Services Programs EFT-Program Electronic Tax Payment Calendar of Due Dates (Form DR-659); and~~

3. ~~An explanation of the options from which the taxpayer must choose to pay taxes or fees and/or file tax returns by electronic means.~~

(b) ~~A taxpayer who wishes to use the ACH credit method in lieu of the ACH debit method must file a written request with the Department for permission to use the ACH credit method prior to December 1 (February 1 for taxpayers remitting only unemployment tax), as provided in Rule 12-24.005, F.A.C.~~

(3) ~~Upon receipt of the enrollment package Registration/Authorization Form-Florida EFT/EDI Program-Electronic Tax Payment System (Form DR-600F), the taxpayer must, on or before December 1 (February 1 for taxpayers remitting only unemployment tax):~~

(a) ~~Access and complete enrollment on the Department's Internet site [www.myflorida.com/dor]; or,~~

(b) Obtain and complete the form DR-600 and return it to the Department, if the taxpayer is unable to use the Department's Internet site to enroll by December 1.

(4) Enrollment requires the submission of information on form DR-600 that includes: Pertinent payor information provided with Form DR-600F will be furnished to the State Treasurer's bank and the Data Collection Center.

(a) The enrollee's (taxpayer's) business entity name:

(b)1. The enrollee's tax identification numbers assigned by the federal government and the Department, including tax account number if different from the tax identification numbers:

2. If the enrollee prepared and reported the Employer's Quarterly Report (form UCT-6) for five or more employers in the preceding state fiscal year, the agent i.d. number assigned by the Department, plus the information required by subparagraph (b)1. of this subsection for such enrollee, and for every employer for which the enrollee currently prepares and reports Form UCT-6.

(c) A contact person's name, mailing address, telephone number, and e-mail address who is responsible for electronic payments and/or electronic filing of returns for the enrollee's business:

(d) Whether the contact person is an employee of the business:

(e) The tax and/or fee type for which the enrollee is enrolling:

(f) The filing and payment method the enrollee requests:

(g) The enrollee's banking information, including the enrollee's bank name, the bank routing number(s), the enrollee's bank account number(s), and information stating whether the account is a savings or checking account (this information is not required if the enrollee is requesting the ACH-credit method); and.

(h) If this is a notification from an enrollee of a change in bank information, the effective date of the change.

(5) By completing and submitting this enrollment request (form DR-600), the enrollee is applying to file tax returns and reports and make tax and fee payments to the Department electronically. In addition, by completing and submitting this enrollment request, the enrollee and the Department agree that:

(a) The same statute and rule sections that pertain to all paper documents filed by the enrollee govern an electronic return, report, or payment initiated electronically pursuant to this enrollment (the completed and submitted DR-600).

(b) The enrollee's electronic transmission of such reports, returns, and payments must be made in a manner compatible with the Department's software, equipment, and facilities. Any failure to comply with this term shall result in the enrollee being deemed to have failed to file a return or payment.

(c) Each tax return or payment or other remittance communicated electronically shall be considered to be "in writing" and "written" to an extent no less than as if in paper, to be "signed" and to be an original.

(d)1. By typing his or her name on the signature line of an electronically-submitted form DR-600, the enrollee is declaring, under penalties of perjury, that he or she is authorized to sign on behalf of the applicant entity, and that he or she has read form DR-600, and that the facts stated on the form are true.

2. The typed name of the enrollee or its authorized agent(s) affixed to a completed and properly submitted form DR-600 shall be deemed to appear on electronically filed tax returns, as if actually so appearing.

(e) The enrollee must notify the Department of any changes by completing and submitting a new DR-600, or accessing and completing a change request on the Department's Internet site, no later than 30 consecutive calendar days before the changes are intended to take effect, which provides the Department a reasonable opportunity to act on such changes.

(6)(4) Upon receipt of enrollment payor information from the Department, the Data Collection Center shall assign a confidential personal payor identification number directly to the taxpayer to be used by the taxpayer when communicating electronic payment or return information to the Data Collection Center. This number shall be provided to the taxpayer prior to the date the first required payment is due under the e-services EFT program for all accounts who timely file the form DR-600 Form DR-600F with the Department.

(5) A taxpayer must provide at least 30 days advance written notice of any change of information required with the electronic funds transfer authorization form by submitting a revised Form DR-600F to the Department.

(7)(6)(a) The Department prescribes Form DR-600F, Registration/Authorization Form Florida EFT/EDI Program-Electronic Tax Payment System (r. 10/00), Form DR-659, Florida EFT Program Electronic Tax Payment Calendar (r. 10/00), and Form DR-653, Electronic Filing Agreement-Florida EFT/EDI Program Electronic Tax Filing System (r. 10/00), as the forms to be used for the purposes of this chapter and hereby incorporates these forms by reference. Copies of the these forms discussed in this rule chapter may be obtained, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168A 468 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours for general taxes at (800)352-3671 (in

Florida only) or (850)488-6800, or for unemployment tax at (800)482-8293 (nationwide); or 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor) (~~http://www.myflorida.com/dor/~~). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(b) The Department will accept facsimile transmissions of form DR-600 requests (~~form DR-600F~~) at telephone number (850)922-5088.

Specific Authority 202.26(3)(a), 213.06(1) FS. Law Implemented 202.30, 213.755, 443.1613, 443.163 FS. History--New 12-19-89, Amended 1-8-91, 11-17-93, 4-30-02, _____.

12-24.005 Methods of Payment by Electronic Means Fund Transfer.

(1) The Department will utilize the ACH debit transfer as the method by which taxpayers subject to electronic payment EFT requirements shall remit taxes and fees by electronic means funds transfer.

(2) However, the Executive Director or the Executive Director's designee will grant taxpayers permission to use the ACH credit method on a case by case basis, as an exception to the required use of the ACH debit method.

(a) A taxpayer who requests permission to use the ACH credit method must submit a written request to the Department, by December 1 (February 1 for taxpayers remitting only unemployment tax), which demonstrates that the taxpayer is currently using the ACH credit method for other financial purposes on a regular basis.

(b) The written request to use the ACH credit method shall be filed with the e-Services E-Services Unit, Florida Department of Revenue, P. O. Box 5885, Tallahassee, Florida 32314-5885, by December 1 (February 1 for taxpayers remitting only unemployment tax). The Department will accept facsimile transmissions of requests at telephone number (850)922-5088. Taxpayers will be notified of the Department's decision within the month of January.

(c) The Department reserves the right to revoke the ACH credit method payment privilege of any taxpayer who does not consistently transmit error-free payments; or substantially varies from the requirements and specifications of these rules; or repeatedly fails to make timely electronic payments EFT payments or timely provide payment information; or, repeatedly fails to provide the required addenda record with the electronic EFT payment.

(d) No taxpayer using the ACH credit method on January 1, 2003 shall be required to submit any additional written request for permission to do so, but may continue to use the ACH credit method unless and until such time as the Department revokes the taxpayer's right to do so pursuant to paragraph (c) of this rule.

2. Nothing in this rule shall be construed to prohibit the use of the ACH credit method by a business that is currently not licensed to do business in Florida, unless such business does not qualify as discussed in paragraph (a) of this rule.

Specific Authority 202.26(3)(a), 213.06(1) FS. Law Implemented 202.30, 213.755, 443.1613, 443.163 FS. History--New 12-19-89, Amended 1-8-91, 11-17-93, 4-30-02, _____.

12-24.006 Means of Communication to Report Payment Information.

~~Taxpayers who participate in the electronic funds transfer program shall use one of two means of communicating payment information through the ACH debit method:~~

(1) ~~Operator assisted communication of payment information made orally by rotary or touch tone telephone; or~~

(2) ~~PC entry communication of payment information with a computer or other communication device.~~

Specific Authority 202.26(3)(a), 213.06 FS. Law Implemented 202.30, 213.755, 443.1613, 443.163 FS. History--New 12-19-89, Amended 11-17-93, 4-30-02, Repealed _____.

12-24.007 Electronic Payment Transmission Errors.

(1) If a taxpayer makes an error on an electronic ~~does not make a correct~~ payment of tax for a particular period, such taxpayer shall, on the nearest business day after the date on which the error is discovered, contact e-Services the E-Services Unit at the telephone number for general taxes at (800)352-3671 (in Florida only), (850)488-6800, or for unemployment tax at (800)482-8293 (nationwide), or at the Department's Internet address at www.myflorida.com/dor (850)487-7972 for specific instructions.

(a) If the taxpayer error involves an overpayment of tax, the taxpayer may either elect to have the overpayment applied against the liability for the next reporting period or apply for a refund under the provisions of the applicable tax statute.

(b) If the taxpayer error involves an underpayment of tax, the taxpayer must make appropriate arrangements to initiate payment for the amount of the underpayment.

(2)(a) In the event a taxpayer using the ACH debit method communicates electronic payment information to the Data Collection Center after 5:00 3:45 p.m., Eastern Time, on the business day before the due date, the payment shall be posted to the taxpayer's account on the next business day following the due date and shall constitute late payment.

(b) To assist the taxpayer in complying with all statutory requirements for timely electronic payment remittance ~~by EFT~~ of taxes and fees due, the Department will annually develop and distribute form DR-659, which contains detailed information that specifies ~~provides~~ the final time and date for each month of the upcoming calendar year by which the taxpayer must initiate a timely electronic EFT payment of any tax or fee ~~subject to EFT~~. This form is revised annually to incorporate any changes to dates listed on the

previously-issued form that, if not changed for the upcoming calendar year, will occur on a state or federal holiday, or on a weekend.

(3) Except as provided in these rules or Rule Chapter 12-13, F.A.C., a failure to make a timely electronic EFT payment because of other circumstances under the taxpayer's control, including but not limited to insufficiency of funds in the taxpayer's account ~~or a direct payment to the Department using an unauthorized payment method~~, shall result in the loss of the taxpayer's collection allowance and assessment of the appropriate penalties and interest by the Department.

Cross Reference: Rule 12-24.009, F.A.C.

Specific Authority 202.26(3)(a), 213.06(1) FS. Law Implemented 202.30, 213.755, 443.1613, 443.163 FS. History—New 12-19-89, Amended 1-8-91, 11-17-93, 4-30-02, _____.

12-24.008 Procedures for Payment.

(1) ACH Debit Method.

(a) The taxpayer must report electronic payment information to the Data Collection Center by the approved means of communication, no later than ~~5:00~~ 3:45 p.m., Eastern Time, on the business day immediately preceding the due date of the payment. The Data Collection Center must be contacted during the submission contact period specified in the detailed instructions provided to enrolled EFT taxpayers, which include Form DR-659. The Department will bear the costs of processing electronic EFT ACH debit payments through the Data Collection Center. Communication by the taxpayer during the submission contact period is mandatory to assure the timely posting of the taxpayer's payment on the following business day.

(b) After establishing contact with the Data Collection Center, the taxpayer is allowed to communicate electronic payment information for more than one tax type or tax period. However, the taxpayer must initiate electronic payment information for each tax type and for each tax period for which an electronic payment is due. The following electronic payment information is required from the taxpayer:

1. Company and ID number (Payment identification number);
2. Tax payment amount;
3. Tax period;
4. Payment type; and
5. Confirmation ~~Verification~~ code.

(c) A confirmation code will be issued at the conclusion of the communication of the electronic payment information for each payment type and tax period. This number provides a means of verifying the accuracy of the recorded tax payment and serves as a receipt for the transaction.

(d) Shortly after the expiration of the submission contact period, the Department will receive an electronic transmission from the Data Collection Center containing all the payment information that has been communicated by the taxpayer to the Data Collection Center during that submission contact period.

(e) Example. A taxpayer who uses the ACH debit method to remit the January sales tax payment will first determine the total amount of tax due with respect to the sales and use tax return (amount due with return) for the January applied period. Prior to the end of the submission contact period on February 19 (or the last business day prior to the 19th), the taxpayer must contact the Data Collection Center. After establishing contact, the taxpayer will identify the electronic payment EFT account with the preassigned payment identification number and state the payment type (monthly return), the payment amount (\$12,345), and the tax period (January), ~~and the verification code~~. At the end of the communication, the taxpayer will receive a confirmation code which will verify the accuracy of the recorded tax payment and serve as a receipt for the transaction. Electronic payment ~~Payment~~ information involving the ACH debit transfer will be electronically transmitted to the Department on February 19, shortly after the expiration of the contact period. The actual tax payment of \$12,345, however, will not be posted as collected funds to the Treasurer's account until the following day, February 20. Taxpayers must file the required return as provided by law and rule. If applicable, the taxpayer must check the box on the return to show payment by electronic payment EFT.

(2)(a) ACH Credit Method. Taxpayers who have been granted permission to use the ACH credit method must contact their own financial institutions and make the arrangements to transfer the tax payment to the state Treasury account using an ACH credit transfer. The Department will not bear the costs for taxpayers to use the ACH credit method.

(b) To assure the timely receipt of payment of tax, a taxpayer must initiate the payment transaction with its financial institution in time for the payment to be deposited as collected funds to the State Treasury account on or before the appropriate due date.

(c) All ACH credit transfers must be accompanied by a Cash Concentration or Disbursement (CCD) + addenda record, in the format specified by the Department, which includes the following information:

1. Record type code;
2. Addenda type code;
3. Taxpayer identification;
4. Tax type code;
5. Tax period end date;
6. Amount type code;
7. Amount.

(d) If the taxpayer fails more than three times in 12 consecutive calendar months, beginning January 1, 2002, to provide the Department with the required addenda record which conforms to the requirements of this rule, the taxpayer will be required to use the ACH debit method.

(e) Example. A taxpayer who uses the ACH credit method to remit the January sales tax payment will first determine the total amount of tax due with respect to the sales and use tax return (amount due with return) for the January applied period. At a time arranged between the taxpayer and the taxpayer's financial institution, the taxpayer will provide the taxpayer's financial institution with the information necessary to initiate a timely transfer of the January tax payment and an accompanying CCD + addenda record. The timely initiated ACH credit transfer of \$12,345 will be posted as collected funds to the State Treasurer's account on February 20. To be timely, the ACH credit transfer of January tax must be deposited to the state Treasury account as collected funds on or before February 20. Taxpayers must file the required return as provided by law and rule. If applicable, the taxpayer must check the box on the return to show payment by EFT.

(3) Wire transfer. Taxpayers who, due to circumstances beyond their reasonable control, are unable to initiate a timely electronic payment of tax through the ACH debit method or the ACH credit method may request the Department's permission, on an exception basis, to transmit a payment of tax to the State Treasurer's account via wire transfer. The term "circumstances beyond their reasonable control" includes, but is not limited to, failure of equipment essential to the transmission of the payment, unavailability of the employee(s) who handles such transmissions, or natural disaster.

(a) Prior to initiating the transmission, the taxpayer must ~~contact the E-Services Unit through the E-Services hotline at telephone number (850)487-7972. The taxpayer must~~ fax a written explanation of the emergency situation which prevents timely compliance under either the ACH debit method or ACH credit method and must request written approval to wire transfer the tax payment in question to the State Treasury account. The E-Services fax number is (850)922-5088. The written request must include the information discussed in sub-subparagraphs (3)(b)1.a. through f. of this rule.

(b) Taxpayers who are granted written approval to use wire transfer as an exception to either the ACH debit method or ACH credit method will be given specific instructions regarding the payment information that must accompany the wire transfer.

1. All wire transfers must be accompanied by payment information, in addition to an addenda record, in the format specified by the Department, which includes the following information:

- a. Taxpayer's name;
- b. Taxpayer's identification number;
- c. Tax type;

- d. Amount/payment type;
- e. Amount of payment;
- f. Tax period;
- g. Name and account of correspondent bank;
- h. Name of receiving bank;
- i. State treasury account number; and
- j. American Bank Association 9-digit number of receiving bank.

2. The Department will not bear any costs associated with the wire transfer.

(c) Wire transfers which are not received in the State Treasury account on or before the due date of the transmitted payments of tax will constitute late payment, and the applicable late filing penalties, interest, and loss of collection allowance shall apply.

Specific Authority 202.26(3)(a), 213.06(1) F.S. Law Implemented 202.30(1), 213.755, 443.1613, 443.163 F.S. History--New 12-19-89, Amended 1-8-91, 11-17-93, 4-30-02, _____.

12-24.009 Due Date; General Provisions.

(1) Taxpayers who are required to pay taxes or fees ~~remit tax payments~~ through electronic means EFT must initiate the transfer so that the amount due is deposited as collected funds to the State Treasurer's account on or before the due date under the appropriate revenue law. If a tax due date falls on a Saturday, a Sunday, a legal holiday as defined in s. 683.01, s. 658.70(1), F.S., or on a legal holiday of the jurisdiction in which the taxpayer's financial institution is located, the deposit by electronic means ~~funds transfer~~ is required on or before the first banking day thereafter. For the purposes of these rules, "banking day" has the meaning prescribed in s. 683.01, s. 658.70(1), F.S. If the date on which the taxpayer is required to initiate either an ACH debit or an ACH credit transfer falls on a Saturday, Sunday, or a business or banking holiday, the taxpayer must initiate the transaction on the preceding business day pursuant to Rule 12-24.008(3), F.A.C.

(2) ~~The EFT method of payment does not change any current filing requirements for tax returns.~~ If the electronic EFT payment is not timely made or the tax return required is not electronically-filed ~~filed~~ by the statutory due date, the provisions for late filing penalties, interest, and loss of collection allowance or discount shall apply under the provisions of the appropriate revenue law, except as provided in these rules.

(3) The provisions of s. 213.21, F.S., (s. 443.141(1), F.S. for unemployment tax), shall govern the compromise and settlement of any tax, interest, or penalty assessed due to the late payment of an electronically filed payment, except as provided in these rules.

(a) For electronic payment EFT purposes, "reasonable cause" as stated in s. 213.21, F.S. and Rule Chapter 12-13 and "good reason" as stated in s. 443.141(1), F.S., both include, for

the compromise of penalty shall include, in addition to the provisions of s. 213.21, F.S., and Rule Chapter 12-13, F.A.C., the following:

1. The inability to access the electronic payment EFT system on the required date because of a system failure beyond the reasonable control of the taxpayer;
2. The failure of the electronic payment EFT system to properly apply a payment; or
3. The failure of the electronic payment EFT system to issue proper verification of receipt of payment information.

(b)1. A taxpayer who is required to remit payments under the electronic payment EFT program and who is unable to make a timely payment because of system failures within the banking system/ACH interface which are beyond the taxpayer's control shall not be subject to penalty or interest for late payment or loss of collection allowance or discount. The taxpayer must provide a written explanation and supporting documentation to the e-Services E-Services Unit concerning any system failure within the banking system/ACH interface.

2. Taxpayers must ensure that they use reasonable and prudent judgment when selecting a banking system or ACH interface to handle their electronic payment EFT transactions.

(c) Errors made by the Data Collection Center, the State Treasury, or the Department shall not subject the taxpayer to loss of collection allowance or discount, or assessment of penalty or interest for late payment.

(4) During the first 3-month period a taxpayer is required to remit tax by EFT, the Department will extend a reasonable grace period of no more than 90 consecutive calendar days to the taxpayer to resolve problems which arise when new administrative procedures, data systems changes and taxpayer operating procedures are implemented. To qualify for a grace period, the taxpayer must demonstrate in writing to the Department that a good faith effort to comply was made, or that circumstances beyond the taxpayer's reasonable control prevented compliance by the required date, or that a mistake or inadvertence prevented timely payment when the taxpayer attempted to correctly and timely initiate an EFT payment.

(4)(5) Pursuant to s. 202.28(1), F.S., dealers of communications services who fail to properly pay by electronic means remit the communications services taxes by EFT as required in s. 202.30(1), F.S., are not authorized to claim the collection allowance authorized by s. 202.28, F.S., for the proper remitting of taxes.

Specific Authority 202.26(3)(a), 213.06 FS. Law Implemented 202.28, 202.30, 212.12, 213.755, 443.1613, 443.163 FS. History—New 12-19-89, Amended 4-30-02, _____.

12-24.010 General Administrative Provisions; Voluntary Participation; Confidentiality; Granting of Waivers From Electronic Filing Requirements.

(1) Taxpayers who need general information concerning the e-Services programs EFT program can contact the Department toll-free at (800)352-3671 (Florida only)

E-Services Unit at (850)487-7972, or (850)488-6800 or for unemployment tax toll free at (800)482-8293 (nationwide), or at the Department's Internet address at www.myflorida.com/dor Toll-Free (800)352-3671 (Florida only).

(2) Voluntary Inclusion in the electronic payment program EFT. Those taxpayers who are required to participate in the electronic payment EFT program due to a prior year tax liability for any tax type subject to electronic payment EFT may request permission to also remit other tax types by electronic payment EFT. Written requests for voluntary inclusion in the electronic payment EFT program must be filed with the e-Services E-Services Unit at least 60 days prior to the due date of the payment(s) in question. Taxpayers may terminate voluntary participation by filing a written notice of termination with the e-Services E-Services Unit at least 60 days prior to the due date of the last electronic EFT payment. Requests for voluntary inclusion and termination notices must be directed to the e-Services E-Services Unit, Florida Department of Revenue, P. O. Box 5885, Tallahassee, Florida 32314-5885.

(3) The Data Collection Center and its employees shall be bound by the same confidentiality requirements as the Department under s. 213.053, F.S.

(4)(a) The Department is authorized to waive the requirement that a taxpayer submit tax returns by electronic means, if the taxpayer can establish that he or she is unable to comply with e-filing requirements pursuant to the provisions in the introductory paragraph to section 213.755, F.S. To request a waiver the taxpayer must complete and submit form DR-654 (Request for Waiver From Electronic Filing), to establish in writing the basis under which such waiver is requested.

(b) Grounds for approving a waiver include, but are not limited to:

1. Any of the circumstances specified in section 213.755(9)(a) and (b), F.S.; or
2. The taxpayer does not have a modem; or
3. The taxpayer does not have access to the Internet.

(c) A waiver shall be valid for up to two years and the issuance of a subsequent waiver shall be contingent on the taxpayer working with the Department during the current waiver period to address the issues that originally necessitated the issuance of the waiver. The requirement to work with the Department to address the issues that necessitated a waiver means the taxpayer will: discuss existing computer capabilities with the Department; consider any assistance, recommendations, or training the Department offers; and, implement any Department recommendation that enables the taxpayer to submit returns by electronic means, unless the taxpayer can establish that the circumstances or reasons as set forth in section 213.755, Florida Statutes, continue to apply.

Specific Authority 202.26(3)(a), 213.06(1) FS. Law Implemented 202.30, 213.755, 443.1613, 443.163 FS. History—New 12-19-89, Amended 1-8-91, 11-17-93, 4-30-02, _____.

PART II TAXPAYER RECORDKEEPING AND RETENTION REQUIREMENTS

12-24.021 Scope.

Rules 12-3.0012 and 12-24.021 through 12-24.030, F.A.C., and publication GT400515 define the requirements imposed on taxpayers for the maintenance and retention of books, records, and other sources of information under s. 213.35, F.S. These rules and publications address such requirements where all or a part of the taxpayer's records are received, created, maintained or generated through computer, electronic, and imaging processes and systems. Unless in conflict with the specific requirements imposed by other rules of the Department, these rules shall govern the recordkeeping and retention requirements imposed by the revenue laws administered by the Department.

Specific Authority 202.26(3)(a), 213.06(1) FS. Law Implemented 202.30, 213.35 FS. History—New 10-24-96, Amended 4-30-02, _____.

12-24.023 Recordkeeping Requirements – General.

(1) A taxpayer shall maintain all records that are necessary to make a determination of its correct tax liability for any tax specified in s. 72.011, F.S. All required records must be made available on request by the Department as provided in s. 213.34, F.S. Such records shall comply with the adequate records provisions discussed in Rule 12-3.0012, F.A.C., and publication GT400515, which is adopted by reference in Rule 12-3.0017, F.A.C., and shall include, but not be limited to: books of account, invoices, bills of lading, gross receipts from sales, resale certificates, consumer exemption certificates, and other pertinent records.

(2) through (3) No change.

(4) The Department shall use form DR-600 (Enrollment and Authorization for e-Services Program) Form DR-653 (Electronic Filing Agreement Florida EFT/EDI Program Electronic Tax Filing System) to document an agreement with a taxpayer that such taxpayer will file tax reports and returns by electronic means transmission.

(5) No change.

Specific Authority 202.26(3)(a), 213.06(1) FS. Law Implemented 202.30, 213.34, 213.35 FS. History—New 10-24-96, Amended 4-30-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Rules and Policy Administrative Process, Office of the General Counsel, Department of Revenue, P. O. Box 6668, Tallahassee, Florida 32314-6668, telephone (850)922-4830, e-mail address greenl@dor.state.fl.us.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sylvan Strickland, Senior Attorney, Rules and Policy Administrative Process, Office of the General Counsel, Department of Revenue, Post Office Box 6668, Tallahassee, Florida 32314-6668, telephone number (850)922-4711

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: November 22, 2002, Vol. 28, No. 47, pp. 5082-5092. A workshop was held on December 11, 2002. Oral and written comments were received. Some changes were made, and they are integrated into the proposed rule text.

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Fresh Fruit Maturity Tests

RULE CHAPTER NO.: 20-34

RULE TITLE: Juice Content in Grapefruit – Sampling and Testing

RULE NO.: 20-34.006

PURPOSE AND EFFECT: Would provide additional sizes to an alternative method of evaluating juice content for establishing fresh grapefruit maturity.

SUMMARY: Additional sizes to an alternative method of testing fresh grapefruit maturity.

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

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

SPECIFIC AUTHORITY: 601.10(1),(7), 601.18, 601.24, 601.25 FS.

LAW IMPLEMENTED: 601.18, 601.24, 601.25, 601.44 FS.

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

TIME AND DATE: 10:30 a.m., March 19, 2003

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF PROPOSED RULE IS:

20-34.006 Juice Content In Grapefruit – Sampling and Testing.

(1) Tests for juice content of grapefruit shall be determined by:

(a) use of official juice extractor equipment as described in Section 20-34.002 to determine cc juice per fruit, or

(b) fruit samples and their juice weighed to determine percent of juice by weight. This method shall be limited to fruit ~~from 3 9/16 inch to 4 1/4 inch diameter~~ and less which must

have 52% juice by weight and fruit greater than 4 1/4 inch diameter ~~up to 4 9/16 inch diameter~~ which must have 49% juice by weight.

Specific Authority 601.10(1),(7), 601.18, 601.24, 601.25 FS. Law Implemented 601.18, 601.24, 601.25, 601.44 FS. History—Formerly 105-1.01(4), Revised 1-1-75, Amended 4-15-75, 8-1-75, Formerly 20-34.06, Amended 10-17-95, 10-20-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Keck, General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 31, 2003

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Containers, Packs, Stamping and Labeling of Fresh Fruit
RULE CHAPTER NO.: 20-39

RULE TITLE: Approved Boxes
RULE NO.: 20-39.003

PURPOSE AND EFFECT: Would provide for a new container to be added to the list of containers approved for use in shipping fresh Florida Citrus.

SUMMARY: Approved container for use in shipping fresh Florida Citrus.

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

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

SPECIFIC AUTHORITY: 601.11 FS.

LAW IMPLEMENTED: 601.11 FS.

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

TIME AND DATE: 10:30 a.m., March 19, 2003

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF PROPOSED RULE IS:

20-39.003 Approved Boxes.

(1) Unless otherwise noted, all approved boxes are 4/5 bushel capacity.

(2) The name of the manufacturer, and the official container number as designated in subsection (3) below, shall be printed on the bottom outside flap of each approved box body in plainly legible characters.

(3) The following containers are hereby designated as approved boxes and, unless otherwise noted, may be used for shipment of all varieties of citrus fruit:

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)***	
			Body	Cover
DOC-01-P	Singlewall	17 x 10-5/8 x 9-5/8**	42-33-69	42-33-42
DOC-02-V	Singlewall	17 x 11-1/2 x 9-3/4 Oversized	42-33-69	42-33-42
DOC-03-V	Singlewall	17 x 12 x 9-3/4 Oversized	42-33-69	42-33-42
DOC-04-PT	Tray Style	17 x 10-5/8 x 9-5/8**	42-33-42	42-33-42
DOC-05-PB	Bliss Style	17 x 10-5/8 x 9-5/8**	42-33-42	33-33-33
DOC-06-VT	Tray Style	17 x 11-1/2 x 9-3/4 Oversized	42-33-42	42-33-42
DOC-07-VT	Tray Style	17 x 12 x 9-3/4 Oversized	42-33-42	42-33-42
DOC-08-VB	Bliss Style	17 x 11-1/2 x 9-3/4 Oversized	42-33-42	33-33-33
DOC-09-VB	Bliss Style	17 x 12 x 9-3/4 Oversized	42-33-42	33-33-33
DOC-10-P	Doublewall	17 x 10-5/8 x 9-5/8 Partial telescope self-locking lid Tangerines & citrus hybrids only. **	42-33-42-33-42	42-26-42
DOC-11-XP	Singlewall	17 x 10-5/8 x 10-1/8**	90-33-90	42-33-42
DOC-12-XPT	Tray Style	17 x 10-5/8 x 10-1/8**	69-33-69	42-33-42
DOC-13-XPS	Super X Style	17 x 10-5/8 x 10-1/8**	42-40-69	42-33-42
DOC-14-P ††	Singlewall	15-7/8 x 10-5/8 x 6 Full Telescope **	42-33-42	42-33-42
DOC-15-PT ††	Tray Style	17-5/8 x 10-5/8 x 6 Full Telescope **	42-33-42	42-33-42
DOC-16-WP	Wood Slat	16-1/8 x 10-5/8 x 10-5/8 End panels may be of material other than wood.**	Wood Slat	Wirebound
DOC-17-WP	Wood Slat	19-7/8 x 7-1/2 x 11-1/2 End panels may be of material other than wood. Tangerines and citrus hybrids only.**	Wood Slat	Wirebound
DOC-18-P	Singlewall	17 x 10-5/8 x 9-5/8**	42-40-42	42-33-42
DOC-19-P	Singlewall	17 x 10-5/8 x 9-5/8**	45-33-45	42-33-42
DOC-20-XP††	Singlewall	17 x 10-5/8 x 10-1/8**	69-40-69	42-33-42
DOC-21-PT	Tray Style	17 x 10-9/16 x 9-5/8 4" partial telescope tray cover. Tangerines and citrus hybrids only.**	42-40-69	42-33-42
DOC-22-P ††	Singlewall	13-1/4 x 10-5/8 x 7 Full telescope**	42-33-42	42-33-42

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)***	
			Body	Cover
DOC-23-VT	Tray Style	17 x 12 x 9-5/8 End slotted with short end flaps. Oversized	59-33-42	42-33-42
DOC-24-P	Singlewall	17 x 10-5/8 x 9-5/8 4" partial telescoping tray cover. Tangerines and citrus hybrids only.**	59-40-90	42-33-42
DOC-25-PT ‡‡	Tray Style	16-1/8 x 10-5/8 x 6 Full Telescope**	42-33-42	42-33-42
DOC-26-P	Singlewall	18-1/4 x 12-1/2 x 11-3/4 Having three plastic trays per carton*	90-40-90	42-33-42
DOC-27-WV ‡‡	Collapsible wooden bin	46 x 38 x 21 Holds appx 20 4/5 bu. equiv. units	Wooden bin	None
DOC-28-P ‡‡	Singlewall	17 x 10-5/8 x 6** Full Telescope	42-33-42	42-33-42
DOC-29-P	Singlewall	16-3/4 x 11-1/2 x 11-3/8 Having fiberboard honeycomb cells**	42-40-69	42-33-42
DOC-30-P ‡‡	Singlewall	17 x 10 x 6-15/16 Corrugated, full telescope**	90-40-90	42-33-42
DOC-31-P	Singlewall	16-11/16 x 11-8/16 x 11-14/16 Corrugated with honeycomb dividers**	59-40-42	42-33-42
DOC-32-OV ‡‡	Triplewall-Bulk bin	46-1/2 x 38 x 36 Octagonal watermelon bin with self-locking lid. Holds appx. 28 4/5 bu. equiv.	59-33-69-33-69-33-90	69-26-69
DOC-33-P	Singlewall	20-45/16 x 11-13/16 x 7 Telescoping with two trays per carton **	42-33-69	42-33-42
DOC-34-OV ‡‡	Triplewall-Bulk bin	46 x 37-1/2 x 36 Octagonal with interlocking flaps. Holds appx. 28 4/5 bu. equiv.	42-40-90-42-40-90-40-90	42-26-69
DOC-35-OV ‡‡	Triplewall-Bulk bin	46 x 38 x 26-1/2 Tuff octagonal tube, holding appx. 24 4/5 bu. equiv.	90-33-42-33-42-33-90	69-26-69
DOC-36-P	Doublewall	23-5/8 x 15-5/8 x 7 Die cut platform tray, open top	42-36-33-26-42	
DOC-37-RV ‡‡	Triplewall-Bulk bin	46-1/2 x 38-1/2x26-1/2 Corrugated rectagon with diagonal corners and interlocking bottom (holds appx. 20 to 24 4/5 bu. equiv.)	64-33-35-64-33-96	35-26-35
DOC-38-P	Singlewall	16-3/4 x 11-1/2 x 10-3/8 Telescoping, half-slotted, optional molded fiber spring cushion trays**	99-33-90	42-33-69
DOC-39-P	Doublewall	17 x 10 _ x 9 _ Corrugated, half-slotted	42-33-33-33-42	42-33-42
DOC-40-P	Doublewall	18 15/16 x 14 3/16 x 11 13/16 One-piece, die cut	42-33-42-33-42	n/a

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)***	
			Body	Cover
DOC-41-P	Plastic	22 1/2 x 14 9/16 x 7 One-piece, reusable/recyclable high-density polyethylene	n/a	n/a
DOC-42-P‡‡	Singlewall	17 1/2 x 11 _ x 8 3/4 Holding _ of a standard 4/5 bu. container, two-layer, full telescoping	90-40-90	42-33-42
DOC-43-OV‡‡	Triplewall ½ bulk bin	38 1/4 x 23 3/4 x 25 1/4 Space-saver, octagon 1/2 bin holding appx. 10 1/2 4/5 bu. equiv. loose or 7-8 4/5 bu. equiv. bagged	69-26-38-26-38-26-65	38-26-38
DOC-44-PT	Doublewall	22 _ x 14 11/16 x 6 _ B/c flute tray body, C flute cover	42-40-41-40-56	42-33-42
DOC-45-P	Singlewall	17 _ x 10 _ x 10 _ 4/5 c-flute, two piece, partial telescoping cover	42-33-57	42-26-35
DOC-46-PT	Doublewall	23 _ x 15 _ x 7 4/5 40 x 60 Euro Wave Tray	42-40-42-40-42	n/a
DOC-47-PT	Doublewall	14 1/2 x 11 _ x 6 5/16 2/5 bu, die-cut, open top platform tray	33-69-33-69	n/a
DOC-48-PT	Doublewall	22 1/4 x 14 1/2 x 5 3/4 40 x 60 Euro Tray	42-33-42-34-42	n/a

** Container may be volume filled provided the sizes designated for each variety of fruit meet the requirements of Sections 20-39.007(1), 20-39.008(1) and 20-39.009(1).

‡‡ Container does not conform to 4/5 bushel requirement of section 20-39.003(1)

*** Minimum board weight requirements shall be waived when a compression strength test by an independent testing laboratory shows that the container made with a new material is equal to, or better than, compression strength of the container with minimum approved board weight. It shall be the responsibility of the packinghouse to acquire and provide records of such compression strength testing upon request.

(4) Each container must be ventilated.

Specific Authority 601.11 FS. Law Implemented 601.11 FS. History—Formerly 105-1.03(1)(a), Revised 1-1-75, Amended 8-16-75, 8-11-77, 8-1-78, 8-21-79, 1-15-80, 10-20-80, 5-1-81, 9-1-82, 11-6-83, 10-21-84, 1-1-85, Formerly 20-39.03, Amended 9-11-86, 12-20-87, 10-14-90, 8-23-92, 10-18-92, 1-19-93, 5-23-93, 10-10-93, 1-9-94, 10-16-94, 8-29-95, 10-13-96, 10-26-97, 12-6-98, 2-20-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 31, 2003

PUBLIC SERVICE COMMISSION

DOCKET NO. 001574-EQ

RULE TITLE: Firm Capacity and Energy Contracts

RULE NO.: 25-17.0832

PURPOSE AND EFFECT: The purpose of the amendment is to reduce the minimum term for standard offer contracts from 10 to five years. The rule amendment also requires investor-owned electric utilities to specify the term of the

standard offer when filing the contract for approval with the Commission. The effect is to reduce the risk that ratepayers will be tied to long-term contracts that are above avoided cost.

SUMMARY: Rule 25-17.0832, F.A.C., requires investor-owned utilities to file tariff and a standard offer contract for the purchase of firm capacity and energy from specified types of small qualifying facilities. The rule sets forth the minimum specifications and acceptable pricing methodologies for standard offer contracts. The amendment to subparagraph (4)(e)3. and 7. would reduce the ten year minimum contract term for standard offer contracts to five years. In addition, the amendment to subparagraph (4)(e)7. would require investor-owned utilities to specify the contract term when filing the standard offer for approval by the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Several municipal solid waste (MSWs) facilities oppose the rule amendments. However, the impact on the local government entities depends on future firm capacity and energy prices. If these prices increase, a shorter contract term would benefit MSW facility owners because they could enter a new standard offer contract sooner with higher payments. On the other hand, if firm capacity and energy prices decrease, MSW owners would be faced with lower payments. One MSW argued that because MSW facilities are

publicly owned, any shortfall or reduction in electrical revenues will require increasing solid waste disposal costs. In addition, at least one MSW argued that adoption of the rule amendments will result in MSWs having to negotiate more contracts, which will increase transaction costs for the MSWs. The MSWS overlook that longer contracts are still possible under the rule. The MSWs also do not acknowledge that the Commission is required to keep IOU rates reasonable and shortening the standard offer contract term is best for IOU ratepayers in an environment in which wholesale generation costs are falling. Keeping the ten year minimum term would continue the possibility that IOUs and their ratepayers would be faced with higher cost capacity and energy costs for an additional five years for new standard offer contracts, even if market costs declined. However, wholesale generation costs may increase and IOUs would lose the benefits of a fixed price contract for an additional five years. Allowing a qualifying facility to choose the contract term would abrogate the Commission's regulatory responsibility over capacity and energy contracts.

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

SPECIFIC AUTHORITY: 350.127, 366.05(1) FS.

LAW IMPLEMENTED: 366.051, 366.81 FS.

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

25-17.0832 Firm Capacity and Energy Contracts.

(1) No change.

(a) Within one working day of the execution of a negotiated contract or the receipt of a signed standard offer contract, the utility shall notify the Director of the Division of Economic Regulation Electric and Gas and provide the amount of committed capacity and the type of generating unit, if any, which the contracted capacity is intended to avoid or defer.

(b) Within 10 working days of the execution of a negotiated contract or receipt of a signed standard offer contract for the purchase of firm capacity and energy, the purchasing utility shall file with the Commission a copy of the signed contract and a summary of its terms and conditions. At a minimum, the summary shall include report:

1. through 3. No change.

4. The type of unit being avoided, its size, and its in-service year;

5. through 6. No change.

(2) through (3)(d) No change.

(4) Standard Offer Contracts.

(a) Upon petition by a utility or pursuant to a Commission action, each public utility shall submit for Commission approval a tariff or tariffs and a standard offer contract or contracts for the purchase of firm capacity and energy from small qualifying facilities. In lieu of a separately separately negotiated contract, standard offer contracts are available to the following types of qualifying facilities:

1. through (e)2. No change.

3. The payment options available to the qualifying facility including all financial and economic assumptions necessary to calculate the firm capacity payments available under each payment option and an illustrative calculation of firm capacity payments for a minimum five ten year term contract commencing with the in-service date of the avoided unit for each payment option;

4. through 6. No change.

7. The specific period of time over which firm capacity and energy shall be delivered from the qualifying facility to the utility. Firm capacity and energy shall be delivered, at a minimum, for a period of five ten years, commencing with the anticipated in-service date of the avoided unit specified in the contract. At a maximum, firm capacity and energy shall be delivered for a period of time equal to the anticipated plant life of the avoided unit, commencing with the anticipated in-service date of the avoided unit;

8. through (8)(c) No change.

Specific Authority 350.127, 366.04(1), ~~366.051~~, 366.05(1)(8) FS. Law Implemented 366.051, 366.81 ~~403-503~~ FS. History--New 10-25-90, Amended 1-7-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Ballinger
NAME OF SUPERVISOR OR PERSONS WHO APPROVED
THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 4, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: Vol. 26, No. 44, November 3, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Transfer of Supervision Interstate and Intrastate	33-301.103
Interstate Compact for Adult Offender Supervision	33-301.104
Other State Offenders Community Supervision	33-301.105

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete an unnecessary rule, set forth guidelines for offender travel to other states and to provide for equal standards of supervision for other state offenders supervised in Florida.

SUMMARY: The proposed rules delete unnecessary rule provisions, set forth guidelines for offender travel to other states and provide for equal standards of supervision for other state offenders supervised in Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 949.08 FS.

LAW IMPLEMENTED: 949.07, 949.08 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-301.103 Transfer of Supervision Interstate and Intrastate.

Specific Authority 944.08, 944.09 FS. Law Implemented 948.03 FS. History--New 5-28-86, Formerly 33-24.009, Repealed _____.

33-301.104 Interstate Compact for Adult Offender Supervision.

(1) An offender who has made a satisfactory adjustment while on supervision shall be allowed to visit other states, the District of Columbia, the Commonwealth of Puerto Rico or the

U.S. Virgin Islands for business, visitation or vacation purposes as long as travel requirements in subsection (2) are met, public safety will not be compromised by such a visit, and the offender meets the travel requirements of the state of destination. If the offender is a high risk, high profile, or sex offender case, once the officer has verified and instructed the offender as to the requirements of the state of destination, a copy of Form DC3-220, Travel Permit, providing the offender's itinerary, must be transmitted to the Bureau of Interstate Compact. Form DC3-220 is incorporated by reference in Rule 33-302.106, F.A.C. The Travel Permit includes a waiver of extradition section which, when signed by the offender, waives extradition rights of the offender traveling outside the state or country.

(2) In order for an offender to obtain permission to travel, the following conditions must exist:

(a) The offender is not prohibited by the order of supervision from traveling to the desired location.

(b) The offender is not wanted or facing prosecution for criminal charges or violation of the order of supervision.

(c) The offender presents a plan of travel that is verifiable by providing a specific location name, telephone number, and contact person by which the information is to be verified, in advance, by the officer.

(d) The offender has provided the officer with reasonable advance notice of his or her request to travel and has provided the officer ample time to verify the travel plan and review any documentation prior to travel authorization.

(e) The travel does not interfere with condition compliance or treatment programming.

(f) Travel shall be denied for purely recreational purposes if the offender is not current with the court ordered or releasing authority imposed payment schedule or offender financial obligation agreement and the offender shall expend monies in the course of travel.

(g) No extenuating circumstances exist which indicate that authorizing the offender to travel would constitute a lack of prudence. Such extenuating circumstances include those that would cause a reasonable person to believe that the offender may be likely to violate a condition of supervision if travel were authorized.

(3) Travel shall not exceed thirty consecutive days in length. Once a travel permit is issued to an offender, the officer shall instruct the offender regarding travel issues, including the following:

(a) Immediately notifying the officer if a change of plan occurs;

(b) Immediately notifying the officer of any unusual situations or any contact with law enforcement that occurred during the travel episode;

(c) Immediately calling or reporting upon return to the county of residence;

(d) That any deviations to the approved travel shall not be authorized;

(e) That travel shall be authorized only as indicated on the travel permit; and

(f) That failure to comply with instructions shall be a violation of supervision.

(4) When interstate travel is for the sole purpose of transfer to another state, the District of Columbia, the Commonwealth of Puerto Rico or the U.S. Virgin Islands, the offender must meet the other state's transfer requirements and receive consent to travel from the Bureau of Interstate Compact before proceeding to that state.

(5) An officer shall transfer the supervision of an offender who is travelling to a single other state, the District of Columbia, the Commonwealth of Puerto Rico or the U.S. Virgin Islands, for more than thirty consecutive days. The transfer of supervision involves the forwarding of all pertinent supervision documents via the Bureau of Interstate Compact to the receiving location and the formal assumption of supervision of the offender by a probation or parole officer in the receiving location. The officer shall forward the following supervision documents, in triplicate, to the Bureau of Interstate Compact:

(a) Out of State Investigation Request, Form DC3-110;

(b) Application for Compact Services and Agreement to Return, Form DC3-122;

(c) Supervision orders;

(d) Supervision history; and

(e) Pre-sentence or Post-sentence investigation, or offense report and arrest history.

(f) Form DC3-110, Out of State Investigation Request and Form DC3-122, Application for Compact Services and Agreement to Return, are hereby incorporated by reference. Copies of these forms can be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is _____.

(6) The officer shall obtain permission and written approval from the sentencing or releasing authority prior to granting permission to the community control offender for the right to travel out of state. Form DC3-220 shall be approved with a copy forwarded to the Bureau of Interstate Compact.

(7) In compact cases that meet emergency transfer criteria, the officer must submit a Request for Emergency Reporting Instructions, Form DC3-126, to the Bureau of Interstate Compact two days before the requested date of travel. This time frame does not apply to offenders who already reside in the receiving state and who must return immediately after sentencing. Form DC3-126 is hereby incorporated by reference. Copies of this 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 _____.

(8) Offender travel outside the United States or its territories shall not be approved by an officer or supervisor without the written approval of the sentencing or releasing authority.

Specific Authority 949.08 FS. Law Implemented 949.07, 949.08 FS. History--New _____

33-302.105 Other State Offenders Community Supervision.

Other state offenders accepted for supervision in the State of Florida shall be afforded equal standards of supervision and services as provided for Florida offenders.

Specific Authority 949.08 FS. Law Implemented 949.07, 949.08 FS. History--New _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 17, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE: Intrastate Travel and Transfer of Supervision

RULE NO.: 33-302.106

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify provisions related to non-emergency travel, out-of-county travel, and provision of travel instructions to offenders. Provisions addressing out-of-state travel are being deleted and relocated to other rules related to interstate travel.

SUMMARY: The proposed rule clarifies provisions related to non-emergency travel, out-of-county travel, and provision of travel instructions to offenders. Provisions addressing out-of-state travel are being deleted and relocated to other rules related to interstate travel.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.106 Intrastate Offender Travel and Transfer of Supervision.

(1) through (2) No change.

(3) Non-emergency travel requests submitted for travel across county lines that do not involve an overnight stay require two business days notice from the offender to allow the officer sufficient time to verify the travel plans. If the visit to the other county will exceed two days, the officer shall instruct the offender to go to the other county's local law enforcement for the purpose of criminal registration within 48 hours of entering the other county, as provided in section 775.13, F.S. This instruction shall be documented on Form DC3-220, Travel Permit and in the electronic case notes. Form DC3-220 is incorporated by reference in subsection (4) of this rule.

~~(4)(3)~~ Inter-county travel in Florida approved for a visit of thirty days or less does not require a "Travel Permit," DC3-220, unless the offender is a sex offender or requires specific or additional instructions that must be written on a travel permit. Sex offenders require a travel permit for all out of county travel. If the offender is granted permission to travel and visit another county and subsequently requests an extension of the visit out of county, which will exceed thirty days, the officer will transfer the offender's supervision to the other county, unless exceptional circumstances exist that are approved by a supervisor which would allow the offender to remain out of the county on an extended travel permit without transferring the offender. The officer will complete Form DC3-237, Intrastate Transfer Request, for this purpose. Form DC3-220, Travel Permit, and Form DC3-237 are hereby incorporated by reference. Copies of these forms this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC3-220 this form is October 2, 2001. The effective date of Form DC3-237 is _____.

(5) Once a travel permit is issued to an offender, the officer shall instruct the offender regarding travel issues, including the following: An officer shall transfer the supervision of an offender who is travelling to a single other state, the District of Columbia, the Commonwealth of Puerto Rico or the Virgin Islands of the United States, for more than thirty consecutive days. The transfer of supervision involves the forwarding of all pertinent supervision documents via the Bureau of Interstate Compact to the receiving location and the formal assumption of supervision of the offender by a probation or parole officer in the receiving location. The officer shall forward the following supervision documents, in triplicate, to the Bureau of Interstate Compact:

(a) Immediately notifying the officer if a change of plan occurs; Out of State Investigation Request, Form DC3-110;

(b) Immediately notifying the officer of any unusual situations or any contact with law enforcement that occurred during the travel episode; Application for Compact Services and Agreement to Return, Form DC3-122;

(c) Immediately calling or reporting upon return to the county of residence; Supervision orders; and,

(d) That any deviations to the approved travel shall not be authorized; Pre-sentence or Post-sentence investigation, or offense report and arrest history;

(e) That travel shall be authorized only as indicated on the travel permit; and Form DC3-110, Out of State Investigation Request and Form DC3-122, Application for Compact Services and Agreement to Return, are hereby incorporated by reference. Copies of these forms can be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is October 2, 2001.

(f) That failure to comply with instructions shall be a violation of supervision.

~~(6)(4)~~ An officer shall transfer the supervision of an offender who is granted permission to travel and remain in another county outside of her or his county of residence in the State of Florida for more than thirty consecutive days unless exceptional circumstances exist that are approved by a supervisor which would allow an offender to remain out of county on an extended travel permit without transferring the offender.

~~(6)~~ When interstate travel is for the sole purpose of transfer to another state, the District of Columbia, the Commonwealth of Puerto Rico or the Virgin Islands of the United States, the offender must meet the other state's requirements and receive consent to travel from the Bureau of Interstate Compact Office before proceeding to that state.

~~(7)~~ In compact cases that meet emergency criteria, the officer must submit an Electronic Request for Emergency Reporting Instructions and Travel Permit, Form EF3-005, to the Bureau of Interstate Compact Office two days before the requested date of travel. This time frame does not apply to offenders who already reside in the receiving state and who must return immediately after sentencing. Form EF3-005 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self addressed envelope. The effective date of this form is October 2, 2001.

~~(8)~~ In high profile and sex offender cases, the officer must review the Interstate Compact File Cabinet computer database or seek guidance from the Bureau of Interstate Compact Office to ensure that the offender meets and follows travel requirements for the state of destination before granting travel permission. Once the officer has verified and instructed the offender as to the requirements of the state of destination, a

~~copy of the travel permit providing the offender's itinerary must be transmitted to the Bureau of Interstate Compact Office.~~

~~(9) The officer will obtain permission from the sentencing or releasing authority prior to granting permission to the community control offender for the right to travel out of state. A DC3 220 will be approved with a copy forwarded to the Bureau of Interstate Compact.~~

~~(10) Offender travel outside the United States or its territories shall not be approved by an officer or supervisor, without the written approval of the sentencing or releasing authority.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 3-21-00, Amended 10-2-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tina Hayes
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 17, 2003

DEPARTMENT OF THE LOTTERY

RULE TITLE: Administrative Leave
RULE NO.: 53-16.009
PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to provide for administrative leave for the protection of the Lottery's best interest.
SUMMARY: Emergency Rule 53ER03-7, Administrative Leave, was filed by the Lottery on January 24, 2003. This amendment reflects in permanent rule form the provisions in Emergency Rule 53ER03-7 for administrative leave for the protection of the Lottery's best interest.
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: 24.105(9)(j) FS.
LAW IMPLEMENTED: 24.105(19)(d) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
TIME AND DATE: 9:00 a.m. March 12, 2003
PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-16.009 Administrative Leave.

(1) through (15) No change.

(16) Administrative Leave for Protection of Lottery's Best Interests. The Secretary may place an employee on administrative leave with pay when such action is determined to be in the Lottery's best interests, considering factors such as the safety, security, or integrity of the Lottery's employees, business interests, facilities, or other resources.

~~(17)~~(16) If an employee does not use administrative leave as authorized in this section, the employee shall not accrue or be paid for such unused leave.

~~(18)~~(17) This section applies to employees who are filling authorized and established positions.

~~(19)~~(18) All requests for leave pursuant to this rule shall be in writing prior to the initial date of leave, when possible.

Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History--New 2-25-93, Amended 8-15-93, 10-21-99, 4-1-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Diane D. Schmidt, Office of the General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 7, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Long-Term Care Hospital Beds
RULE NO.: 59C-1.045
PURPOSE AND EFFECT: The agency is proposing a rule for use in certificate of need (CON) review of proposals to establish or expand long-term care hospitals. There is no current CON rule that deals exclusively with this subject. The new rule describes the type of patients served in long-term care hospitals, the type of services provided, geographic service planning areas, agency preferences among competing applicants, and required content of a CON application. Service-specific rules like the one proposed are used in conjunction with statutory review criteria in evaluation of applications for a CON.
SUMMARY: The agency is proposing a rule for use in certificate of need (CON) review of proposals to establish or expand long-term care hospitals.

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: 408.15(8), 408.034(6) FS.

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

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

TIME AND DATE: 2:00 p.m. March 11, 2003

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 IS: John Davis, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.045 Long-Term Care Hospital Beds.

(1) Agency Intent. This rule implements the provisions of subsection 408.034(3), and paragraphs 408.036(1)(a), (b), (c), (d), (f), and (g), Florida Statutes, to regulate proposals subject to comparative review for the establishment of new long-term care hospitals, the addition of beds to existing long-term care hospitals, and the conversion of licensed hospital beds to long-term care hospital beds.

(2) Definitions.

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

(b) "Approved Long-Term Care Hospital Bed." A proposed long-term care hospital 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 59C-1.008(2)(b), Florida Administrative Code, as of the most recent published deadline for agency initial decisions prior to the letter of intent deadline, 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 200 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) "District." A district of the agency defined in subsection 408.032(5), Florida Statutes. For purposes of certificate of need review, the service area of a proposed long-term care hospital is the district in which it would be located.

(e) "Freestanding Facility." For purposes of this rule, a long-term care hospital that is not the hospital within hospital described in paragraph (2)(g).

(f) "Local Health Council." The council referenced in section 408.033, Florida Statutes.

(g) "Long-Term Care Hospital." A hospital licensed under Chapter 395, F.S., which meets the requirements of Part 412, subpart B, paragraph 412.23(e), Code of Federal Regulations; and, where applicable, also meets the requirements for a hospital within hospital specified under paragraph 412.22(e) of that subpart. A long-term care hospital is exempt from the Medicare acute care prospective payment system. A long-term care hospital has an average length of inpatient stay greater than 25 days for all hospital beds. Long-Term care hospitals are designed to provide extended care to patients who are clinically complex and have multiple complex or chronic conditions, and who are less stable upon admission than patients admitted to other post-acute care settings. Long-Term care hospitals typically provide programs in one or more of the following areas: respiratory care, particularly for ventilator-dependent patients; treatment of patients with multiple illnesses or multiple systems failure; treatment of wounds caused by disease or accident; and treatment for patients requiring interdisciplinary rehabilitation services who are unable to tolerate the more intensive treatments provided in a comprehensive medical rehabilitation hospital.

(3) General Provisions.

(a) Conformance with the Criteria for Approval. A certificate of need for the establishment of a new long-term care hospital, or the expansion of existing services by the addition of beds, shall not normally be approved unless the applicant meets the applicable review criteria in section 408.035, F.S., and the standards and need determination criteria set forth in this rule.

(b) Minimum Hospital Size. Freestanding long-term care hospitals established after the effective date of this rule shall have a minimum of 40 licensed beds. Long-Term care hospitals designated as hospitals within hospitals established after the effective date of this rule shall have a minimum of 25 licensed beds.

(c) Required Services. Services provided at a long-term care hospital may be provided directly by the long-term care hospital or may be provided by a contract consistent with Chapter 59A-3, Florida Administrative Code. Services of a hospital within hospital provided by contract shall be

consistent with the requirements of paragraph 412.22(e)(5), Code of Federal Regulations. Long-Term care hospital services shall include, at a minimum:

1. Pre-admission screening.
2. Care for patients with multiple complex diagnoses.
3. Care for patients with multi-system failure.
4. Services for difficult-to-wean ventilator-dependent patients.
5. Services for patients who cannot be weaned from ventilator dependence.
6. Respiratory/pulmonary care.
7. Airway restoration.
8. Intensive wound care.
9. Nutrition services, including metabolic analysis, invasive enteral tube placement, and total parenteral nutrition.
10. Infusion therapy.
11. Daily physician assessments.
12. An average of at least 8 direct patient care nursing hours per patient per day.
13. Physical therapy, occupational therapy, speech therapy, and respiratory therapy.
14. Laboratory.
15. Pharmacy.
16. Radiology.
17. An operating room.

(4) Criteria for Determination of Need.

(a) New Provider. In determining the need for a new long-term care hospital, the agency shall consider the proposed facility within the context of licensed or approved long-term care hospital beds in the applicable district, and the licensed comprehensive medical rehabilitation beds, hospital-based skilled nursing unit beds, and nursing home beds in that district. The applicant proposing a new long-term care hospital shall provide documentation that these other licensed inpatient beds in the district do not meet the need for the proposed service.

(b) Limitation on Approvals. The agency will not approve more than one new long-term care hospital for a district during a review cycle. No additional long-term care hospital will be approved for a district that has an approved new provider not yet licensed.

(c) Additional Beds at Existing Long-Term Care Hospitals.

1. For letters of intent submitted between January and June, need for additional beds at an existing long-term care hospital is demonstrated if the average occupancy rate of the hospital was at least 80 percent for the 12-month period ending December 31 of the previous year. For letters of intent submitted between July and December, need for additional beds at an existing long-term care hospital is demonstrated if the average occupancy rate was at least 80 percent for the 12-month period ending June 30 of the current year.

2. For the purpose of calculating occupancy under this paragraph, the 12-month total of patient days shall be divided by 365 to determine an average daily census, and the average daily census shall then be divided by the total of licensed and approved beds located or to be located at the facility as of the end of the 12-month period.

(d) Consistency with Local Plans. Applicants shall provide evidence in their applications that a proposed long-term care hospital is consistent with the needs of the community and other criteria contained in Local Health Council Plans.

(e) Preferences Among Applicants for Long-Term Care Hospital Beds. In weighing and balancing statutory and rule review criteria, the agency will give preference to an applicant who agrees that an awarded CON will be predicated on one or both of the following conditions that are subject to annual monitoring under subsection 59C-1.013(4), F.A.C.:

1. An applicant who provides or proposes to provide Medicaid patient days as a percentage of their total patient days equal to or greater than the statewide average percentage of Medicaid patient days provided by all long-term care hospitals, as determined in the Agency's most recent "Hospital Financial Data" report. The report may be obtained from:

Agency for Health Care Administration
Certificate of Need/Financial Analysis
2727 Mahan Drive – Mail Stop 28
Tallahassee, Florida 32308

2. An applicant who has or proposes to have a ratio of charity care deductions to net patient service revenue equal to or greater than the statewide average ratio for all long-term care hospitals, as determined in the Agency's most recent "Hospital Financial Data" report.

(5) Quality of Care. Long-Term care hospital services shall comply with the agency standards applicable to long-term care hospital licensure described in Chapter 59A-3, Florida Administrative Code.

(6) Services Description. An applicant for long-term care hospital beds shall provide a detailed program description in its certificate of need application including:

(a) Characteristics of age groups to be served by age and diagnosis.

(b) Specialty programs to be provided.

(c) Proposed staffing, including qualifications of the medical director, a description of staffing appropriate for any specialty program, and a description of the training and experience requirements for all staff who will provide direct patient care.

(d) Expected sources of patient referrals. Applicants shall include evidence of transfer agreements with local hospitals indicating an intent to discharge appropriate patients to the proposed long-term care hospital.

(e) Expected average length of stay for discharges by age group.

(f) Expected discharge destination by age group.

(g) Projected number of patient days by payer type, including Medicare, Medicaid, private insurance, self-pay and charity care patient days for the first 2 years of operation after completion of the proposed project.

(h) Admission policies of the facility with regard to charity care patients.

(i) Services that will be provided by contract.

(7) Applications from Licensed Long-Term Care Hospitals. A licensed long-term care hospital seeking approval for additional inpatient beds shall provide the following information in addition to the information required by subsection (6):

(a) Number of admissions and patient days by age group and diagnosis for the 12-month period ending 1 month prior to the letter of intent deadline.

(b) Number of patient days by payer type, including Medicare, Medicaid, private insurance, self-pay and charity care patient days, for the 12-month period ending 1 month prior to the letter of intent deadline.

(c) Gross revenues by payer source for the 12-month period ending 1 month prior to the letter of intent deadline.

(d) Current staffing.

(e) Current specialized treatment programs.

(8) Quarterly Reports. Licensed long-term care hospitals shall report to the agency or its designee, within 45 days after the end of each calendar quarter, the number of admissions and patient days by age and primary diagnosis that occurred within the quarter.

Specific Authority 408.15(8), 408.034(6) FS. Law Implemented 408.034(3), 408.036(1)(a),(b),(c),(d),(f),(g) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Davis, Health Services and Facilities Consultant

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Rivera, Consultant Supervisor

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 26, 2002 and October 11, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: Board Approval of Continuing Education Providers
RULE NO.: 61G10-18.002

PURPOSE AND EFFECT: The Board proposes to amend these rules to include a provision that requires education providers to show how they are complying with subsection 61G10-18.002(1), F.A.C.

SUMMARY: Rule 61G10-18.002, F.A.C., will now include a provision that requires education providers to send the Board a copy of a summary of qualifications showing compliance with subsection 61G10-18.002(1), F.A.C.

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: 455.2124, 455.2179, 481.306, 481.313, 481.325(2) FS.

LAW IMPLEMENTED: 455.2179, 481.313 553.841 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 (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Florida Board of Landscape Architecture, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-18.002 Board Approval of Continuing Education Providers.

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

(e) A summary of qualifications to demonstrate compliance with subsection 61G10-18.002(1), F.A.C.

(3) No change.

Specific Authority 455.2124, 455.2179, 481.306, 481.313 FS. Law Implemented 455.2179, 481.313, 553.841 FS. History—New 9-19-01, Amended 6-6-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 18, 2002

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Remediable Tasks Delegable to Dental Assistants
RULE NO.: 64B5-16.005

PURPOSE AND EFFECT: The Board proposes the amendment to update the rule with an additional remediable task that dentists may delegate to dental assistants.

SUMMARY: The proposed rule amendment would allow dental assistants under direct supervision and who have received formal training to make impressions for study casts for the purpose of passive orthodontic retainers.

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

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

SPECIFIC AUTHORITY: 466.004(4), 466.024(3) FS.

LAW IMPLEMENTED: 466.024 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON MARCH 29, 2003 IN JACKSONVILLE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-16.005 Remediable Tasks Delegable to Dental Assistants.

(1) The following remediable tasks may be performed by a dental assistant who has received formal training and who performs the tasks under direct supervision:

(a) through (s) No change.

(t) Making impressions for study casts which are being made for the purpose of passive orthodontic retainers.

(2) through (5) No change.

Specific Authority 466.004(4), 466.024(3) FS. Law Implemented 466.024 FS. History—New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.005, Amended 3-30-94, Formerly 61F5-16.005, Amended 1-9-95, 9-27-95, 6-12-97, Formerly 59Q-16.005, Amended 1-8-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 10, 2003

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Written Dental Records; Minimum Content; Retention
RULE NO.: 64B5-17.002

PURPOSE AND EFFECT: The Board proposes to update the rule with a new amendment to allow for advances in office automation procedures while safekeeping patient records.

SUMMARY: The Board's proposed rule amendment addresses the requirements for keeping patient records in an electronic data format to provide for back-up copy information, a regular schedule for the back-up system, and the ability to produce hard copies on demand.

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

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

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.058, 466.028(1)(m), (o) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON MARCH 29, 2003 IN JACKSONVILLE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-17.002 Written Dental Records; Minimum Content; Retention.

(1) through (5) No change.

(6) Patient records may be kept in an electronic data format, provided that the dentist maintains a back-up copy of information stored in the data processing system using disk, tape or other electronic back-up system and that said back-up is updated on a regular basis, at least weekly, to assure that data is not lost due to system failure. Any electronic data system must be capable of producing a hard copy on demand.

Specific Authority 466.004(4)(3) FS. Law Implemented 456.058, 466.028(1)(m),(o) FS. History—New 10-8-85, Formerly 21G-17.02, Amended 10-28-91, Formerly 21G-17.002, Amended 11-22-93, Formerly 61F5-17.002, 59Q-17.002, Amended 11-15-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2003

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Application for Licensure Fees

RULE NO.: 64B7-27.002

PURPOSE AND EFFECT: To revise the colonic fees pursuant to the Department's examination rules.

SUMMARY: The Board proposes to amend the fees to bring them in-line with the Department's Rule 64B-1.016, F.A.C.

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

LAW IMPLEMENTED: 480.044(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-27.002 Application for Licensure Fees.

(1) No change.

(2) The examination fee for certification in colonic irrigation shall be ~~\$100.00~~ \$595.00. The reexamination fee for certification in colonic irrigation shall be ~~\$100.00~~ \$595.00.

Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1) FS. History—New 11-27-79, Amended 2-6-85, Formerly 21L-27.02, 21L-27.002, Amended 6-28-94, 11-22-94, 9-9-96, 1-29-97, Formerly 61G11-27.002, Amended 10-12-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 15, 2002

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Application Fee

RULE NO.: 64B12-11.002

PURPOSE AND EFFECT: The Board proposes to delete a portion of the current rule text since examination fees are included in the Department's exam fee rule.

SUMMARY: The Board is deleting a provision setting the exam fee and declaring it refundable under certain circumstances.

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: 484.005, 484.007(1)(a) FS.

LAW IMPLEMENTED: 484.007(1)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-11.002 Application ~~and Examination Fees.~~

(1) The application fee shall be \$100.00, which shall be non-refundable.

~~(2) The examination fee shall be \$325.00, which is refundable if the applicant is determined to be ineligible for licensure or has failed to timely submit a completed application.~~

Specific Authority 484.005, 484.007(1)(a) FS. Law Implemented 484.007(1)(a) FS. History—New 12-6-79, Amended 6-30-82, 4-10-85, 1-7-86, Formerly 21P-11.02, Amended 7-7-87, 3-30-89, 7-3-91, Formerly 21P-11.002, 61G13-11.002, 59U-11.002, Amended 11-14-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 24, 2003

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLES: General Regulations; Definitions

RULE NOS.: 64F-12.001

Records of Drugs, Cosmetics and Devices

64F-12.012

Prescription Drugs; Receipt,

Storage and Security

64F-12.013

Administrative Enforcement

64F-12.024

PURPOSE AND EFFECT: To refine a definition and define a new term that facilitate recordkeeping requirements related to the wholesale distribution of prescription drugs; to impose

recordkeeping requirements on prescription drug wholesalers that are intended to assist certain purchasers of prescription drugs to determine a drug's distribution history; to require prescription drug wholesalers to review for completeness and accuracy the distribution history and other required records prior to the purchase of a prescription drug; and to provide guidelines for purposes of assessing an administrative fine for a violation of these new requirements. Inasmuch as the department is proceeding with rule development expeditiously and in good faith, and the public health threat that exists because of the recurrence of counterfeit and diverted prescription drugs in the marketplace in Florida, the department intends to enforce the provisions set forth in this notice beginning March 1, 2003. The department believes that the proposed rule will assist the department and industry in being more effective in identifying diverted or counterfeit prescription drugs prior to their consumption. The department may exercise enforcement discretion in implementing this policy, including possible changes resulting from the rule promulgation process, consistent with standards related to minimizing prescription drug fraud and the risk to public health and safety.

SUMMARY: The definition of "ongoing relationship" is being revised. This term is used with respect to an authorized distributor of record in s. 499.0121(6)(d), F.S. The definition of "affiliated group" is being added since this term will be used in the new recordkeeping requirement provisions. Additional recordkeeping and verification requirements will be imposed on prescription drug wholesalers and repackagers. Finally, guidelines are provided which the department will apply when assessing an administrative fine for a violation of these new requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The department did not prepare a statement of estimated regulatory cost.

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: 499.0121, 499.05 FS.

LAW IMPLEMENTED: 499.0121(6), 499.066 FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m. (EST), Tuesday, March 18, 2003

PLACE: 4025 Bald Cypress Way, Room 301, Tallahassee, Florida

If special accommodations are needed to attend this workshop because of a disability, please contact Maxine Wenzinger, (850)922-5190.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, sandra_stovall@doh.state.fl.us.fl

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-12.001 General Regulations; Definitions.

(1) No change.

(2) In addition to definitions contained in sections 499.003, 499.012(1), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to rule Chapter 64F-12, F.A.C.:

(a) No change.

(b) "Affiliated group" – means the definition set forth in sec. 1504 of the Internal Revenue Code, which is incorporated by reference.

(b) through (h) renumbered (c) through (i) No change.

~~(j)(i) "Ongoing relationship" means an association that exists between a manufacturer and prescription drug wholesaler that is currently occurring such that a specific unit of a prescription drug is purchased directly from the manufacturer by the prescription drug wholesaler. when a manufacturer and a distributor enter into a written agreement under which the distributor is authorized to distribute the manufacturer's product(s) for a period of time or for a number of shipments, at least one sale is made under that agreement, and the name of the authorized distributor of record is entered on the manufacturer's list of authorized distributors of record or equivalent list. An ongoing relationship may also be documented by at least three purchases of a manufacturer's product(s) directly from that manufacturer within a six month period from the date for which the authorized distributor of record relationship is claimed and the distributor's name is entered on the manufacturer's list of authorized distributors of record or equivalent list.~~

(j) through (v) renumbered (k) through (w) No change.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History—New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-18-01,

64F-12.012 Records of Drugs, Cosmetics and Devices.

(1) through (2) No change.

(3) Any person who distributes a prescription drug that it did not manufacture must provide to each purchaser and recipient that is a wholesale distributor either:

(a) Upon the wholesale distribution, a statement on the invoice or transfer document as follows:

1. If the establishment is not a member of an affiliated group: “This establishment purchased the specific unit(s) of the prescription drug(s) represented on this document directly from the manufacturer as an authorized distributor of record.”

or

2. If the establishment is a member of an affiliated group: “This establishment or a member of our affiliated group that is licensed or permitted as a drug wholesaler purchased the specific unit(s) of the prescription drug(s) represented on this document directly from the manufacturer as an authorized distributor of record.”

or

(b) before the wholesale distribution, a written statement (“pedigree paper”) identifying each previous wholesale distribution of that unit of the drug back to the manufacturer.

(c) The pedigree papers required by s. 499.0121(6)(d) must include either the proprietary name or the generic name with the name of the manufacturer (manufacturer, distributor or relabeler) or distributor reflected on the label of the product; dosage form; strength; container size; quantity by lot number; the name and address of each prior owner of the prescription drug, consistent with (a) or (b) above; the name and address of each location from which it was shipped if different from the owner's; and the transaction dates for all distributions subsequent to the distribution by the wholesaler, or its affiliated group member that purchased that unit of the prescription drug from the manufacturer. The pedigree paper must clearly identify the invoice to which it relates. A copy of the pedigree paper must be maintained by each recipient.

(d) For purposes of subsection (3), a repackager that purchased a specific unit of prescription drug that it repackages directly from the manufacturer must comply with paragraph (3)(a). For purposes of subsection (3), a repackager that does not obtain a specific unit of a prescription drug that it repackages directly from the manufacturer must comply with paragraph (3)(b).

(4) through (15) No change.

Specific Authority 499.05, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS. Law Implemented 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.05, 499.051, 499.052 FS. History—New 1-1-77, Amended 12-12-82, 7-8-84, 1-30-85, Formerly 10D-45.53, Amended 11-26-86, 2-7-93, 7-1-96, Formerly 10D-45.053, Amended 1-26-99, 4-18-01, _____.

64F-12.013 Prescription Drugs; Receipt, Storage and Security.

(1) through (4) No change.

(5) Examination of Prescription Drugs.

(a) Every person receiving prescription drugs other than the consumer receiving dispensed prescription drugs pursuant to Chapter 465, F.S., has a duty to examine the product to prevent acceptance of prescription drugs that are unfit for distribution or use. The extent of the examination should be predicated on the conditions surrounding the transaction, including but not limited to any previous sales of the product,

i.e., purchase and delivery is not direct from the manufacturer; the conditions of transport; and environmental conditions to which the product may have been subjected. Upon receipt a prescription drug wholesaler must review the records required to be provided by subsection 64F-12.012(3), F.A.C., related to the purchase of prescription drugs for accuracy and completeness.

(b) through (c) No change.

Specific Authority 499.0121(1), 499.05 FS. Law Implemented 499.004, 499.006, 499.007, 499.0121, 499.052 FS. History—New 7-8-84, Amended 1-30-85, Formerly 10D-45.535, Amended 11-26-86, 7-1-96, Formerly 10D-45.0535, Amended 1-26-99, 4-18-01, _____.

64F-12.024 Administrative Enforcement.

(1) through (3) No change.

(4) The following codes outline department policy under s. 499.066(3)(a), F.S., and are used to designate the general severity in terms of the threat to the public health for violation and the range of action which the department will initiate.

3 = Warning Letter, Letter of Violation with no fine or Notice of Violation or Administrative Complaint with a fine ranging from \$250* to \$1,000 per violation per day.

(*) If medical oxygen is the prescription drug involved, the range of the fine is \$50 to \$1,000.

2 = Notice of Violation or Administrative Complaint with a fine ranging from \$500 to \$2,500 per violation per day.

1 = Notice of Violation or Administrative Complaint with a fine ranging from \$1,000-\$5,000 per violation per day; Suspension of the permit with a fine; or Revocation of the permit with a fine.

CITE	VIOLATION	GENERAL SEVERITY
499 refers to Chapter 499, F.S. 12 refers to Rule 64F-12		
FACILITY, STORAGE:		
No change.		
MISCELLANEOUS:		
No change.		
OPERATING:		
No change.		
RECORDKEEPING:		
499.005(18); 499.0121(6); 499.028; 499.052; 499.66; 499.67;		
12.012 & 12.022(3)	Failing to maintain records, inventories	3 - 1
499.66; 499.67; & 12.012	Failing to make records available	3 - 1
499.0121(6)	Absence of or not providing pedigree papers	2
12.012(1)	Not maintaining a complete audit trail	3
12.012(12)	Separate records, multiple businesses	3
12.007(2)	No written procedures for medical oxygen	3
12.012(3)	Failing to obtain or pass on statement	1

12.013(5) Failing to examine the transaction documentation and failing to determine their accuracy 1

SAMPLES:

No change.

ADULTERATED & MISBRANDED:

No change.

COUNTERFEIT:

No change.

FALSE & MISLEADING:

No change.

UNAUTHORIZED SOURCE OR RECIPIENT:

No change.

POSSESSION:

No change.

(5) No change.

Specific Authority 499.05 FS. Law Implemented 499.066 FS. History--New 7-1-96, Formerly 10D-45.0595, Amended 1-26-99, 4-18-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jerry Hill, Chief of Statewide Pharmaceutical Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Annie R. Neasman, R.N., M.S., Deputy Secretary for Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

February 3, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

February 7, 2003

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-4.0021	Florida Teacher Certification Examinations
6A-4.00821	Florida Educational Leadership Examination

NOTICE OF CORRECTION

Notice is hereby given that the meeting of the State Board of Education to be held on February 18, 2003, has been changed from 325 West Gaines Street, Tallahassee, Florida, to LaVilla Middle School of the Arts, 501 North Davis Street, Jacksonville, Florida. Included on the agenda are proposed Rules 6A-4.0021, Florida Teacher Certification Examinations, and 6A-4.00821, Florida Educational Leadership Examination, as advertised in Vol. 29, No. 3, January 17, 2003, Florida Administrative Weekly.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-10	Outdoor Advertising Sign Regulation and Highway Beautification Program
RULE NO.:	RULE TITLE:
14-10.0052	Comprehensively Enacted Zoning and Zoning Enacted Primarily to Permit Signs

NOTICE OF ADDITIONAL HEARING

NOTICE: An additional hearing is scheduled to discuss the changes resulting from the public hearing which was held on December 18, 2002.

The hearing is scheduled as follows:

TIME AND DATE: 9:00 a.m., April 3, 2003

PLACE: Haydon Burns Building, 605 Suwannee Street, Fourth Floor Conference Room (Room 479), Tallahassee, Florida

Notice was published in Florida Administrative Weekly, Vol. 28, No. 48, November 22, 2002.

PUBLIC SERVICE COMMISSION

DOCKET NO. 001574-EQ

RULE NO.:	RULE TITLE:
25-17.0832	Firm Capacity and Energy Contracts

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rulemaking to amend Rule 25-17.0832, as noticed in Vol. 27, No. 38, September 21, 2001, Florida Administrative Weekly has been withdrawn.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-22	Year-Round Water Conservation Measures

CORRECTED NOTICE OF PUBLIC HEARING

The Southwest Florida Water Management District hereby gives notice in accordance with subparagraph 120.54(3)(c), F.S., that a public hearing will be held regarding the Notice of Proposed Rulemaking for Chapter 40D-22, F.A.C., to update the Year-Round Water Conservation Measures published in Vol. 28, No. 47, Pages 5203 through 5213 on November 22, 2002 of the Florida Administrative Weekly. The hearing will commence upon the conclusion of the first day of the Southwest Florida Water Management District's monthly Governing Board Meeting on March 25, 2003 in the Boardroom of the Southwest Florida Water Management District's Brooksville Office at 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211.

A copy of the agenda may be obtained by writing: the Southwest Florida Water Management, 2379 Broad Street, Brooksville, Florida 34604-6899.

The Southwest Florida Water Management District does not discriminate on the basis of any individual’s disability status. Anyone requiring reasonable accommodation as provided for in the American’s With Disability Act should contact Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.140
RULE TITLE: Hospice Services

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 28, No. 48, November 27, 2002, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-20.010
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. 46, November 15, 2002, issue of the Florida Administrative Weekly.

(5) VIOLATIONS AND RANGE OF PENALTIES

(y) Section 455.227(1)(c), F.S. –
Being convicted or found guilty of
a crime related to the practice of a
licensee’s or registrant’s
profession.

<u>First Offense</u>	<u>One year suspension; \$1000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Second Offense</u>	<u>One year suspension; \$1500 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>
<u>Third Offense</u>	<u>Two years suspension; \$3000 fine; costs</u>	<u>Revocation; \$5000 fine; costs</u>

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE NO.: 61G6-5.001
RULE TITLE: Definitions

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. 29, No. 5, January 31, 2003, issue of the Florida Administrative Weekly. The changes are in response to comments from the Board meeting held on January 24, 2003

1. Subsection 61G6-5.001(5), F.A.C., will now read:

(5) Electrical contractor or unlimited electrical contractor" means a person as defined in Section 489.505(12), Florida Statutes, whose scope of practice is not limited to a specific segment of electrical contracting. An electrical contractor or unlimited electrical contractor shall be either certified or registered. An electrical contractor is licensed to design electrical services up to and including 800 amps up to 600 volts maximum.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors’ Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

DOCKET NO.: 02-17R

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

RULE NO.: 62B-34.070
RULE TITLE: General Permit for Single Family Dwellings and Associated Minor Structures or Activities

NOTICE OF CHANGE

This notice is being republished and replaces the previous Notice of Change published on January 17, 2003. Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 28, No. 48, (November 27, 2002), issue of the Florida Administrative Weekly. These changes are made in response to written and oral comments from the Joint Administrative Procedures Committee and staff recommendations.

The full text of this notice, showing changes to the proposed rulemaking language, 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 entitled “Official Notices.”

If you have additional questions please contact Rosaline Beckham, (850)488-3181.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-27.832
RULE TITLE: Standards of Practice for Filling Prescriptions Generated Through the Internet

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 27, July 5, 2002 Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program Office

RULE NOS.:	RULE TITLES:
65D-30.003	Department Licensing and Regulatory Standards
65D-30.004	Common Licensing Standards
65D-30.007	Standards for Residential Treatment
65D-30.008	Standards for Day or Night Treatment with Host Homes
65D-30.009	Standards for Day or Night Treatment
65D-30.0091	Standards for Intensive Outpatient Treatment
65D-30.010	Standards for Outpatient Treatment
65D-30.011	Standards for Aftercare
65D-30.012	Standards for Intervention
65D-30.014	Standards for Medication and Methadone Maintenance Treatment

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 45, November 8, 2002, issue of the Florida Administrative Weekly. These changes are in response to comments received during the public hearing and written response to the proposed rulemaking by the Joint Administrative Procedures Committee.

65D-30.003 Department Licensing and Regulatory Standards.

~~For purposes of this rule, “district office” and “Substance Abuse Program Office” are used whenever the standards to be implemented are applied to one or the other level of department operations. The term “department” is used whenever there is no distinction in the implementation of standards within department operations.~~

(1) Licensing.

~~(b) Licensing Inspections. The district offices will be responsible for conducting licensing inspections and issuing licenses.~~

(c) through (d) renumbered (b) through (c) No change.

~~(d)(e) Special Information Displayed on Licenses. In the case of addictions receiving facilities, detoxification, and residential treatment, each license shall include the licensed bed capacity. The department district office shall identify on the license those components provided in each facility that are accredited by a department recognized accrediting organization such as the Commission on Accreditation of Rehabilitation Facilities (CARF), ~~Rehabilitation Accreditation Commission, known as CARF~~, the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO), and Council on Accreditation (COA). In the case of providers or components of providers that are accredited, licenses shall also~~

include the statement, “THIS LICENSE WAS ISSUED BASED, IN PART, ON THE SURVEY REPORT OF A DEPARTMENT RECOGNIZED ACCREDITING ORGANIZATION.” This statement would not be included on the license when issuance is also based on the results of the department’s licensing inspections.

(2) Categories of Licenses; issuance.

(a) Probationary License.

2. Reissuing a Probationary License. A probationary license expires 90 days after it is issued. The department district office may reissue a probationary license for one additional 90-day period. ~~The district office may take this action if~~ the department ~~it~~ determines that the applicant needs additional time to become fully operational and has substantially complied with all requirements for a regular license or has initiated action to satisfy all requirements.

3. Special Requirements Regarding Probationary Licenses. The following special requirements apply regarding new applicants.

b. New applicants that lease or purchase any real property during the application process do so at their own risk. Such lease or purchase does not obligate the department district office to approve the applicant for licensing.

c. In those instances where an applicant fails to admit clients for services during the initial probationary period, the department district office shall not issue a regular license, even where other standards have been met. However, the department district office may reissue a probationary license if it finds that the applicant can provide evidence of good cause for not having admitted clients during the initial 90-day probationary period.

4. Issuing New Licenses. In those instances where all licenses issued to a provider have the same expiration dates, any additional licenses that are issued to the provider during the effective period will carry the same expiration date as provider’s existing licenses. ~~Where necessary, licensure fees shall be prorated.~~

(b) Regular License.

2. Applications for Renewal. In regard to applications for renewal of a regular license, the department district office must receive a completed application no later than 60 days before the provider’s current license expires.

(c) Interim License.

1. Conditions Permitting Issuance. An interim license will replace a regular license for a period not to exceed 90 days, where the department district office finds that any one of the following conditions exist.

2. Reissuing an Interim License. The department district office may reissue an interim license for an additional 90 days at the end of the initial 90-day period in the case of extreme hardship. In this case, reissuing an interim license is permitted when inability to reach full compliance can not be attributed to the provider.

(3) Changing the Status of Licenses. Changes to a provider's license shall be permitted under the following circumstances.

(a) If a new component is added to a facility's regular license, the department ~~district office~~ will issue a separate probationary license for that component. Once the provider has satisfied the requirements for a regular license, the department ~~district office~~ shall reissue an amended regular license to include the new component.

(b) If a component of a facility operating under a regular license is found to be in substantial noncompliance, a separate interim license will be issued by the department ~~district office~~ for that component and the provider will return its regular license to the department ~~district office~~. The department ~~district office~~ will reissue an amended regular license. Once the provider has satisfied the requirements of a regular license for that component, the department ~~district office~~ will reissue another amended regular license to include that component.

(c) A provider's current license shall be amended when a component is discontinued. In such cases, the provider shall send its current license to the department ~~district office~~ only after receipt of an amended license. Components not affected by this provision shall be permitted to continue operation.

(d) Whenever there is a change in a provider's licensed bed capacity equal to or greater than 10 percent, the provider shall immediately notify the department ~~district office~~ which shall, within 5 working days of receipt of notice, issue an amended license to the provider.

(e) When there is a change in a provider's status regarding accreditation, the provider shall notify the department ~~district office~~ in writing within 5 working days of such change. In those instances where the change in status will adversely affect the provider's license or requires other sanctions, the department ~~district office~~ shall notify the provider within 5 working days of receipt of the notice of the department's ~~district office's~~ pending action.

(4) License Non-transferable.

(b) Submitting Applications. A completed application, Form 4024, shall be submitted to the department ~~district office~~ at least 30 days prior to acquisition or relocation.

1. Acquisition. In addition to Form 4024, the applicant shall be required to submit all items as required in subsection 65D-30.003(6), F.A.C. When the application is considered complete, the department ~~district office~~ shall issue a probationary license.

2. Relocation. In addition to Form 4024, if there is no change in the provider's services, the provider shall only be required to provide proof of liability insurance coverage and compliance with fire and safety standards established by the State Fire Marshall, health codes enforced at the local level, and zoning. If there is a change in the provider's services, the provider shall be required to submit all items as required in subsection 65D-30.003(6), F.A.C. In this latter case, when the

department ~~district office~~ determines the application to be complete, the department ~~district office~~ shall issue a probationary license.

(6) Application for Licensing.

Applications for licensing shall be submitted initially and annually thereafter to the department ~~respective district office~~ along with the licensing required fee. Unless otherwise specified, all applications for licensure shall include the following:

(a) A standard application for licensing, C&F-SA Form 4024, September 2001, titled Application for Licensing to Provide SUBSTANCE ABUSE SERVICES, incorporated herein by reference, (Copies of C&F-SA Form 4024 may be obtained from the Department of Children and Families, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700);

(d) A copy of the client service fee schedule and policy regarding a client's/participant's financial responsibility (Inmate Substance Abuse Programs operated within Department of Corrections facilities are exempt from this requirement);

(t) Proof of the availability and provision of meals for addictions receiving facilities, residential detoxification, residential treatment, day or night treatment with host homes, and day or night treatment, if applicable in the latter component (Inmate Substance Abuse Programs operated within Department of Corrections facilities are exempt from this requirement);

Items listed in paragraphs (a)-(k) must accompany the application for a license. However, regarding items in paragraph (h), only new applicants will be required to submit this information with the application. Items listed in paragraphs (l)-(v), including items in paragraph (h) for renewal applicants, must be made available for review at the provider facility. In addition, documents listed in paragraphs (a)-(v) that expire during the period the license is in effect shall be renewed by the provider prior to expiration and the department ~~district office~~ shall be notified by the provider in writing immediately upon renewal or in the event renewal does not occur.

(7) ~~Licensing Inspections of Accredited Providers.~~

This subsection implements Section 394.741, F.S. This subsection applies to licensing inspections of providers or components of providers that are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), ~~Rehabilitation Accreditation Commission, known as CARF~~, Joint Commission on the Accreditation of Healthcare Organizations (JCAHO), Council on Accreditation (COA), or other department approved accrediting organizations. (a) Licensing Inspections of Accredited Providers. For those providers or components of providers that are accredited, the department ~~district office~~ shall conduct a licensing inspection once every 3 years.

(b) License Application. Accredited providers shall submit an application for licensing, Form 4024, to the department district office annually. The form shall be accompanied by:

(c) Determination of Accreditation. As indicated in paragraph (b), providers shall submit a copy of the accreditation survey report to the department district office annually. The department district office shall review the report and confirm that accreditation has been awarded for the applicable components. If the survey report indicates that the provider or any components of the provider have been issued provisional or conditional accreditation, the department district office shall conduct a licensing inspection as permitted in paragraph (d).

(d) Inspections of Accredited Providers. In addition to conducting licensing inspections every three years, the department has district offices have the right to conduct inspections of accredited providers in accordance with subsection 394.741(6), F.S., and subsections 397.411(3), (4), and (5), F.S., in those cases where any of the following conditions exist.

1. The accredited provider or component of the provider fails to submit the accreditation report and any corrective action plan related to its accreditation upon request by the department district office.

3. The department's district office's investigation of complaints results in findings of one or more violations of the licensing standards of any accredited component.

4. The department district office has identified significant health and safety problems.

The department district office shall notify the provider of its intent to conduct an inspection in response to any of the conditions provided for under this paragraph.

(8) Authorized Agents; qualifications. Prior to being designated as an authorized agent of the department a person shall:

(b) Demonstrate knowledge of Chapter 397, F.S., Chapter 65D-30, F.A.C., department policy related to licensing and regulation of providers, federal regulations which directly affect the department or providers, accreditation standards from the Commission on Accreditation of Rehabilitation Facilities (CARF), Joint Commission on the Accreditation of Healthcare Organizations (JCAHO), and Council on Accreditation (COA), applicable accreditation standards, and other rules and statutes referenced herein;

(9) Department Licensing Procedures.

(a) District Office Licensing Procedures.

3. Licensing Determination. ~~When conducting licensing inspections, the district offices shall use the "Substance Abuse Monitoring Instrument," dated October 1, 2002.~~ A performance-based rating system shall be used to evaluate a provider's compliance with licensing standards. Providers shall attain at least 80 percent compliance overall on each component reviewed. This means that each component within

a facility operated by a provider is subject to the 80 percent compliance requirement. If any component within a facility falls below 80 percent compliance, an interim license would be issued for that component. In addition, there may be instances where a component is rated at an 80 percent level of compliance overall but is in substantial noncompliance with standards related to the health, safety, and welfare of clients and staff. This would include significant or chronic violations regarding standards that do not involve direct services to clients. In such cases, the district office districts shall issue an interim license to the provider or take other regulatory action permitted in Section 397.415, F.S.

(10) Closing a Licensed Provider. Providers shall notify the department district offices in writing at least 30 days prior to voluntarily ceasing operation. If a provider, facility, or component is ordered closed by a court of competent jurisdiction pursuant to subsection 397.415(4), F.S., the provider shall maintain possession of all its records until the court order becomes final. The provider remains responsible for giving the department district office access to its records. In the interim, the provider, with the department's district office's assistance, shall attempt to place all active clients in need of care with other providers. The department respective district office shall provide assistance in placing clients. The provider shall return its license to the department district office by the designated date of closure.

(13) Approval of Overlay Services.

(a) Qualifying as Overlay Services. A provider that is licensed under Chapter 397, F.S., to provide day or night treatment, intensive outpatient treatment, outpatient treatment, aftercare, intervention, or prevention Level 2, is permitted to deliver those component services at locations which are leased or owned by an organization other than the provider. The aforementioned component services may be delivered under the authority of the provider's current license for that component service so that the alternate location will not require a license. To qualify, overlay services shall be provided on a regular or routine basis over time, at an agreed upon location.

(b) Procedure for Approving Overlay Services.

1. The provider shall submit a request to provide overlay services to the department district office along with:

a. through e. No change.

2. The department district office shall notify the provider within 30 days of receipt of the request to provide overlay services of its decision to approve or deny the request and, in the case of denial, reasons for denying the request in accordance with subparagraph 3.

3. The department district office reserves shall deny the request to provide overlay services if it determines that the provider did not address the specific items in subparagraph 1., or is currently operating under less than an interim license.

4. In those cases where the request to provide overlay services is approved, the department district office shall add to the provider's current license application, the information required in subparagraph 1., and clearly specify the licensed component that will be provided as overlay.

(c) Special Requirements.

4. Overlay services may only be provided within the geographical boundaries of the department's district office that issued the license.

(15) Licensing of Department of Juvenile Justice Commitment Programs and Detention Facilities. In those instances where substance abuse services are provided within Juvenile Justice Commitment Programs and detention facilities, such services may be provided in accordance with any one of the four conditions described below.

(a) The services must be provided in a facility that is licensed under Chapter 397, F.S., for the appropriate licensable service component as defined in subsection 65D-30.002(16), F.A.C. ~~Additionally, a residential commitment program that provides substance abuse treatment may be licensed under residential treatment, day or night treatment, or outpatient treatment, based upon contractual conditions as required by the Department of Juvenile Justice.~~

Specified Authority 397.321(5) FS. Law Implemented 20.19(10), 397.321(1), 397.401, 397.403, 397.405, 397.406, 397.407, 307.409, 397.411, 397.415, 397.419, 397.752, 633.022 FS. History—New 5-25-00, Amended _____.

65D-30.004 Common Licensing Standards.

(3) Provider Governance and Management.

(a) Governing Body. Any provider that applies for a license, shall be a legally constituted entity. Providers that are government-based and providers that are for-profit and not-for-profit, as defined in Section ~~subsections~~ 397.311(13) ~~and~~ (20), F.S., shall have a governing body that shall set policy for the provider. The governing body shall maintain a record of all meetings where business is conducted relative to provider operations. These records shall be available for review by the department.

(4) Personnel Policies.

(a) Personnel Records.

7. Documentation of required staff training (Inmate Substance Abuse Programs operated by the Department of Corrections are exempt from the provisions of this subparagraph).

(12) Client/Participant Records.

(b) Record Retention and Disposition. In the case of individual client/participant records, records shall be retained for a minimum of seven years. The disposition of client/participant records shall be carried out in accordance with Title 42, Code of Federal Regulations, Part 2, and subsection 397.501(7), F.S. In addition, records shall be maintained in accordance with Children and Families Operating Procedures (CFOP) 15-4, Records Management, and Children and Families Pamphlet (CFP) 15-7, Records Retention Schedule

used by Children and Families, incorporated herein by reference. Copies of CFOP 15-4 and CFP 15-7 may be obtained from the Department of Children and Families, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the time period specified for the retention of records and from applying the Children and Families Operating Procedures (CFOP) 15-4, Records Management, and Children and Families Pamphlet (CFP) 15-7, Records Retention Schedule. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements found in the Children and Families Operating Procedures (CFOP) 15-4, Records Management, and the Children and Families Pamphlet (CFP) 15-7, Records Retention Schedule.

(21) Control of Aggression.

(b) Prohibitions. Under no circumstances shall clients be involved in the control of aggressive behavior of other clients. Additionally, aggression control techniques shall not be employed as punishment or for the convenience of staff. Inmate Substance Abuse Programs operated within Department of Corrections facilities are exempt from this requirement.

~~Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the requirements of this subsection.~~ Juvenile Justice Commitment Programs and detention facilities shall implement this subsection in accordance with Florida Department of Juvenile Justice Policies and Procedures, policy Number 1508-03, titled Protective Action Response (PAR) Policy that includes policies and procedures on the use of physical force and restraining devices. This policy may be obtained from the Department of Children and Families, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

(27) Incident Reporting Pursuant to paragraph 397.419(2)(f), F.S. Incident reporting is required of all providers and shall be conducted in accordance with Children and Families Operating Procedure (CFOP) 215-6, incorporated herein by reference. Copies of CFOP 215-6 may be obtained from the Department of Children and Families, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. Incident reporting shall include the following:

(28) Confidentiality. Providers shall comply with Title 42, Code of Federal Regulations, Part 2, titled "Confidentiality of Alcohol and Drug Abuse Patient Records," and with subsections 397.419(7), ~~397.451(10)~~, and 397.501(7), F.S., paragraphs 397.6751(2)(a) and (c), F.S., and Section 397.752, F.S., regarding confidential client information.

(29) Client Rights.

(c) Implementation of Client Rights Requirements by Department of Corrections. In lieu of the requirements of this subsection, and in the case of Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, the Department of Corrections shall adhere to the requirements found in Chapter 33-103, F.A.C., titled Inmate Grievances ~~establish rules regarding inmate grievances as provided for in Section 944.331, F.S., titled Inmate Grievance Procedure.~~

(34) Facility Standards. Facility standards in paragraphs (a)-~~(k)(4)~~ apply to addictions receiving facilities, residential detoxification facilities, and residential treatment facilities. Facility standards in paragraphs ~~(f)(4)-(k)(4)~~ apply to medication and methadone maintenance treatment.

~~(h) Facility Accessibility. Providers shall comply with requirements of the American Disabilities Act.~~

(i) through (k) renumbered (h) through (j) No change.

~~(k)(4) Compliance with Local Codes. All licensed facilities used by a provider shall comply with fire and safety standards enforced by the State Fire Marshall, pursuant to Section 633.022, F.S., rules established pursuant to Rule 4A-44.012, F.A.C., and with health and zoning codes enforced at the local level. All providers shall update and have proof of compliance with local fire and safety and health inspections annually. Inmate Substance Abuse Programs operated within Department of Corrections facilities are exempt from this requirement. Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the requirements of this paragraph.~~

(35) Offender Referrals Under Chapter 397, F.S.

(c) Provider Responsibilities.

1. If the offender is not appropriate for placement by the provider, this decision must immediately be ~~verbally~~ communicated to the referral source and documented in writing within 24 hours, stating reasons for refusal.

Specific Authority 397.321(5) FS. Law Implemented 20.19(10), 232, 384, 397.311(23),(28), 397.321(1), 397.405, 397.419, 397.451, 397.471, 397.501, 397.601, 397.675, 397.705, 397.706, 633.022, 944.026, 948 FS. History–New 5-25-00, Amended _____.

65D-30.007 Standards for Residential Treatment.

(2) Categories of Residential Treatment.

(e) Level 5 programs are those that provide only housing and meals to clients who are mandated to receive services at alternate locations in facilities that are owned and operated by the same provider ~~receive services on a mandatory basis at a separate location. In this case, facilities used for room and board and those used for services are owned and operated by the same provider.~~ This level is appropriate for persons who ~~do not need levels 1-4 residential services but~~ need room and board while undergoing treatment ~~in a day or night, intensive outpatient, or outpatient component.~~ This level would utilize clinical services and other services that would be largely

oriented and directed toward the client’s lifestyle and the client’s attitudinal and behavioral issues. ~~Services may include medical and psychiatric consultation and structured programs built around the psychosocial assessment and treatment planning.~~

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(c), 397.321(1), 397.419 FS. History–New 5-25-00, Amended _____.

65D-30.008 Standards for Day or Night Treatment with Host Homes.

(2) Responsibility Agreement. A written agreement between the day or night sponsoring provider and the host family, signed and dated by all parties involved, shall be executed. As used in this subsection, host family includes parents, stepparents, siblings, grandparents, stepsiblings, or any other family member participating in the program or living in the host home. The agreement shall state the responsibilities and liabilities of each party. The name, address, and telephone number of all host family members shall be included on the agreement. Host parents shall acknowledge, in writing, their agreement to protect the rights of clients in accordance with subsections ~~subsection~~ 397.501(1)-(10), F.S.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(c),(d), 397.321(1), 397.419 FS. History–New 5-25-00, Amended _____.

65D-30.009 Standards for Day or Night Treatment.

(1) Services. Each client shall receive services each week. The services shall include counseling as provided for in subsection 65D-30.009(2), F.A.C. Clinical staff shall provide those services. Each provider shall be capable of providing or arranging for the services listed below. With the exception of counseling, it is not intended that all services listed be provided. For clients participating under subsection 65D-30.003(16), F.A.C., and subsection 65D-30.004(35), F.A.C., services shall be provided according to the conditions of the Department of Corrections’ contract with the provider. ~~Otherwise, services~~ ~~Services~~ shall be provided in accordance with the needs of the client as identified in the treatment plan, as follows:

(a) through (i) No change.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(d), 397.321(1), 397.419 FS. History–New 5-25-00, Amended _____.

65D-30.0091 Standards for Intensive Outpatient Treatment.

(1) Services. Each client shall receive services each week. The services shall include counseling as provided for in subsection 65D-30.0091(2), F.A.C. Clinical staff shall provide those services. Each provider shall be capable of providing or arranging for the services listed below. With the exception of counseling, it is not intended that all services listed be provided. For clients participating under subsection 65D-30.003(16), F.A.C., and subsection 65D-30.004(35), F.A.C., services shall be provided according to the conditions of the Department of Corrections’ contract with the provider.

Otherwise, services ~~Services~~ shall be provided in accordance with the needs of the client as identified in the treatment plan, as follows:

- (a) through (h) No change.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(e), 397.321(1), 397.419 FS. History—New _____.

65D-30.010 Standards for Outpatient Treatment.

(1) Services. Each client shall receive services each week. The services shall include counseling as provided for in subsection 65D-30.010(2), F.A.C. Clinical staff shall provide those services. Each provider shall be capable of providing or arranging for the services listed below. With the exception of counseling, it is not intended that all services listed be provided. For clients participating under subsection 65D-30.003(16), F.A.C., and subsection 65D-30.004(35), F.A.C., services shall be provided according to the conditions of the Department of Corrections’ contract with the provider. ~~Otherwise, services~~ ~~Services~~ shall be provided in accordance with the needs of the client as identified in the treatment plan, as follows:

- (a) through (d) No change.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(e), 397.321(1), 397.419 FS. History—New 5-25-00, Amended _____.

65D-30.011 Standards for Aftercare.

(2) Services. For clients participating under subsection 65D-30.003(16), F.A.C., and subsection 65D-30.004(35), F.A.C., services shall be provided according to the conditions of the Department of Corrections’ contract with the provider. ~~Otherwise, the following services shall be provided.~~

- (a) through (d) No change.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(e), 397.321(1), 397.419 FS. History—New 5-25-00, Amended _____.

65D-30.012 Standards for Intervention.

(2) Requirements for Treatment Alternatives for Safer Communities (TASC).

- (b) Services.

2. Monitoring. Providers shall monitor and report the progress of each client according to the consent agreement with the client. Reports of client progress shall be provided to the criminal or juvenile justice system or other referral source as required, and in accordance with subsections Section 397.501(1)-(10), F.S.

Specific Authority 397.321(5) FS. Law Implemented 397.311(19)(h), 397.321(1), 397.419 FS. History—New 5-25-00, Amended _____.

65D-30.014 Standards for Medication and Methadone Maintenance Treatment.

- (5) Maintenance Treatment Standards.

(i) Exemptions from Take Home Privileges and Phasing Requirements for Methadone Maintained Clients.

2. A client may be permitted a temporarily reduced schedule of attendance because of exceptional circumstances such as illness, personal or family crises, and travel or other hardship which causes the client to become unable to conform to the applicable mandatory schedule. This is permitted only if the client is also found to be responsible in handling methadone. The necessity for an exemption from a mandatory schedule is to be based on the reasonable clinical judgment of the physician and such determination of necessity shall be recorded in the client record by the physician who shall sign and date these entries. A client shall not be given more than a 14-day supply of methadone at any one time unless an exemption is granted by the state methadone authority and by the federal government, ~~where appropriate.~~

Specific Authority 397.21(5) FS. Law Implemented 397.311(19)(f), 397.321(1), 397.419, 397.427, 465 FS. History—New 5-25-00, Amended _____.

THE PERSON TO CONTACT REGARDING THE NOTICE OF CHANGE IS: Phil Emenheiser, (850)488-9210

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 470, CLUB CASINO
 RULE NO.: 53ER03-10
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 470, "CLUB CASINO," 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:

- 53ER03-10 Instant Game Number 470, CLUB CASINO.
- (1) Name of Game. Instant Game Number 470, "CLUB CASINO."
- (2) Price. CLUB CASINO lottery tickets sell for \$5.00 per ticket.
- (3) CLUB CASINO 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 CLUB CASINO 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 CLUB CASINO lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) Design of Ticket. There are three different games in Instant Game Number 470, CLUB CASINO. Game 1 is entitled "BLACK JACK." Game 2 is entitled "ROULETTE." Game 3 is entitled "7-11."

(5) The "YOUR HAND" play symbols and play symbol captions in BLACK JACK are as follows:

INSERT SYMBOLS

(6) The "DEALER'S HAND" play symbols and play symbol captions in BLACK JACK are as follows:

INSERT SYMBOLS

(7) The prize symbols and prize symbol captions in BLACK JACK are as follows:

INSERT SYMBOLS

(8) The legends in BLACK JACK are as follows:

INSERT SYMBOLS

(9) The "YOUR NUMBER" play symbols and play symbol captions in ROULETTE are as follows:

INSERT SYMBOLS

(10) The wheel number play symbols and play symbol captions in ROULETTE are as follows:

INSERT SYMBOLS

(11) The prize symbols and prize symbol captions in ROULETTE are as follows:

INSERT SYMBOLS

(12) The legends in ROULETTE are as follows:

INSERT SYMBOLS

(13) The play symbols and play symbol captions in 7-11 are as follows:

INSERT SYMBOLS

(14) The prize symbols and prize symbol captions in 7-11 are as follows:

INSERT SYMBOLS

(15) The legends in 7-11 are as follows:

INSERT SYMBOLS

(16) Determination of Prizewinners. Each of the three games in Instant Game Number 470, CLUB CASINO, uses a different play methodology. Players may win in one or more games. The determination of prizewinners for each game is as follows:

(a) In BLACK JACK, there are two games. A ticket having two cards in the "YOUR HAND" play area of one game, the total of which is greater than the total of the two cards in the "DEALER'S HAND" play area of the same game shall entitle the claimant to the corresponding prize shown for that game. The prizes are: \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$250, \$500, \$1,000, \$5,000, and \$25,000.

(b) In ROULETTE, there are three wheels. A ticket having a number in the play area of a wheel that matches the number in the "YOUR NUMBER" play area of the same wheel shall entitle the claimant to the corresponding prize shown for that number. The prizes are: \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$250, \$500, \$1,000, \$25,000, and \$100,000.

(c) In 7-11, there are four rolls. A ticket having two dice within a roll, the total of which is 7 or 11, shall entitle the claimant to the corresponding prize shown for that roll. The prizes are \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$250, \$1,000, \$2,000, \$5,000, \$25,000, \$50,000, and \$100,000.

(17) The estimated odds of winning, value, and number of prizes in Instant Game Number 470 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 120,000 TICKETS PER POOL
G1-(\$1 x 2) + G2-\$2 + G3-\$1	\$2	10.00	504,000
G1-\$1 + G2-\$2 + G3-\$2	\$5	15.00	336,000
G1-\$1 + G2-(\$2 x 2)	\$5	20.00	252,000
G3-\$5	\$5	60.00	84,000
G1-\$2 + G2-(\$2 x 2) + G3-(\$1 x 4)	\$10	30.00	168,000
G1-\$1 + G2-(\$2 x 3) + G3-\$3	\$10	120.00	42,000
G1-(\$1 x 2) + G2-(\$3 x 2) + G3-(\$1 x 2)	\$10	120.00	42,000
G2-\$2 + \$5 + G3-(\$1 x 3)	\$10	120.00	42,000
G1- \$1 + G2- (\$5 x 2) + G3- (\$2 x 2)	\$15	60.00	84,000
G1- (\$2 x 2) + G2- (\$2 x 3) + G3- \$5	\$15	120.00	42,000
G2- \$5 + G3- \$10	\$15	120.00	42,000
G1- \$5 + G2- (\$5 x 2) + G3- (\$5 x 2)	\$25	120.00	42,000
G1- \$5 + \$10 + G2- (\$2 x 3) + G3- (\$1 x 4)	\$25	240.00	21,000
G1- \$5 + G2- \$2 + (\$5 x 2) + G3- (\$2 x 4)	\$25	480.00	10,500
G1- (\$2 x 2) + G2- (\$2 x 3) + G3- (\$5 x 3)	\$25	480.00	10,500
G1- \$2 + G2- (\$5 x 2) + G3- (\$1 x 3) + \$10	\$25	600.00	8,400
G2- (\$5 x 2) + G3- (\$5 x 3)	\$25	600.00	8,400
G1- (\$1 x 2) + G2- (\$20 x 2) + G3- (\$2 x 4)	\$50	300.00	16,800
G1- \$2 + \$3 + G2- (\$5 x 4) + G3- \$5 + (\$10 x 2)	\$50	200.00	25,200
G1- \$5 + G2- (\$10 x 5) + G3- (\$5 x 4)	\$75	12,000.00	420
G1- (\$5 x 2) + G2- (\$25 x 2) + G3- (\$5 x 3)	\$75	12,000.00	420
G1- (\$5 x 2) + G2- (\$10 x 4) + G3- \$5 + (\$10 x 2)	\$75	12,000.00	420
G2- \$25 x 3	\$75	12,000.00	420
G1- (\$10 x 2) + G2- \$10 + G3- (\$10 x 2) + \$25	\$75	12,000.00	420
G1- (\$5 x 2) + G2- \$5 + \$10 + \$25 + G3- \$25	\$75	12,000.00	420
G1- \$10 + G2- \$5 + (\$10 x 7) + G3- \$5 + \$10	\$100	12,000.00	420
G3- \$25 x 4	\$100	12,000.00	420
G1- (\$5 x 2) + G2- (\$5 x 8) + G3- \$50	\$100	12,000.00	420
G1- \$5 + \$25 + G2- (\$2 x 10) + (\$5 x 2) + G3- (\$10 x 4)	\$100	12,000.00	420
G1- \$25 + G2- (\$5 x 12) + G3- \$5 + \$10	\$100	12,000.00	420
G1- \$20 + G2- (\$10 x 3) + G3- \$50	\$100	12,000.00	420
G2- (\$50 x 6) + G3- (\$50 x 4)	\$500	100,800.00	50
G2- (\$25 x 12) + G3- (\$50 x 4)	\$500	100,800.00	50
G1- \$100 + G2- (\$25 x 2) + (\$50 x 6) + G3- \$50	\$500	168,000.00	30
G2- (\$100 x 5) + G3- (\$250 x 2)	\$1,000	504,000.00	10
G1- (\$50 x 2) + G2- (\$50 x 4) + (\$100 x 4) + G3- (\$100 x 3)	\$1,000	504,000.00	10
G1- (\$100 x 2) + G2- (\$50 x 10) + G3- (\$100 x 3)	\$1,000	1,008,000.00	5
G3- (\$250 x 4)	\$1,000	1,008,000.00	5
G1- (\$250 x 2) + G2- (\$50 x 10)	\$1,000	1,008,000.00	5
G1- (\$250 x 2) + G2- (\$25 x 4) + (\$50 x 6) + G3- \$100 + \$1,000	\$2,000	1,008,000.00	5
G1- (\$500 x 2) + G2- (\$250 x 4) + G3- (\$2,000 x 4)	\$10,000	2,520,000.00	2
G1- (\$1,000 x 2) + G2- (\$500 x 12) + G3- (\$1,000 x 2)	\$10,000	2,520,000.00	2
G3- (\$5,000 x 2)	\$10,000	2,520,000.00	2
G3- \$25,000	\$25,000	2,520,000.00	2
G1- \$5,000 + G2- (\$1,000 x 10) + G3- (\$5,000 x 2)	\$25,000	2,520,000.00	2

G1- \$25,000 + G2- \$25,000 + G3- \$50,000	\$100,000	5,040,000.00	1
G2- \$100,000	\$100,000	5,040,000.00	1
G3- \$100,000	\$100,000	5,040,000.00	1

(18) The overall odds of winning some prize in Instant Game Number 470 are 1 in 2.76. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(19) For reorders of Instant Game Number 470, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(20) By purchasing a CLUB CASINO lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(21) Payment of prizes for CLUB CASINO 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 1-30-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: January 30, 2003

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 466, BLACKJACK

RULE NO.: 53ER03-11

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 466, "BLACKJACK," 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:

53ER03-11 Instant Game Number 466, BLACKJACK.

(1) Name of Game. Instant Game Number 466, "BLACKJACK."

(2) Price. BLACKJACK lottery tickets sell for \$1.00 per ticket.

(3) BLACKJACK 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 BLACKJACK 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 BLACKJACK 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 HANDS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "DEALER'S TOTAL" 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 Prizewinners. There are four hands on a ticket. Players may win in one or more hands per ticket. A ticket having two cards in the "YOUR HANDS" play area of one hand, the total of which is greater than the number in the "DEALER'S TOTAL" play area shall entitle the claimant to the corresponding prize shown for that hand. The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$500, and \$2,100. 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 BLACKJACK lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 466 are as follows:

<u>GAME PLAY</u>	<u>WIN</u>	<u>ODDS OF</u>	<u>NUMBER OF</u>
<u>TICKET</u>	<u>\$1 TICKET</u>	<u>1 IN</u>	<u>WINNERS IN</u>
			<u>56 POOLS OF</u>
			<u>180,000 TICKETS</u>
			<u>PER POOL</u>
\$1	\$1	10.00	1,008,000
\$2	\$2	15.00	672,000
\$4	\$4	25.00	403,200
\$2 + \$3	\$5	100.00	100,800
\$5	\$5	100.00	100,800
\$10	\$10	300.00	33,600
\$1 + (\$2 x 2) + \$5	\$10	300.00	33,600
\$2 + \$3 + (\$10 x 2)	\$25	900.00	11,200

\$5 + (\$10 x 2)	\$25	900.00	11,200
\$25	\$25	900.00	11,200
\$5 + (\$10 x 2) + \$25	\$50	1,440.00	7,000
\$25 x 2	\$50	1,440.00	7,000
\$50	\$50	3,600.00	2,800
\$25 x 4	\$100	840,000.00	12
(\$25 x 2) + \$50	\$100	840,000.00	12
\$100	\$100	840,000.00	12
\$500	\$500	1,008,000.00	10
\$2,100	\$2,100	1,680,000.00	6

(10) The estimated overall odds of winning some prize in Instant Game Number 466 are 1 in 4.03. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(11) For reorders of Instant Game Number 466, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a BLACKJACK lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for BLACKJACK 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 1-30-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: January 30, 2003

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on January 31, 2003, from the City of Cocoa. The petitioner seeks a waiver of a portion of Rule 9K-7.003, Fla. Admin. Code, for Florida Communities Trust Project Number 01-077-FF1 (Cocoa Conservation Area).

A copy of the Petition, which has been assigned the number DCA03-WAI-034, 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 Department of Community Affairs received a Petition for Waiver on January 31, 2003, from Charlotte County, which was subsequently amended on February 3, 2003. The petitioner seeks a waiver of

a portion of Rule 9K-7.003, Fla. Admin. Code, for Florida Communities Trust Project No. 01-063-FF1 (Tippecanoe Scrub Environmental Park, Phase II).

A copy of the Petition, which has been assigned the number DCA03-WAI-033, 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 by the Florida Public Service Commission that City Gas Company of Florida's petition for waiver of Rules 25-7.084 and 25-7.085, Florida Administrative Code, filed October 21, 2002, in Docket No. 021065-GU, was withdrawn by notice filed by City Gas of Florida on January 23, 2003.

A copy of the Notice of Withdrawal can be obtained from either the Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Philadelphia Suburban Corporation and AquaSource Utility, Inc.'s emergency petition for waiver of paragraphs 25-30.037(i),(j),(k) and 25-30.030(4)(c),(5),(6),(7), Florida Administrative Code, filed October 7, 2002, in Docket No. 021023-WS was approved by the Commission at its November 5, 2002, Agenda Conference. Order No. PSC-02-1627-PAA-WS, issued November 25, 2002, memorialized the decision. The rules provide that notice of a transfer application include a description using township, range and section references; that the transfer applicant file evidence that it owns the land upon which the treatment plant is located; that the applicant file tariff sheets reflecting the change in ownership; that the applicant file the original Certificates of Authorization; and that the applicant provide notice of the Application to certain enumerated parties within a set time period of the filing of the Application. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on October 30, 2002.

A copy of the Order can be obtained from either the Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT the Department of the Lottery has received a Petition for Waiver of Rule 53ER02-61(5), F.A.C., *Procedures for Awarding Prizes*, from each of the following petitioners:

Petitioner	Date Filed
Nereida Aloma Cabezas, Tampa, Florida	February 4, 2003
Diane C. Fritts, Jacksonville, Florida	January 30, 2003

Emergency Rule 53ER02-61, F.A.C., sets forth the provisions for payment of prizes to players. A copy of the Petitions can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Construction Industry Licensing Board hereby gives notice that it has received a petition, filed on January 27, 2003, from Robert E. Bergin seeking a waiver or variance of Rules 61G4-16.001 and 61G4-16.009, F.A.W., with respect to requirements to retake the state certification examination to regain his General Contractor's license. Comments on this petition should be filed with Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Suite 33, Tallahassee, FL 32399-1038, within 14 days of publication of this notice.

For a copy of the petition, contact: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, at above address or telephone (850)922-2701.

The Florida Real Estate Commission (FREC) hereby gives notice that on January 28, 2003, it received a Petition for a waiver of subsection 61J2-3.013(2), F.A.C., from John Hartrich, Petitioner. The Petition specifically requests that the Commission provide a variance to the definition of hardship to include his specific circumstances and allow an extension of time to complete post-licensing.

Comments on this Petition should be filed with: the Florida Real Estate Commission, Division of Real Estate, 400 W. Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801, no later than 14 days from the date of publication of this notice.

For additional information, or for a copy of the petition, please contact Lori Crawford, Deputy Clerk at the above address.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

On January 27, 2003, the Winfield Solid Waste Administration withdrew its Petition for Variance, pursuant to Section 120.542, Florida Statutes. The Petition had sought a variance from paragraph 62-701.300(2)(b), Florida Administrative Code, which prohibits the disposal of solid waste within 500 feet of a potable water well.

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."

DEP received on June 21, 2002, a petition from CSX Transportation, Inc. (Lakeland Facility), for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. On December 2, 2002, the Department and CSX Transportation, Inc. entered into a settlement agreement, the case is settled.

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 is granting a petition for variance received from Stillwater Technologies, Inc., (OGC Case Number 02-1156) on behalf of Peregrine International, LLC, on August 2, 2002. Notice of receipt of this petition was published in the Florida Administrative Weekly and the Department's Internet, on September 6, 2002. The petition requested a variance from paragraph 62-521.400(1)(a), F.A.C., that prohibits the placement of an underground storage tank within a wellhead protection area.

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 ground water program area. For information on this final order call Donnie McClagherty, (850)245-8645.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Division of Medical Quality Assurance issued a Final Order on January 31, 2003 GRANTING a petition for a waiver of Rule 64-2.002, F.A.C. filed on December 31, 2002 by Open Magnetic Imaging, Inc. (OMI) and published in Vol. 29, No. 3, January 17, 2003 Florida Administrative Weekly. The Division determined Petitioner met the requirements of section 120.542(2), Florida Statutes.

For a copy of the petition, contact: Larry McPherson, Jr., Executive Director, Office of Clinic Registration, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN THAT ON January 22, 2003, the Board of Clinical Laboratory Personnel received a Petition for Variance to paragraph 64B3-5.002(1)(c), F.A.C., from Karen Lowe. The Petition requests a Variance from the rule that requires a baccalaureate degree and two years of experience post baccalaureate for licensure as a Supervisor.

Comments on this Petition should be filed with: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

For a copy of the petition or information regarding hearing date and location where petition will be considered, contact: Joe R. Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT ON February 5, 2003, the Board of Clinical Laboratory Personnel received a Petition for Waiver of Rule 64B3-6.003, F.A.C., from DeAnna L. Simmons. The Petition requests a waiver of the rule that prohibits an applicant from receiving a second temporary license while waiting to retake the licensure examination.

Comments on this Petition should be filed with: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

For a copy of the petition or information regarding hearing date and location where petition will be considered, contact: Joe R. Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

The Board of Psychology hereby gives notice that it has received a petition, filed on November 13, 2002 from Camilo E. Torres, Psy.D. seeking a waiver or variance of paragraph 64B19-11.001(4)(b), Florida Administrative Code, with respect to an extension of the time requirements for valid scores on the Florida laws and rules examination. Comments on this petition should be filed with Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, at above address or telephone (850)245-4373, Ext. 3480.

**Section VI
Notices of Meetings, Workshops and Public Hearings**

DEPARTMENT OF STATE

The **Florida Historical Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 17, 2003, 8:00 a.m. – 5:00 p.m.

PLACE: R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose will be to discuss possible structural and responsibility changes related to the Department of State's historical programs and to receive public input.

A copy of the agenda may be obtained by writing: Mr. Robert C. Taylor, Historic Preservationist Supervisor, Bureau of Historic Preservation, Department of State, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250 or calling (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure a verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Bureau of Historic Preservation (850)245-6333 or by Fax (850)245-6437.

The **Department of State, Division of Historical Resources** announces a public notice of the Historic Marker conference call.

DATE AND TIME: Thursday, February 27, 2003, 10:00 a.m.

PLACE: R. A. Gray Building, Room 409, 500 S. Bronough St., Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review Historic Marker applications.

A copy of the agenda may be obtained by writing: Florida State Historic Marker Program, Bureau of Historic Preservation, Division of Historical Resources, 500 S. Bronough St., Tallahassee, FL 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he or she may need to ensure a verbatim recording of the proceedings in order to provide a record for judicial review.

"Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request special assistance."

The **Department of State, Division of Cultural Affairs** announces the following public meeting to which all persons are invited.

COMMITTEE: Art Selection Committee

DATE AND TIME: Wednesday, March 5, 2003, 1:00 p.m.

PLACE: Gulf County Health Department, Conference Room, 2475 Garrison Street, Port St. Joe, FL 32456, (850)277-1276

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites for Art in State Buildings Project No. DOH 98237000A, Gulf County Health Department Addition, Port St. Joe, Gulf County, Florida.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)245-6476.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

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 Valerie Ohlsson, (850)245-6485. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Wednesday, February 26, 2003, 3:30 p.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.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Endangered Plant Advisory Council** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, March 19, 2003, 2:00 p.m. through Thursday, March 20, 2003, 2:00 p.m.

PLACE: Doyle Conner Building, Auditorium, 1911 S. W. 34th Street, Gainesville, Florida 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the following agenda items:

March 19, 2003 (2:00 p.m. – 5:00 p.m.)

1. Welcome and Opening Remarks.
2. Approval of Agenda (Additions, Changes).
3. Review and Approve Minutes of Fall Meeting.
4. Consideration to Confirm Ranking Number Details Accepted During Last Meeting.

March 20, 2003 (8:30 a.m. – 2:00 p.m.)

1. New Listing Proposals for Regulated Plant Index.
2. Permitting Procedures for Persons Hired by Landowners and Trustees.
3. Endangered and Threatened Native Flora Grants Program Interim Status Reports.

- Bok Tower Gardens.
- Archbold Biological Station.
- Fairchild Tropical Garden.

Lunch.

4. Comments or Concerns from Interested Parties.

5. Election of Officers.

6. Schedule Next Meeting.

Adjourn.

If you need a special accommodation in order to attend this meeting because of a disability, please let us know by March 12, 2003.

A copy of the agenda may be obtained by writing: Mr. Danny Phelps, Secretary, Endangered Plant Advisory Council, Division of Plant Industry, Post Office Box 147100, Gainesville, Florida 32614-7100, (352)372-3505.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Seed Technical Council to which all persons are invited.

DATE AND TIME: March 25, 2003, 1:30 p.m.

PLACE: Department of Agriculture and Consumer Services, Building 8, AES Conference Room L-29, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-8731

GENERAL SUBJECT MATTER TO BE CONSIDERED: Seed Technical Council Meeting. Regular meeting to the Council.

You may contact: Mr. Dale Dubberly, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8, Room L-29, Tallahassee, Florida 32399-1650, (850)488-8731.

If special accommodations are needed to attend this meeting because of a disability please call Dale Dubberly as soon as possible.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Emergency Food Assistance Program Advisory Board.

DATE AND TIME: February 20, 2003, 9:00 a.m. – 4:00 p.m.

PLACE: Florida Fruit and Vegetable Association, Conference Room, 4401 E. Colonial Drive, Orlando, Florida 32814-0155, (407)894-1351

A copy of the agenda can be obtained by contacting: Kelly Boutwell, 407 S. Calhoun Street, 2nd Floor, Tallahassee, Florida 32399-0800.

If special accommodations are needed to attend this meeting because of a disability, please contact Kelly Boutwell, (850)487-6694, by February 14, 2003.

The Florida **Department of Agriculture and Consumer Services** announces an “Identifying Florida Alligator Marketing Priorities” workshop. Florida Department of Agriculture and Consumer Services, Marketing Division

Director, Nelson Pugh, will conduct the workshop. The workshop is free. Registration is required. To obtain a registration form, call Cynthia Brown, (850)488-0163. Following the workshop, the Florida Alligator Marketing and Education Advisory Committee will hold its regular meeting.

DATE AND TIME: February 25, 2003, 9:00 a.m.

PLACE: Hampton Inn, Meeting Room, 4225 S. W. 40th Blvd., Gainesville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to identify challenges the industry is currently facing and to develop marketing priorities.

A copy of the FAME meeting agenda can be obtained by contacting: Cynthia Brown, 2051 E. Dirac Drive, Tallahassee, FL 32310, (850)488-0163.

PROPOSALS: All proposals that you would like considered during this meeting should be sent two weeks prior to: Martin May, 2051 E. Dirac Drive, Tallahassee, FL 32310-3760 or Fax (850)922-3671.

If special accommodations are needed to attend this meeting, because of a disability, please contact Martin May as soon as possible.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Off Highway Recreation Advisory Committee which is open to all interested persons.

DATE AND TIME: Monday, February 24, 2003, 10:00 a.m.

PLACE: Doyle Conner Building, Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, FL 32399-1650

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off Highway Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: John Waldron, 3125 Conner Boulevard, BIN #C25, Tallahassee, FL 32399-1650, (850)414-9852.

The Private Investigation, **Recovery and Security Advisory Council** announces public meetings to which all persons are invited.

DATE AND TIME: Thursday, March 27, 2003, 9:00 a.m.

PLACE: Crowne Plaza Pensacola Grand Hotel, 200 East Gregory Street, Pensacola, Florida, (850)433-3336

DATE AND TIME: Thursday, June 26, 2003, 9:00 a.m.

PLACE: Embassy Suites Hotel, 555 North Westshore Blvd., Tampa, Florida, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Council pursuant to the requirement of Section 493.6104(4), Florida Statutes. The Council will conduct a general business meeting.

A copy of the agenda may be obtained by writing: Department of Agriculture and Consumer Services, Division of Licensing, Attention: April Howard, Post Office Box 6687, Tallahassee, Florida 32314-6687.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact the Director, Division of Licensing not later than 48 hours prior to the meeting at the address given on the notice. Telephone: (850)488-6982.

DEPARTMENT OF EDUCATION

The State of Florida, **Education Practices Commission** announces two Teacher Hearing Panels to which all persons are invited.

DATES AND TIME: February 27-28, 2003, 9:00 a.m.

PLACE: The Embassy Suite Orlando Airport, 5835 T. G. Lee Boulevard, Orlando, Florida 32822, (407)581-3317

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Teacher Hearing Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at these hearings, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 West Gaines Street, Room 224, Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)488-0547, at least five calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System at 711.

The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting to which all persons are invited.

COMMITTEE: Art Selection Committee

DATE AND TIME: February 25, 2003, 1:00 p.m. – 2:30 p.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, FAU Boca Raton Campus, Building FS-8W, Health Services Conference Room 240, Boca Raton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting regarding Florida's Art in State Buildings Program for BR-699 Health Services Facilities.

For more information or to obtain a copy of the agenda, please contact: Patty Singer, Program Administrator, Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, ADM Bldg., Room 392, Boca Raton, Florida 33431, (561)297-1064, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

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 Patty Singer, (561)297-1064, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT: 1(800)955-8770.

The **Florida Rehabilitation Council for the Blind**, gives notice that the Planning Committee is conducting a teleconference meeting.

PLANNING COMMITTEE

DATE AND TIME: Thursday, February 20, 2003, 9:00 a.m. – 11:00 a.m.

PLACE: Teleconference: Interested persons may join by notifying Phyllis Dill, Division of Blind Services, Suite A-11, 7209 N. 9th Avenue, Pensacola, FL 32504, (850)484-5030 or through the Florida Telephone Relay System number 711.

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the purpose of discussing goals and priorities consistent with the purpose of establishing a working relationship with the Division of Blind Services.

AGENDA ITEMS: 1) Privatization; 2) Needs Assessment.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a public hearing to which all interested parties are invited.

DATE AND TIME: Wednesday, February 19, 2003, 1:00 p.m. – 4:00 p.m.

PLACE: The Board of County Commissioners Meeting Room, 201 East Oak Street, Arcadia, Florida 34266

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking public or nonprofit entities to administer the Low-Income Home Energy Assistance Program (LIHEAP) in DeSoto County. Entities interested in contracting with DCA to provide these services should be present at this public hearing in order to be informed of the qualifications and application requirements. In designating a local administrative agency to carry out this program, the DCA will give special consideration to any local public or private nonprofit agency which receives Federal

funds under any low-income energy assistance or weatherization program. If there is no such agency that is determined to meet program and fiscal requirements, selection of an entity will be based on the applicant's experience and performance in assisting low-income persons in the area to be served, and their capacity to undertake a timely and effective program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving LIHEAP goals in a timely fashion; (2) the number, qualifications, and experience of the staff members of the entity; and (3) the fiscal soundness and accountability of the entity. Since no more than one entity will be funded in the county, the entity must be capable and willing to provide services to all eligible low-income citizens in the geographic area. It is the desire of the DCA to contract with an entity to begin providing LIHEAP services in DeSoto County on April 1, 2004. This contract will be approximately \$74,615 for a period ending March 31, 2004.

ACTIONS TO BE TAKEN: The DCA will review all comments received at the public hearing, evaluate the submitted applications, and make a decision regarding each entity's eligibility to provide LIHEAP services in DeSoto County. Applications will be accepted until 4:30 p.m. (EDT), March 12, 2003. Recommendations will then be prepared by Department of staff for consideration by the Department's Secretary.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to Letha Miller, Financial Specialist, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541 or Fax (850)488-2488.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a formal record of the proceeding, and for such purposes he or she 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 made.

Anyone who wants a copy of the agenda or additional information on this hearing may write or call: Letha Miller, Financial Specialist, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541 or Fax (850)488-2488.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Department of Community

Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Building Commission** announces the following meetings to which all persons are invited. The meetings will be held at:

PLACE: The Trade Winds – Island Grand Resort Hotel, 5500 Gulf Boulevard, St. Petersburg Beach, Florida 33706, 1(800)360-4016

DATE AND TIMES: February 23, 2003

9:00 a.m. Working Group on Accessibility Code Training Course

3:00 p.m. TAC Chairpersons

DATE AND TIME: February 24, 2003, 10:00 a.m.

Meeting of the Accessibility Advisory Council to consider the following applications for waiver of accessibility code requirements: Crispin Porter Bogusky Office Interiors, 3390 Grand Avenue, #380 Streets of Mayfair, Coconut Grove, Florida; Jacksonville Museum of Modern Art, 333 North Laura Street, Jacksonville, Florida; Palm Beach Atlantic University School of Pharmacy, 901 South Flagler Drive, West Palm Beach, Florida; City of Okeechobee, 55 S. E. 3rd Avenue, Okeechobee, Florida; Beachside Seafood, 120 South 3rd Street, Jacksonville Beach, Florida; Firehouse, 41000 South Miami Avenue, Miami, Florida; Maya Magazine, 419 Michigan Avenue, Miami Beach, Florida.

DATE AND TIMES: February 24, 2003

8:00 a.m. Meeting of the Energy Technical Advisory Committee

8:00 a.m. Meeting of the Joint Fire Technical Advisory Committee

10:00 a.m. Meeting of the Structural Technical Advisory Committee

8:00 a.m. Product Approval/Prototype Buildings/Manufactured Buildings POC Rule 9B-72, F.A.C., Product Approval Workshop

10:00 a.m. Meeting of the Working Group on Certification of Code Course Accreditors

11:00 a.m. Meeting of the Education Program Oversight Committee

1:00 p.m. Meeting of the Electrical Technical Advisory Committee

2:00 p.m. Meeting of the Accessibility Technical Advisory Committee

3:00 p.m. Meeting of the Code Administration Technical Advisory Committee

3:00 p.m. Meeting of the Plumbing Technical Advisory Committee

3:00 p.m. Meeting of the Mechanical Technical Advisory Committee

DATE AND TIME: February 24, 2003

8:30 a.m. Meeting of the Plenary Session of the Florida Building Commission

Agenda review and approval. Review and approval of January 2003 Meeting minutes. Review and approval of work program. Discussion and action on Chairman's issues and recommendations. Rule Workshop on Rule Chapter 9B-1, F.A.C. (Manufactured Buildings). Rule Workshop on Rule 9B-3.054, F.A.C. (Non-binding advisory opinions). Consideration of requests for waiver of accessibility code requirements: Crispin Porter Bogusky Office Interiors, 3390 Grand Avenue, #380 Streets of Mayfair, Coconut Grove, Florida; Jacksonville Museum of Modern Art, 333 North Laura Street, Jacksonville, Florida; Palm Beach Atlantic University School of Pharmacy, 901 South Flagler Drive, West Palm Beach, Florida; City of Okeechobee, 55 S. E. 3rd Avenue, Okeechobee, Florida; Beachside Seafood, 120 South 3rd Street, Jacksonville Beach, Florida; Firehouse, 41000 South Miami Avenue, Miami, Florida; Maya Magazine, 419 Michigan Avenue, Miami Beach, Florida.

Legal staff report on requests for Declaratory Statements.

Second Hearing:

DCA02-DEC-271 by Jack McStravic, Lee County; DCA02-DEC-352 by David Bishop; DCA02-DEC-354 by Lawrence Bennett; DCA02-DEC-357 by Oriol Haage, Miami-Dade Code Compliance; DCA02-DEC-365 by Peter Schwab, Wayne Automatic Fire Sprinklers, Inc. DCA03-DEC-001 by Peter Schwab, Wayne Automatic Fire Sprinklers, Inc.; DCA02-DEC-366 by Kim Nothard, Kid Safe Pool Nets, Inc.; DCA02-DEC-369 by Joe Hetzel, DASMA.

First Hearing:

DCA02-DEC-370 by J. Michael Huey, Florida Association of the American Institute of Architects; DCA03-DEC-007 by William Paul Myrick, Myrick Properties; DCA03-DEC-008 by Juliana Salas, Miami-Dade County Code Compliance; DCA03-DEC-025 by Robert R. Bullard, Absolute Engineering Group; DCA03-DEC-028 by Andy Brill, MI Home Products; DCA03-DEC-032 by Cathy Spafford, Town of Indialantic.

Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Code Administration TAC Report; Electrical TAC Report; Energy TAC Report; Joint Fire TAC Report; Mechanical TAC Report; Plumbing TAC Report; Structural TAC Report; Education Program Oversight Committee; and Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee Report. Legal staff report update on FPSA Challenge on pool alarm standards. Closed Door Session of Commission with Counsel regarding FPSA Rule Challenge. Consideration of Actions Regarding FPSA Challenge of Pool Alarm Standards. Receive public comment.

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing: Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development,

Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436, or looking on the web site at www.floridabuilding.org.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they 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.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Kathryn Willis, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE IS HEREBY GIVEN that the **Florida Building Commission** shall meet in private with its legal counsel pursuant to Section 286.011, Florida Statutes (2002).

DATE AND TIME: February 25, 2003, 10:50 a.m.

PLACE: TradeWinds – Island Grand Resort Hotel, 5500 Gulf Boulevard, St. Petersburg Beach, Florida 33706

The names of persons attending who will be attending the meeting are as follows: Raul L. Rodriguez, AIA, Chairman; Nick D'Andrea, Karl S. Thorne, Dale Greiner, Leonard N. Lipka, Daniel C. Shaw, Richard S. Browdy, Paul D. Kidwell, Dr. Diana B. Richardson, John Robert Calpini, Hamid R. Bahadori, Peggy P. Patterson, Do Y. Kim, Suzanne A. Marshall, George J. Wiggins, Joseph E. Carson, Stephen H. Corn, Bob R. Leonard, Craig Parrino, Christ T. Sanidas, Herminio Gonzalez, Michael C. McCombs, Steven C. Bassett, Commissioners; Richard Dixon, Executive Director; Tim Dennis, Jim Richmond, Attorneys for the Commission.

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement**, Missing Children Information Clearinghouse Advisory Board announces a public meeting to which all persons are invited.

QUARTERLY MCIC ADVISORY BOARD MEETING

DATE AND TIME: February 11, 2003, 9:00 a.m.

PLACE: Lighthouse Children's Home, 7771 Mahan Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting for the purpose of notice herein, is limited to a gathering for the purpose of conducting public business by members of a collegial body constituting the agency head.

A copy of the agenda may be obtained by writing: Gwen Johnson, The Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Gwen Johnson, Missing Children Information Clearinghouse.

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: March 4, 2003, 1:00 p.m. – Open
PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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.

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 REVENUE

The **Department of Revenue** announces a public hearing to which all persons are invited.

DATE AND TIME: February 25, 2003, during a regular meeting of the Governor and Cabinet, 9:00 a.m.
PLACE: The Capitol, Lower Level, Cabinet Meeting Room, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of new and amended rules in Chapter 12-17, Florida Administrative Code. Notice of this proposed adoption was published in the Florida Administrative Weekly of January 10, 2003 (Vol. 29, No. 2, pp. 130-138).

The **Department of Revenue** announces a public hearing to which all persons are invited.

DATE AND TIME: February 25, 2003, during a regular meeting of the Governor and Cabinet, 9:00 a.m.
PLACE: The Capitol, Lower Level, Cabinet Meeting Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of proposed amended rules in Chapter 12A-1, F.A.C. (Sales and Use Tax). Notice of this proposed adoption was published in the Florida Administrative Weekly of January 3, 2003 (Vol. 29, No. 1, pp. 8-13).

The **Department of Revenue** announces a public hearing to which all persons are invited.

DATE AND TIME: February 25, 2003, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

PLACE: Lower Level, The Capitol, Cabinet Meeting Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of proposed amended rules and proposed rule repeal in Chapter 12A-1, F.A.C. (Sales and Use Tax). Notice of this proposed adoption was published in the Florida Administrative Weekly of January 3, 2003 (Vol. 29, No. 1, pp. 13-21).

The **Department of Revenue** announces a public hearing to which all persons are invited.

DATE AND TIME: February 25, 2003, during a regular meeting of the Governor and Cabinet, 9:00 a.m.
PLACE: The Capitol, Lower Level, Cabinet Meeting Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of proposed amended rules in Chapter 12A-12, F.A.C. (Solid Waste Fees). Notice of this proposed adoption was published in the Florida Administrative Weekly of January 3, 2003 (Vol. 29, No. 1, pp. 21-23).

The **Department of Revenue** announces a public hearing to which all persons are invited.

DATE AND TIME: February 25, 2003, during a regular meeting of the Governor and Cabinet, 9:00 a.m.
PLACE: The Capitol, Lower Level, Cabinet Meeting Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of proposed amended rules and proposed rule repeal in Chapter 12A-13, F.A.C. (Fee on the Sale or Lease of Motor Vehicles). Notice of this proposed adoption was published in the Florida Administrative Weekly of January 3, 2003 (Vol. 29, No. 1, pp. 23-25).

The **Department of Revenue** announces a public hearing to which all persons are invited.

DATE AND TIME: February 25, 2003, during a regular meeting of the Governor and Cabinet, 9:00 a.m.
PLACE: The Capitol, Lower Level, Cabinet Meeting Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of proposed amended rules and proposed rule repeal in Chapter 12A-15, F.A.C. (Discretionary Sales Surtax). Notice of this proposed adoption was published in the Florida Administrative Weekly of January 3, 2003 (Vol. 29, No. 1, pp. 25-36).

The **Department of Revenue** announces a public hearing to which all persons are invited.

DATE AND TIME: February 25, 2003, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

PLACE: The Capitol, Lower Level, Cabinet Meeting Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of proposed amended rules and proposed rule repeal in Chapter 12A-16, F.A.C. (Rental Car Surcharge). Notice of this proposed adoption was published in the Florida Administrative Weekly of January 3, 2003 (Vol. 29, No. 1, pp. 36-39).

The **Department of Revenue** announces a public hearing to which all persons are invited.

DATE AND TIME: February 25, 2003, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

PLACE: The Capitol, Lower Level, Cabinet Meeting Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of proposed amended rules and proposed rule repeal in Chapter 12B-12, F.A.C. (Tax on Perchloroethylene). Notice of this proposed adoption was published in the Florida Administrative Weekly of January 3, 2003 (Vol. 29, No. 1, pp. 41-43).

The **Department of Revenue** announces a public hearing to which all persons are invited.

DATE AND TIME: February 25, 2003, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

PLACE: The Capitol, Lower Level, Cabinet Meeting Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of proposed amended rules and proposed rule repeal in Chapter 12B-11, F.A.C. (Tax on Gross Receipts on Dry-Cleaning). Notice of this proposed adoption was published in the Florida Administrative Weekly of January 3, 2003 (Vol. 29, No. 1, pp. 39-41).

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District 4 announces a public hearing to which all persons are invited.

DATE AND TIME: Thursday, March 13, 2003, 7:00 p.m.

PLACE: Hagen Road Elementary School, Cafeteria, 10439 Hagen Ranch Road, Boynton Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Financial Project Identification Number 409705-1-52-01, otherwise known as SR 804 (Boynton Beach Boulevard) in Palm Beach County, Florida. The project recommends the widening and reconstruction of the existing two-lane, undivided roadway to a four-lane divided roadway comprising

two travel lanes, a bicycle lane, and a sidewalk in each direction. Project limits along SR 804 (Boynton Beach Boulevard) are from east of SR 7 (U.S. 441) to Acme Dairy Road in Palm Beach County.

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 (954)777-4335 or toll free 1(866)336-8435, Ext. 4335. 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: Ms. Cassandra Piche', Project Manager, Florida Department of Transportation, Office of Planning and Environmental Management, District 4, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

The **Department of Transportation**, District 1 announces a public hearing to which all persons are invited.

DATE AND TIME: Thursday, March 13, 2003, 7:00 p.m.

PLACE: Burnett Middle School, 1010 Kingsway Road, North, Seffner, 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 the proposed construction of Weigh-in-Motion Stations on Interstate 4 between Interstate 75 in Hillsborough County and U.S. 27 in Polk County. Financial Project Identification Number 406738 1 22 01. Federal Aid Project Number 0041 195 I.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should call Ben Walker, 1(800)292-3368.

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 hearing 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.

NOTICE OF CHANGE – The **Florida Seaport Transportation and Economic Development Council** announces a meeting in which all interested persons are invited to participate. This meeting was formerly noticed to take place on February 18, 2003, but has been changed to:

DATE AND TIME: February 25, 2003, 2:00 p.m. – 4:00 p.m.

PLACE: Teleconference: (850)410-0960, Confirmation number: 44A0205

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

The **Florida High Speed Rail Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 3, 2003, 9:00 a.m. – Conclusion

PLACE: Florida Department of Transportation, Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Florida High Speed Rail Authority business.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the Authority at least 48 hours before the meetings by contacting Betty Sizemore, (850)414-5244.

NOTICE OF CHANGE – The **Florida Ports Financing Commission** announces a meeting in which all interested persons are invited to participate. This meeting was formerly noticed to take place on February 21, 2003, but has been changed to:

DATE AND TIME: February 28, 2003, 10:00 a.m. – 11:30 a.m.

PLACE: Teleconference: (850)475-9228, Participant Code: 566165

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

The **Florida Transportation Commission** announces public meetings to which all persons are invited.

DATE AND TIME: March 3, 2003, 1:00 p.m. – 5:00 p.m.

PLACE: Department of Transportation, Executive Conference Room, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop of the Florida Transportation Commission.

DATE AND TIME: March 4, 2003, 8:00 a.m. – 4:00 p.m.

PLACE: Department of Transportation, Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Transportation Commission.

Statewide public hearing on the Department of Transportation Tentative Work Program for Fiscal Years 2003/2004 through 2007/2008 at which time the Commission will hear comments offered by the public relating to compliance of the Tentative Work Program with all applicable laws and department policies. The Florida Transportation Commission is statutorily prohibited from considering individual construction projects.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting Cathy Goodman, (850)414-4105.

DEPARTMENT OF CITRUS

NOTICE OF EMERGENCY MEETING – The **Department of Citrus** announces an emergency meeting of the Fresh Orange and Specialty Advisory Council to which all persons are invited.

DATE AND TIME: Wednesday, February 5, 2003, 1:30 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss an alternate recommendation that would help promote honey tangerines throughout the remainder of the season and other business that might come before the council for consideration.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone at (863)499-2510.

cc: Florida Citrus Commission
 Industry Organizations
 Florida Citrus Press

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a staff workshop to which all persons are invited.

UNDOCKETED – Gulf Power Company Intercompany Interchange Contract

DATE AND TIME: Friday, February 21, 2003, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Room 140, 4275 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to provide a forum for discussion concerning Gulf Power Company's Intercompany Interchange Contract. Commissioners may be in attendance at this workshop.

A copy of the agenda for this workshop may be obtained by writing: Director, Division of the Commission Clerk and Administrative Services, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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

The Florida **Public Service Commission** announces a staff rule workshop to be held on Rule 25-17.0832, F.A.C., Firm Capacity and Energy Contracts.

DOCKET NO.: 001574-EQ – Staff Rule Workshop

DATE AND TIME: February 25, 2003, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workshop is held pursuant to Section 120.525, F.S.

A copy of the agenda may be obtained after February 17, 2003, from Richard Bellak, Appeals, Rules and Mediation Section, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6092.

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

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

DOCKET NO.: 020976-TL – Complaint of Phillip R. Brown against BellSouth Telecommunications, Inc. for billing dispute involving alleged improper installation and static on line.

DATE AND TIME: March 3, 2003, 1:30 p.m.

PLACE: The Betty Easley Conference Center, Hearing Room 152, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider; (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: March 4, 2003, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy. (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.florida.psc.com> at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

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

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: March 4, 2003, Immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148.

PLACE: The Betty Easley Conference Center, Conference Room 140, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

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

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

DOCKET NO.: 030005-WS – Annual reestablishment of price increase or decrease index of major categories of operating costs incurred by water and wastewater utilities pursuant to Section 367.081(4)(a), F.S.

DATE AND TIME: March 7, 2003, 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 annual reestablishment of price increase or decrease index of

major categories of operating costs incurred by water and wastewater utilities pursuant to Section 367.081(4)(a), F.S., 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. 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).

NOTICE IS HEREBY GIVEN that the Florida **Public Service Commission** will hold a hearing on Rule 25-17.0832, F.A.C., Firm Capacity and Energy Contract.

DOCKET NO.: 001574-EQ – Notice of Hearing

DATE AND TIME: March 19, 2003, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the amendment is to reduce the minimum term for standard offer contracts from ten to five years. The rule amendment also requires investor-owned electric utilities to specify the term of the standard offer when filing the contract for approval with the Commission. The effect is to reduce the risk that ratepayers will be tied to long-term contracts that are above avoided cost.

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

EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of Drug Control** will hold its quarterly DPAC (Drug Policy Advisory Committee) meeting on:

DATE AND TIME: Tuesday, February 25, 2003, 10:00 a.m. – 2:00 p.m.

PLACE: Senate Office Building, Room 110, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need special accommodations because of disability in order to participate, please notify the Office of Drug Control at least five days prior by calling (850)488-9557.

The **Visit Florida**, Marketing Committee announces a public meeting as follows:

MEETING: Marketing Committee
 DATE AND TIME: Thursday, February 20, 2003, 10:00 a.m. – 5:30 p.m.
 PLACE: Saddlebrook Resort, 5700 Saddlebrook Way, Wesley Chapel, Florida 33543, (813)973-1111
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will meet to discuss the marketing budget for FY 2003/04.
 MEETING: Marketing Committee
 DATE AND TIME: Thursday, February 21, 2003, 8:30 a.m. – 3:00 p.m.
 PLACE: Saddlebrook Resort, 5700 Saddlebrook Way, Wesley Chapel, Florida 33543, (813)973-1111
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of discussion from previous day.
 For further information contact: Bennie Strange, Visit Florida, P. O. Box 1100, Tallahassee, FL 32392-1100, (850)488-5607, Ext. 319.
 Any person requiring special accommodations at this meeting because of a disability should contact Visit Florida, at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact Visit Florida by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee
 DATE AND TIME: February 27, 2003, 6:00 p.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.
 MEETING: Clearinghouse Committee
 DATE AND TIME: February 27, 2003, 6:30 p.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.
 MEETING: North Central Florida Regional Planning Council
 DATE AND TIME: February 27, 2003, 8:00 p.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.
 PLACE: Holiday Inn Restaurant, I-75 and U.S. 90, Lake City, Florida
 Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meeting, may need to make a verbatim record of the proceedings.
 A copy of any of these agendas may be obtained by emailing ncfrpc@ncfrpc.org or writing: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Northeast Florida Regional Planning Council**, Local Emergency Preparedness Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 19, 2003, 10:00 a.m.
 PLACE: Northeast Florida Regional Planning Council, Board Room, 6850 Belfort Oaks Place, Jacksonville, Florida 32216
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting.
 A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.
 If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.
 Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Jeanie Palmer, (904)279-0880, Ext. 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee
 DATE AND TIME: Monday, February 10, 2003, 9:00 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.
 MEETING: Tampa Bay Regional Planning Council
 DATE AND TIME: Monday, February 10, 2003, 10:00 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.
 MEETING: TBRPC Legislative Committee
 DATE AND TIME: Monday, February 10, 2003, 11:30 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.
 MEETING: Agency On Bay Management
 DATE AND TIME: Thursday, February 13, 2003, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee

DATE AND TIME: Monday, February 24, 2003, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

PLACE: Suite 219, 9455 Koger Blvd., St. Petersburg, FL 33702 (Please call to confirm date, time and location)

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **South Florida Regional Planning Council**, Revolving Loan Fund Loan Administration Board announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 24, 2003, 3:00 p.m.

PLACE: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Revolving Loan Fund Policy and Procedures and review loan applications.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021 or by calling (954)985-4416 in Broward, Suncom 473-4416 or 1(800)985-4416 for area codes 305, 561 and 407.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 3, 2003, 10:30 a.m.

PLACE: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, FL 33021

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; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendment for Hialeah, Hallandale Beach and Monroe County; 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 sub-committees 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.

DEPARTMENT OF CORRECTIONS

The **Florida Corrections Commission** announces the following public meeting to which all interested persons are invited to participate.

DATE AND TIME: Thursday, February 20, 2003, 9:00 a.m. – 3:00 p.m.

PLACE: Florida Department of Corrections, Building B, Classroom B, Room 207, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will discuss issues to be included in the 2003 Annual Report.

A copy of the agenda may be obtained by writing: Mr. John Fuller, Executive Director, Florida Corrections Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 or call (850)413-9330.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited.

DATE AND TIME: February 27, 2003, 11:30 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee meeting – to discuss land management and acquisition matters.

DATE AND TIME: February 27, 2003, 1:00 p.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Governing Board meeting – to consider District Business.

DATE AND TIME: February 27, 2003, 1:15 p.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing for the Consideration of Regulatory Matters.

DATE AND TIME: February 27, 2003, 1:30 p.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing for the Consideration of Land Acquisition Matters.

PLACE: District Headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, Florida

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at www.state.fl.us/nwfwmd).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodations in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited.

GOVERNING BOARD MEETING, PUBLIC HEARING, COMMITTEE MEETING AND WORKSHOP

DATE AND TIME: Tuesday, February 25, 2003, 8:30 a.m.

PLACE: SWFWMD District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

GOVERNING BOARD MEETING, PUBLIC HEARING, COMMITTEE MEETING AND WORKSHOP (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, February 26, 2003, 8:30 a.m.

PLACE: SWFWMD District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

These are public meetings and agendas and are available by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: March 13, 2003, 8:50 a.m.

PLACE: The South Florida Water Management Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

Part of the Kissimmee River Project comprised of ten parcels referred to as SFWMD Tract Nos. 19-103-554, 19-103-555, 19-103-559, 19-103-560, 19-103-561, 19-103-562, 19-103-563, 19-103-565, 19-103-566 and 19-103-567 consisting of approximately 14.0 acres, lying in Sections 21, 22 and 27, Township 36 South, Range 33 East, in Okeechobee County, Florida.

Part of the CRITICAL CREW (Southern Corkscrew Regional Ecosystem Watershed) project comprised of fifty-five parcels referred to as SFWMD Tract Nos. 09-100-004, 09-100-007, 09-100-008, 09-100-009, 09-100-010, 09-100-011, 09-100-012, 09-100-013, 09-100-014, 09-100-015, 09-100-016, 09-100-017, 09-100-018, 09-100-019, 09-100-020, 09-100-021, 09-100-022, 09-100-024, 09-100-025, 09-100-026, 09-100-027, 09-100-034, 09-003-194, 09-003-198, 09-003-434, 09-003-511, 09-003-530, 09-003-729, 09-003-750, 09-003-756, 09-003-773, 09-003-779, 09-003-782, 09-003-783, 09-003-865, 09-003-875, 09-005-002, 09-005-013, 09-005-119, 09-005-022, 09-005-034, 09-005-126, 09-005-132, 09-005-141, 09-005-147, 09-005-149, 09-005-181, 09-005-183, 09-005-193, 09-005-194, 09-005-199, 09-005-200, 09-005-230, 09-005-270 and 09-005-271 consisting of approximately 338 acres and lying in Sections 25, 26, 31, 32, 33, 34 and 35, Township 47 South, Range 26 East within Lee County, Florida.

Part of the C-43 Basin Storage Reservoir Project comprised of one parcel referred to as SFWMD Tract No. QD-100-001 consisting of approximately 955 acres and lying in Sections 5, 7 and 8, Township 44 South, Range 28 East within Hendry County, Florida.

Part of the Atlantic Ridge Ecosystem Project comprised of one parcel referred to as SFWMD Tract No. X1-100-038 consisting of approximately 518 acres plus access easement and lying in Gomez Grant, Martin County, Florida.

Part of the Water Conservation Area Project comprised of five parcels referred to as SFWMD Tract Nos. 27-100-042, 27-100-050, 27-100-051, 27-100-054 and 27-100-056 consisting of approximately 760 acres, and lying in Sections 01, 02, 17, 21 and 32, Townships 49, 52 and 53 South, Ranges 35, 37 and 39 East in Miami-Dade and Broward Counties, Florida.

Part of the Comprehensive Everglades Restoration Plan (CERP) C-43 Caloosahatchee Basin Project comprised of two parcels referred to as SFWMD Tract Nos. GX-100-006 and GX-100-007 consisting of approximately 397 acres, and lying in Sections 23, 24, 25 and 36, Township 43 South, Range 28 East, Hendry County, Florida.

Part of the Wellington Marsh/Acme Basin "B" Discharge Project comprised of one parcel referred to as SFWMD Tract No. ES-100-003 consisting of approximately 41 acres, and lying in Section 24, Township 44 South, Range 40 East in Palm Beach County, Florida.

Part of the L-31N/C-111 Project comprised of one parcel referred to as SFWMD Tract No. B7-100-209 consisting of approximately 9.11 acres, and lying in Section 30, Township 56 South, Range 38 East in Miami-Dade County, Florida.

Part of the Pal Mar Project, a part of the Save Our Rivers Project, comprised of approximately 2,033 acres commonly known as Hartsel Ranch, and lying in Sections 1, 2, 11, 12, 13, 14 and 24, Township 40 South, Range 39 East, Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 32 and 33, Township 40 South, Range 40 East and Section 36, Township 39 South, Range 39 East in Martin and Palm Beach Counties, Florida.

Part of the Kissimmee River project comprised of two (2) parcels referred to as SFWMD Tract No. 19-102-137 consisting of approximately 9.6 acres and Tract No. 19-102-138 consisting of approximately 7.5 acres, both lying in Section 13, Township 37 South, Range 31 East and in Highlands County, Florida.

A copy of the agenda may be obtained at the (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Ruth Clements, Deputy Department Director – Land Acquisition, (561)682-6271, District Headquarters, 3301 Gun Club Road, Mail Stop Code 3310, West Palm Beach, FL 33406.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Conference Committee Meeting to which all persons are invited.

DATE AND TIME: Friday, February 21, 2003, 10:00 a.m. – Until completion

PLACE: Rhyne Building, Suite 1A, 2740 Centerview Drive, Tallahassee, FL (850)410-5700. Conference Call Number (850)921-6513, Suncom 291-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss plans for 2003 TD conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Personnel Screening Committee meeting via teleconference to which all persons are invited.

DATE AND TIME: Friday, February 28, 2003, 10:00 a.m. – Until completion

PLACE: Conference Call: (850)921-6623, Suncom 291-6623 or 2740 Centerview Drive, Suite 1-A, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues related to the Personnel Screening Committee.

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 hearing is subject to change upon chairperson's request.

LAND AND WATER ADJUDICATORY COMMISSION

The Florida **Land and Water Adjudicatory Commission** announces a meeting to which all persons are invited.

DATE AND TIME: February 25, 2003, 9:00 a.m.

PLACE: The Capitol, Cabinet Meeting Room LL-03, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a regularly scheduled Cabinet meeting. The Florida Land and Water Adjudicatory Commission will consider adoption of proposed Rule 42II-1, Bellalago Community Development District. Proposed Rule 42II-1, which addresses the establishment, boundaries, and board of

supervisors of the Bellalago Community Development District, was published in the Florida Administrative Weekly, October 25, 2002 (Vol. 28, No. 43).

For more information about the Cabinet meeting agenda, copies of the proposed rule or for information concerning special accommodations because of a disability or physical impairment, please contact: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** and the **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: February 24, 2003, 9:00 a.m. – 4:00 p.m.

PLACE: Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, FL 32207, (904)396-5100

GENERAL SUBJECT MATTER TO BE CONSIDERED: Design of the managed integrated long term care demonstration project mandated by the Florida Legislature (Section 430.205(6), 2002 Florida Statutes).

If you are unable to attend the meeting, but would like to submit written comments for consideration, please email them to mlduggar@aol.com or Fax (850)222-2575. Please note that all comments will become public documents.

To obtain a copy of the agenda, please contact: Rebekah Bell, (850)222-0080, email mlduggar@aol.com or mail Margaret Lynn Duggar & Associates, Inc., 1018 Thomasville Rd., Ste. 110, Tallahassee, FL 32303.

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to contact Rebekah Bell, (850)222-0080, at least three calendar days prior to the meeting.

The Florida **Department of Elder Affairs**, Advisory Council announces a meeting to which all persons are invited to join.

DATE AND TIME: March 5, 2003, 10:00 a.m. – 5:00 p.m.

PLACE: Hilton Homewood Suites, Capitol II Ballroom, 2987 Apalachee Parkway, Tallahassee, Florida 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Department of Elder Affairs, Advisory Council to discuss the department and initiatives the Council wants to undertake.

Interested individuals may join by notifying Mark Walsh, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399, (850)414-2155.

To obtain a copy of the agenda, please contact: Mark Walsh, (850)414-2155, email WalshM@elderaffairs.org or mail 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

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 department at least 48 hours before the meeting by contacting Mark Walsh, (850)414-2155. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

SHINE (Serving Health Insurance Needs of Elders) Program Planning and Steering Committee Meeting

DATES AND TIMES: Thursday, February 20, 2003, 9:00 a.m. through Friday, February 21, 2003, 2:00 p.m.

PLACE: Lakeside Inn, 100 N. Alexander Street, Mount Dora, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Elder Insurance Benefits, Counseling, Training, Education and Outreach techniques for the SHINE Program.

A copy of the agenda may be obtained by contacting: Shelia Kilpatrick, (850)414-2060.

The **State Long Term Care Ombudsman Council** announces the following calls to which interested persons are invited.

DATES AND TIMES: February 12, 2003, Executive Committee, 10:00 a.m. – 5:00 p.m.; February 13, 2003, Policy and Procedure Committee, 1:00 p.m. – 5:00 p.m.; Ways and Means Committee, 4:00 p.m. – 6:00 p.m.; Legislative Committee, 4:00 p.m. – 6:00 p.m.; February 14, 2003, LTCO Committee, 8:00 a.m. – 4:00 p.m.

PLACE: Tampa Airport, Sheraton Suites, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues related to the Long Term Care Ombudsman Program.

You may contact: Office of the LTC Ombudsman, (850)414-2323, for more information.

The Florida **Department of Elder Affairs** announces a public hearing to which all persons are invited.

DATE AND TIME: February 27, 2003, 9:00 a.m. – 4:00 p.m.

PLACE: Department of Elder Affairs, Room 225F, 4040 Esplanade Way, Tallahassee, FL 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Advisory Council for the Office of Long-Term Care Policy to discuss the state of long-term care in Florida and methods for improvement.

To obtain a copy of the agenda, please contact: James Tillery, (850)414-2054, by email TilleryJR@elderaffairs.org or by mail 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

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 department at least 48 hours before the meeting by contacting James Tillery, (850)414-2054. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** would like to announce that a teleconference meeting has been scheduled for:

DATE AND TIME: Friday, February 28, 2003, 1:00 p.m. – 2:00 p.m.

PLACE: Call: (850)488-8295, Suncom 278-8295 at 1:00 p.m. to participate in the meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting will be to finalize recommended modifications to Section 627.4236, Florida Statutes, and Chapter 59B-12, Florida Administrative Code. Members of the Bone Marrow Transplant Panel operate by Authority of Section 627.4236, Florida Statutes.

For further information contact: Dennis Halfhill, (850)921-5505 or by email halfhild@fshc.state.fl.us.

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, March 7, 2003, 10:00 a.m.

PLACE: To access the "Meet Me" number, call: (850)488-5776 or Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor's Panel on Excellence in Long-Term Care will discuss SB 296, a bill proposed by Senator Saunders that changes statutory language involving evidence of financial soundness and stability as it relates to continuing care facilities licensed under Chapter 651, F.S. Other matters before the Panel will also be discussed.

For additional information, contact: Agency for Health Care Administration, 2727 Mahan Drive, MS #33, Tallahassee, FL 32308 or call Richard Kelly, (850)488-5861, e-mail kellyr@fdhc.state.fl.us.

The **Agency for Health Care Administration** announces a public meeting of the task force for the regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: February 27, 2003, 9:30 a.m. – 2:00 p.m.

PLACE: Tampa Marriott Westshore, The Terrace Room, 1001 North Westshore Boulevard, Tallahassee, Florida 33607, (813)287-2555, Fax (813)289-5464. A special call in number has been established for members who cannot physically

attend the meeting and who wish to participate. To access the meeting, please dial 1(800)791-2345 and enter the five digit pin number 15185

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with House Bill 27E, General Appropriations Act for FY 2002-03, Special Appropriation 199, The Medicaid Disproportionate Share Task Force created in Specific Appropriation 196 of the FY 2000-01 General Appropriations Act, has been authorized to continue to convene in FY 2002-03 for the purpose of monitoring the implementation of enhanced Medicaid funding through the Special Medicaid Payment program. The task force will review the federal status of the upper payment limit funding option and recommend how this option may be further used to promote local primary care networks to uninsured citizens in the state, to increase the accessibility of trauma centers to Floridians and to ensure the financial viability of the state's graduate medical education programs and other health care policies determined by the task force to be state health care priorities.

The agenda has not be set. Contact Denny Gordon, (850)488-9354 or Suncom 278-9354, with any questions or to obtain an agenda when it is set.

DEPARTMENT OF MANAGEMENT SERVICES

The **Workforce Florida** will hold it's quarterly Board of Directors and related meetings on:

DATE AND TIMES: Thursday, February 20, 2003, Councils, 9:30 a.m. – 11:30 a.m.; Board of Directors, 12:30 p.m. – 3:00p.m.

PLACE: Embassy Suites Hotel - Downtown, 191 E. Pine Street, Orlando, FL 32801, (407)841-1000

Please contact: Beth Lee, Workforce Florida Meeting Planner, (850)921-1119 with any questions.

The State of Florida, **State Technology Office** announces a Chief Information Officer (CIO) Council meeting to which all persons are invited.

DATE AND TIME: Monday, February 17, 2003, 10:00 a.m. – 12:00 Noon

PLACE: Shared Resource Center, Conference Room 124, 2585 Shumard Oak Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Elaine Womble, Elaine.womble@myflorida.com or call (850)922-2680.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited.

DATES AND TIME: Monday and Tuesday, March 3-4, 2003, 8:00 a.m. – 4:30 p.m.

PLACE: The Commission offices, Suite 100, 2009 Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to discuss the daily functions and activities of the Commission.

The **Department of Management Services**, State Technology Office announces a workshop and public meeting of the Board of Directors of the Joint Task Force on State Agency Law Enforcement Communications to which all persons are invited.

DATE AND TIME: February 27, 2003, 9:30 a.m.

PLACE: Public Service Commission, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399. The conference call number is (850)921-6433 or Suncom 291-6433.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Linda Fuchs, Department of Management Services, State Technology Office, 4030 Esplanade Way, Suite 235, Tallahassee, Florida 32399-0950 or linda.fuchs@myflorida.com.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure 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 some accommodation at this hearing because of a physical impairment should call the State Technology Office, (850)922-7435, at least five calendar days prior to the meeting. If you are hearing or speech impaired please contact the State Technology Office by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Division of Hotels and Restaurants** announces a meeting of the Hotels and Restaurants Advisory Council to which all persons are invited.

DATE AND TIME: February 25, 2003, 9:00 a.m. – 12:00 Noon

PLACE: Florida Restaurant Association, The Board Room, 230 South Adams Street, Tallahassee, 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine meeting of the Hotels and Restaurants Advisory Council.

A copy of the agenda may be obtained by contacting: Lee Cornman, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, (850)488-9263.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the meeting by contacting Lee M. Cornman, Management Review Specialist, (850)488-9263. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The person to be contacted regarding the public meeting is: Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-9263, The Johns Building, 725 South Bronough Street, Tallahassee, FL.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: February 25, 2003, 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.

The **Department of Business and Professional Regulation** announces a public meeting of the Florida Board of Cosmetology to which are persons are invited to participate.

DATE AND TIME: Sunday, April 13, 2003, 9:00 a.m.

PLACE: Adams Mark Hotel Orlando, 1500 Sand Lake Road, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Board of Cosmetology, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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: Thursday, March 27, 2003, 9:00 a.m. – Until conclusion of meeting

PLACE: Florida Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees to which all persons are invited.

DATE AND TIME: Tuesday, April 22, 2003, 10:00 a.m.

PLACE: Holiday Inn Select, 13051 Bell Tower Drive, Fort Myers, Florida 33907

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 public meeting to conduct the business of the Board, including committee business which all persons are invited.

DATES AND TIMES: Wednesday, April 23, 2003, 8:30 a.m.; Thursday, April 24, 2003, 8:30 a.m., if the business of the Boards is not concluded.

PLACE: Holiday Inn Select, 13051 Bell Tower Drive, Fort Myers, Florida 33907

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Rd., Suite 200, Tallahassee, FL 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The **Board of Accountancy** announces the following public meetings to which all person are invited.

DATE AND TIME: March 3, 2003, 9:30 a.m., Independence Task Force

PLACE: Marriott Tampa International Airport, Tampa Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Independence Task Force meeting to discuss possible changes regarding Independence. This is a public meeting.

A copy of the Board agenda may be obtained by writing: John W. Johnson, Acting Division Director, Division of Certified Public Accounting, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607.

If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting John W. Johnson, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Board of Accountancy** announces the following public meetings to which all person are invited.

DATES AND TIMES: Monday, March 17, 2003, 9:00 a.m., Probable Cause Panel; Tuesday, March 18, 2003, 9:00 a.m., Meeting of the Board

PLACE: Hilton Tampa Airport, 2225 Lois Avenue, Tampa, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The probable cause panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered. The Board will meet to consider enforcement proceedings including consideration of investigating officer's reports and other general business. This is a public meeting.

A copy of any probable cause materials which are open to the public and a copy of the Board agenda may be obtained by writing: John W. Johnson, Acting Division Director, Division of Certified Public Accounting, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607.

NOTE: Portions of the Probable Cause Panel meeting may be closed to the public.

If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, 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 based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting John W. Johnson, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** (DEP) announces a public meeting of the Environmental Regulation Commission on February 27-28, 2003, which will continue the rule adoption proceeding on Section 62-302.540, F.A.C.,

proposed phosphorus criterion for the Everglades Protection Area. For more information contact Jacqueline McGorty, email: jackie.mcgorty@dep.state.fl.us, (850)245-2231.

The full text of this notice, which includes specific information about meeting time, location and anticipated subject matter to be covered, 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 Florida **Department of Environmental Protection** (Northwest District) announces the initial meeting of the Middle Circle for the Panama City-Bay County International Airport Relocation Ecosystem Team Permitting (ETP) process.
 DATE AND TIME: Wednesday, February 26, 2003, 1:00 p.m. (CST)

PLACE: Gulf Coast Community College, Student Center, 5230 West Highway 98, Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will include a presentation of the team permitting process, the proposed airport project and permit application, environmental issues and procedures.

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."

A copy of the agenda may be obtained by contacting: Larry O'Donnell, Environmental Manager, FDEP Northwest District offices, 160 Government Center, Pensacola, FL 32501-5794, (850)595-8300, Ext. 1129, e-mail larry.odonnell@dep.state.fl.us. Meeting notices and agendas are also provided on the Panama City-Bay County International Airport web site www.pcaairport.com.

The Florida **Department of Environmental Protection** (Northwest District) announces a meeting of the Smallest Circle for the Panama City-Bay County International Airport Relocation Ecosystem Team Permitting (ETP) process.

DATE AND TIME: Thursday, February 27, 2003, 9:00 a.m. (CST)

PLACE: Panama City Airport, Airport Authority Conference Room, 3173 Airport Road, Panama City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will include a discussion: the completeness of the domestic wastewater, potable water and wetlands portions of the Panama City-Bay County International Airport Ecosystem Team Permitting Application, a discussion of the February 26, 2003, Middle Circle meet, the team permitting work plan and process issues.

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."

A copy of the agenda may be obtained by contacting: Larry O'Donnell, Environmental Manager, FDEP Northwest District offices, 160 Government Center, Pensacola, FL 32501-5794, (850)595-8300, Ext. 1129, e-mail larry.odonnell@dep.state.fl.us. Meeting notices and agendas are also provided on the Panama City-Bay County International Airport web site www.pcairport.com.

The **Department of Environmental Protection** announces a public workshop to which all persons are invited.

DATE AND TIME: Monday, February 24, 2003, 1:00 p.m. (Central Standard Time)

PLACE: Gulf Coast Community College, Student Union Conference Center, Student Union Bldg., 2nd Floor, Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the third public workshop to continue discussion and receive public comments on proposed rule amendments that will implement the environmental resource permit (ERP) program under Part IV of Chapter 373, Florida Statutes, within the geographic limits of the Northwest Florida Water Management District. These rules will regulate construction, alteration, operation, removal and abandonment of structures and systems in uplands, wetlands, and other surface waters, and will replace the existing Chapters 62-25 and 62-312, F.A.C., for activities subject to regulation under the new ERP program.

CONTACT: Jeanese McCree, Florida Department of Environmental Protection, Bureau of Beaches and Wetland Resources, 2600 Blair Stone Road, MS #2500, Tallahassee, FL 32399, (850)245-8486, Facsimile (850)245-8499 or e-mail jeanese.mccree@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting the Bureau of Personnel Services, (850)245-2511. 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 with the workshop agenda 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**, Rookery Bay National Estuarine Research Reserve announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 26, 2003, 9:00 a.m. – 12:00 Noon

PLACE: Rookery Bay National Research Reserve, 300 Tower Road, Naples, FL 34113, (239)417-6310

GENERAL SUBJECT MATTER TO BE CONSIDERED: Coastal Training Program Advisory Committee Meeting.

A copy of the agenda may be obtained by writing: Department of Environmental Protection, Rookery Bay National Estuarine Research Reserve, 300 Tower Road, Naples, FL 34113 or by calling Brian Badgley, (239)417-6310.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this public meeting asked to advise the agency at least 48 hours before the meeting by contacting Naomi Crews, (239)417-6310 or e-mail naomi.crews@dep.state.fl.us.

The **Department of Environmental Protection**, Rookery Bay National Estuarine Research Reserve announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 26, 2003, 1:00 p.m. – 3:00 p.m.

PLACE: Rookery Bay National Research Reserve, 300 Tower Road, Naples, FL 34113, (239)417-6310

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reserve Advisory Committee Meeting.

A copy of the agenda may be obtained by writing: Department of Environmental Protection, Rookery Bay National Estuarine Research Reserve, 300 Tower Road, Naples, FL 34113 or by calling Gary Lytton, (941)417-6310.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this public meeting asked to advise the agency at least 48 hours before the meeting by contacting Marla Barnett, (239)417-6310 or e-mail marla.barnett@dep.state.fl.us.

DEPARTMENT OF HEALTH

The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATES AND TIME: February 24-28, 2003, 8:30 a.m. each day and ending at varied times, depending upon the pace of business accomplished. Specific information on the schedule will be presented each day during the meeting.

PLACE: Embassy Suites Hotel, 555 Westshore Boulevard, Tampa, FL 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: To assess Emergency Medical Services grant applications submitted to the Department of Health, Bureau of Emergency Medical Services to determine which applications should be recommended for funding. The applications assessed will be those received November 15, 2002 through January 24, 2003, 5:00 p.m. (EST).

An agenda can be obtained by contacting: Gail Turner, Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, BIN #C-18, Tallahassee, FL 32399-1738, (850)245-4440, Ext 2779, Fax (850)488-9408, e-mail Gail_Turner@doh.state.fl.us.

SPECIAL ACCOMMODATIONS: Any person requiring special accommodations because of a disability or physical impairment must contact this agency at least 48 hours prior to the date of attendance at the above address and telephone number. If you are hearing or speech impaired, you may use the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

P. O. #G10454

The **Board of Clinical Laboratory Personnel** will hold a duly noticed meeting and telephone conference call to which all persons are invited to attend.

DATE AND TIME: Friday, February 28, 2003, 9:00 a.m.

PLACE: Adams Mark Hotel, 225 East Coast Line Drive, Jacksonville, Florida 32202, (904)633-9095

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, (850)245-4355, at least 48 hours prior to the meeting. If you are 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., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, BIN #C07, Tallahassee, Florida 32399-3257.

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a telephone conference call in which reconsiderations will be heard.

DATE AND TIME: February 27, 2003, 3:00 p.m.

PLACE: (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Dentistry** announces a schedule of official Board meetings to be held via telephone conference call. All interested parties are invited to participate in the telephone conference calls, which are open to the public. It is anticipated that the Board will not hold meetings on each and every date, but only on those dates when there is a need for discussion.

DATES AND TIME: February 25, 2003; March 4, 2003; March 11, 2003; March 18, 2003; March 25, 2003, 12:00 Noon

PLACE: Call the Board office: (850)245-4474 to obtain the phone number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the feasibility of outsourcing functions of the Board of Dentistry and other general business matters.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster.

The **Board of Nursing, Probable Cause Panel** will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: March 18, 2003, 4:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)488-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, 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: Dan Coble, Executive Director, 4052 Bald Cypress Way, BIN #C02, Tallahassee, FL 32399-3257.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, BIN #C02, Tallahassee, FL 32399-3257.

The **Board of Nursing**, Probable Cause Panel will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: March 18, 2003, 4:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)488-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

DATE AND TIME: March 19, 2003, 6:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)488-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

DATE AND TIME: March 27, 2003, 5:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)488-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, 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: Dan Coble, Executive Director, 4052 Bald Cypress Way, BIN #C02, Tallahassee, FL 32399-3257.

The **Correctional Medical Authority** announces a meeting to which all persons are invited.

DATE AND TIME: February 21, 2003, 8:30 a.m. – 12:30 p.m.

PLACE: Correctional Medical Authority, Conference Room, 1632 Metropolitan Circle, Tallahassee, Florida 32308, (850)410-1450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, BIN #B-04, Tallahassee, FL 32399-1732, (850)410-1450.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

The **Correctional Medical Authority** announces a meeting of the Budget and Personnel Committee.

DATE AND TIME: February 27, 2003, 10:00 a.m. – 1:00 p.m.

PLACE: Correctional Medical Authority, Conference Room, 1632 Metropolitan Circle, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of correctional health care budget and personnel issues.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

The Florida **Emergency Medical Services Advisory Council** announces a telephone conference call.

DATE AND TIME: March 5, 2003, 10:00 a.m. – 11:00 a.m. (EST)

PLACE: Conference Call: 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 other related issues will also be discussed.

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

The Florida **Board of Nursing** will hold a duly noticed meeting to which all persons are invited to attend.

DATES AND TIME: December 3-5, 2003, 8:30 a.m. – 6:00 p.m.

PLACE: Sheraton Suites Cypress Creek, 555 N. W. 62nd Street, Ft. Lauderdale, FL 33309, (954)772-5400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Board Meeting.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, 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).

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, Refugee Services Program Office announces the following public meetings to which all interested persons are invited.

*MEETING: District 11/ Miami Area Refugee Task Force
 DATE AND TIME: February 14, 2003, 10:00 a.m. – 12:00 Noon

PLACE: Miami-Dade Community College, Wolfson Campus, Building 2, 300 Northeast Second Avenue, Miami, Florida 33132, contact person is: Meredith Swiger, (850)488-3791

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Miami Area County/Children and Families, District 11 area.

A copy of the agenda may be obtained by writing: Meredith Swiger, Refugee Services Programs Office, 1317 Winewood Boulevard, Building 1, Room 303, Tallahassee, Florida 32399-0700.

*MEETING: District 10/ Broward County Refugee Task Force
 DATE AND TIME: February 25, 2003, 11:00 a.m. – 1:00 p.m.
 PLACE: First Lutheran Church, 441 N. E. 3rd Ave., Ft. Lauderdale, FL 33301, contact person is: Meredith Swiger, (850)488-3791

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Broward County/Children and Families, District 10 area.

A copy of the agenda may be obtained by writing: Meredith Swiger, Refugee Services Programs Office, 1317 Winewood Boulevard, Building 1, Room 303, Tallahassee, Florida 32399-0700.

*MEETING: District 5, 6 and 14/Tampa Bay Area Refugee Task Force

DATE AND TIME: February 25, 2003, 9:30 a.m. – 11:30 a.m.
 PLACE: PTEC-SP, Pinellas Technical Education Center, 901 34th St., South, St. Petersburg, FL 33711, contact person is: Meredith Swiger, (850)488-3791

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Tampa Bay Area County/Children and Families, District 5, 6 and 14 areas.

A copy of the agenda may be obtained by writing: Meredith Swiger, Refugee Services Programs Office, 1317 Winewood Boulevard, Building 1, Room 303, Tallahassee, Florida 32399-0700.

*MEETING: District 9/Palm Beach County Refugee Task Force

DATE AND TIME: February 26, 2003, 1:30 p.m. – 3:30 p.m.
 PLACE: Undecided at this time, contact person is: Meredith Swiger, (850)488-3791

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Palm Beach Area County/Children and Families, District 9 area.

A copy of the agenda may be obtained by writing: Meredith Swiger, Refugee Services Programs Office, 1317 Winewood Boulevard, Building 1, Room 303, Tallahassee, Florida 32399-0700.

The Osceola County Alliance for Children and Families and the **Department of Children and Family Services** announces its public meeting schedule for 2003.

DATES AND TIME: February 18, 2003; April 15, 2003; July 15, 2003; October 21, 2003, 11:30 a.m. – 1:30 p.m.

PLACE: The Osceola County Government Building, 2nd Floor, Information Services Conference Room 2502, 1 Courthouse Square, Kissimmee, FL

Please refer inquires to: Dr. Vermillion, (407)245-0400.

The Seminole County Alliance and the **Department of Children and Family Services** announces its public meeting schedule for 2003.

DATES AND TIME: February 26, 2003; March 26, 2003; April 23, 2003; May 28, 2003; June 25, 2003; July 23, 2003; August 27, 2003; September 24, 2003; October 22, 2003; November 26, 2003; December 17, 2003, 11:30 a.m. – 1:00 p.m.

PLACE: The Seminole County Sheriff's Office, Operation Center, 1st Floor, Child Protective Services Conference Room, 100 Bush Boulevard, Sanford, FL

NOTE: The Children's Services Committee of the Alliance will meet at 10:00 a.m. prior to the Alliance meeting.

Please refer inquires to: Dr. Vermillion, (407)245-0400.

The Orange County Alliance for Children and Families and the **Department of Children and Family Services** announces its scheduled public meetings for 2003.

DATES AND TIME: April 9, 2003; July 9, 2003; October 8, 2003, 9:00 a.m. – 10:30 a.m.

PLACE: The Orange County Administration Building, 5th Floor, Executive Conference Room, 201 S. Rosalind Avenue, Orlando, FL

Please refer inquires to: Dr. Vermillion, (407)245-0400.

The Leadership Roundtable of the Shared Services Network (Brevard County) and the **Department of Children and Family Services** announces its public meeting schedule for 2003.

DATES AND TIME: April 25, 2003; July 18, 2003, 11:00 a.m. – 1:00 p.m.

PLACE: The Brevard County Public School Administration Center, Superintendent's Conference Room, 2700 Judge Fran Jamieson Way, Viera, FL

Please refer inquires to: Dr. Vermillion, (407)245-0400.

The **Department of Children and Family Services**, District 8, will continue negotiating their Community-Based Care start-up contract for foster care and related services with Camelot Community Care, Inc.

DATES AND TIME: March 6, 13, 20, 2003, 9:00 a.m.

PLACE: Regional Service Center, Room 123, 2295 Victoria Avenue, Fort Myers, FL

For further information, contact: Mary Lynn Smith, (239)338-1490.

The **Department of Children and Family Services** announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2003, 10:00 a.m.

PLACE: South Tower, Conference Room C, 400 W. Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is an opportunity for the public to comment prior to the Department's initiating a rule promulgation process involving revising Rule 65B-6, Florida Administrative Code, Licensure of Residential Facilities. Individuals may also submit comments in writing to the person and address listed below.

A copy of the agenda may be obtained by writing: Hilary Brazzell, Department of Children and Family Services, Developmental Disabilities Program Office, 1317 Winewood Blvd., Tallahassee, FL 32399-0700 or by calling (850)488-4877, Ext. 138.

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 Hilary Brazzell, (850)488-4877, Ext. 138. If you are hearing or speech impaired, please contact the agency by calling (850)922-4449 (TTY only).

NAVIGATION DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, February 24, 2003, 8:30 a.m.

PLACE: The Harbor Branch Oceanographic Institute, Seminar Annex Building, Room 102, 5600 U.S. Highway 1, North, Ft. Pierce, St. Lucie County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting and workshop of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Land Acquisition and Management and Manatee Sign Committees will meet.

Please contact: The District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386 for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a workshop and meeting of the Board of Directors to which all interested parties are invited.

Fiscal Committee; Guarantee Committee; Combined Cycle Committee; Multifamily Revenue Bond Committee; Board Meeting

DATE AND TIME: March 7, 2003, 9:00 a.m. – Until adjourned

PLACE: Hyatt Regency Miami at Miami Convention Center, 400 S. E. 2nd Avenue, Miami, FL 33131-2197, (305)358-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider, review, and take action on matters brought to the Fiscal Committee and to consider recommendations made by the Fiscal Committee to the Board.
2. Consider, review, and take action on matters brought to the Guarantee Committee and to consider recommendations made by the Guarantee Program Committee to the Board.
3. Consider, review, and take action on matters brought to the Combined Cycle Committee and to consider recommendations made by the Combined Cycle Committee to the Board.
4. Consider, review, and take action on matters brought to the Multifamily Revenue Bond Committee and to consider recommendations made by the Multifamily Revenue Bond Committee to the Board.
5. Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds of pending multifamily issues, which have satisfied the requirements for funding.

6. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
7. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
8. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
9. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
10. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
11. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
12. Consideration of all necessary actions with regard to the Multifamily Bond Program.
13. Consideration of approval of underwriters for inclusion on approved master list and teams.
14. Consideration of all necessary actions with regard to the HOME Rental Program.
15. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
16. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
17. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
18. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
19. Consideration of all necessary actions with regard to the Home Ownership Programs.
20. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
21. Consideration of Appeals from Combined Cycle ranking and grading with entry of final orders.
22. Consideration of workouts or modifications for existing projects funded by the Corporation.
23. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
24. Consideration of funding additional reserves for the Guarantee Fund.
25. Consideration of audit issues.
26. Evaluation of Professional and Consultant performance.
27. Such other matters as may be included on the Agenda for the January 24, 2003, Board Workshop and Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sheila Freaney, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces a public meeting to which all interested parties are invited to attend.

DATE AND TIME: February 28, 2003, 8:00 a.m. – 12:00 Noon (Eastern Time) or as soon as business has been concluded. The Board will meet in an open session from 8:00 a.m. until the board attorney's report at which time the board attorney has requested an attorney-client session that will last approximately 1 hour to discuss strategy concerning presently pending litigation. The meeting will reopen to the public after the Board Attorney's report.

PLACE: Orlando Hyatt Regency, 9300 Airport Blvd., Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors, Florida Insurance Guaranty Association will meet regarding the regular business of the Association. The attorney-client session will be regarding pending litigation.

The names of the persons attending the attorney-client session are as follows: Robert Jarratt, Bob Southard, James Womble, Jr., David York, John Watson, John M. Camillo, Michael H. Wallace, Jerry Service, Charles P. Breitstadt, Tim Meenan, Board Attorney, Rick Cain.

A copy of the agenda may be obtained by writing: Mr. Jerry Service at the address above or by calling (904)398-1238, Ext. 109.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend the meeting is asked to advise the Association by contacting Jerry Service, (904)398-1238, Ext. 109, at least 48 hours

before the session if the person wishes to attend. A person who is hearing or speech impaired may also contact the TDD at 1(800)955-1339.

FLORIDA MUNICIPAL INSURANCE TRUST

The **Florida Municipal Insurance Trust** an interlocal entity created pursuant to Sections 768.28 and 163.01, Florida Statutes, announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, March 28, 2003, 9:30 a.m. – 4:00 p.m.; Saturday, March 29, 2003, 9:00 a.m. – 12:00 Noon
 PLACE: Renaissance Vinoy Resort, 501 5th Avenue, N. E., St. Petersburg, Florida, (727)894-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, Florida, (850)222-9684.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is based.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a request for Declaratory Statement on January 24, 2003, from Holmes Newman for Property at 104 N. W. 41 Street, Miami, Florida, regarding whether vertical accessibility is required for the second floor of this renovation which is to be converted into storage and office space to house client files and provide workspace area. It has been assigned the number DCA03-DEC-027.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on January 27, 2003, from Andy Brill, Code Compliance Coordinator, MI Home Products. An amendment was received on January 30, 2003. This petition requests clarification of Section 2405.3 of the Florida Building Code as it relates to glass ratio ASTM E 1300 94 on sizing of fenestration products. It has been assigned the number DCA03-DEC-028.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on January 30, 2003, from the Office of the Fire Code Official, Collier County Fire Control and Rescue Districts. They are seeking clarification of the circumstances which will permit the omission of smoke or heat detectors in the rooms and spaces as outlined in section 423.7.7. It has been assigned the number DCA03-DEC-031.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on January 31, 2003, from Cathy Spafford, Building Official, Town of Indialantic Building Department, regarding whether or not playground equipment identified in the petition, which is a pre-manufactured kit put together by the manufacturing company, is subject to the requirements of the Florida Building Code. It has been assigned the number DCA03-DEC-032.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on February 3, 2003, from Sunrise Pools & Spas, inquiring as to whether section 424.2.17.1.13 allows for the 48 inch fabric barrier between a pool and dwelling to be 20 inches from the waters edge, but the screen enclosure barrier on the other sides of the pool to be less than 20 inches to the waters edge. It has been assigned the number DCA03-DEC-040.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for

Declaratory Statement, Blue Tree Resort at Lake Buena Vista Condominium Association, Inc., Petitioner, on January 21, 2003.

Petitioner requests a declaratory statement on whether a developer must obtain approval of the board of directors pursuant to Section 721.13(4), Florida Statutes, before using the owners' list to solicit proxies from timeshare owners, and whether the developer, as proxy holder for timeshare owners, may cast the timeshare owners votes to elect new members of the board after the developer has transferred control of the association to the timeshare owners under Section 718.301(1)(e), Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket No. TD2003-002, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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 Pulp and Paper Association Environmental Affairs, Inc. vs. Department of Environmental Protection; Case No.: 03-0296RP; Rule No.: 62-40

Mohamed Ibrahim Abdel-Aziz, M.D. vs. Department of Health, Board of Medicine; Case No.: 03-0295RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Beverage Hospitality, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 02-4052RP; Rule No.: 61A-5.0105; 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

PUBLIC NOTICE FOR FOOD SERVICE VENDORS TO REGISTER WITH THE STATE DEPARTMENT OF EDUCATION TO VEND UNITIZED MEALS AND SNACKS TO THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN 2003

In accordance with Title 7 Code of Federal Regulations, Part 225; it is the intent of the Florida Department of Education, Food and Nutrition Management Section, to continue to administer the Summer Food Service Program (SFSP) for the fiscal year 2003.

The primary purpose of the program is to provide breakfast, lunch and/or snacks to economically needy children during periods when public schools are generally closed for summer recess.

Food service vendors who wish to become eligible to participate in this Program may write for a vendor registration and guidance package to the address listed below. Successful registration will require copies of the following: A current Florida business license; The most recent health inspection report with no unresolved violations; A completed Summer Food Service Program registration form; Evidence of general liability, product liability and insurance on delivery vehicles. The last date to mail this initial package of information will be Monday, March 17, 2003. U.S. Postal date marks or private carrier dates will be used to determine eligibility.

For more information please contact: the Food and Nutrition Management Section, Summer Food Service Program for Children, 1(800)504-6609. The contact persons for registration are Dave Whetstone or Sheila Thomas. The Summer Food Service Program Director is Charles Mulvaney.

Please direct written inquires to: The Florida Department of Education, Food and Nutrition Management Section, 325 West Gaines Street, Room 1122, Tallahassee, FL 32399-0400.

CALL FOR BIDS

made by Florida A & M University (FAMU), a unit of the Florida Board of Education (Division of Colleges and Universities).

PROJECT NAME: Lafayette Vineyards Building Renovations, Center for Viticulture and Small Fruit Development, Florida A & M University, Tallahassee, FL, PROJECT NUMBER: FM-302, LOCATION: 6505 East Mahan Drive, Tallahassee, FL 32308.

QUALIFICATION: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Estimated construction budget is \$500,000. Sealed bids will be received on:

DATE AND TIME: March 11, 2003, until 2:00 p.m. (Local Time)

PLACE: Plant Operations Facilities, Building A, Room 100, 2400 Wahnish Way, Florida A & M University, Tallahassee, FL, immediately after which time and place they will be publicly opened and read aloud down the hall in Conference Room 122 (Bid Tabulation will be posted back in Suite 100).

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual, which may be obtained or examined at the office of the Architect/Engineer: EMO/Architects, Inc., 1126 Thomasville Road, Tallahassee, FL 32303, (850)222-8000.

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Office of Supplier Diversity, Department of Management Services. Consideration will be given to the percentage of participation, as described in the Instructions to Bidders, in the award of the contract.

PRE-SOLICITATION/PRE-BID MEETING: The Bidder is required to attend the pre-solicitation/pre-bid meeting. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. This mandatory meeting has been scheduled for:

DATE AND TIME: February 25, 2003, 10:00 a.m. (Local Time)

PLACE: 6505 East Mahan Drive, Tallahassee, FL

DEPOSIT: \$50 per set of drawings and Project Manual is required with a limit of three (3) sets per general contractor or prime bidder; and two (2) sets of drawings and Project Manuals for plumbing, heating/ventilating/air conditioning and electrical contractors acting as subcontractors.

REFUND: The deposit shall only be refunded to those general contractors, prime bidders, or plumbing, heating/ventilating/air conditioning and electrical contractors acting as either prime or subcontractors, who after having examined the drawings and specifications:

- a. submit a bona fide bid, or
- b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning, or electrical work, and who return the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of bidding documents may be examined at the Architect/ Engineer's office and local plan rooms. Full sets may be purchased through The Blue Print Shop, Inc., 1130 Thomasville Road, Tallahassee, FL 32303.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Direct all project related question to Mr. Rod McQueen, Project Manager, (850)412-7506.

**CONSTRUCTION MANAGEMENT
SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces that on the date listed below ranking was determined and an intent was issued to negotiate and enter into a contract for Construction Management Services in accordance with the Consultants Competitive Negotiation Act for the following:

DATE: January 29, 2003

NAME OF AGENCY: The Florida School for the Deaf and the Blind

PROJECT NUMBER: FSDB-20030002

PROJECT NAME: Walker Hall Renovations

- 1. W. G. Mills, Inc., Jacksonville
- 2. Batson Cook Company, Jacksonville
- 3. Auld & White Constructors, Inc., Jacksonville
- 4. C. Young Construction, Jacksonville

NOTICE REGARDING ELECTRONIC POSTING

Pursuant to Section 287.042(3)(b)2., Florida Statutes, the DeSoto County School District 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://desotoschools.com/purchasing.htm>.

Invitation To Bid (ITB)

For a Mechanical Contractor (CM/CA)

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, Jacksonville, Florida, 5th Floor, Room 513D.

BIDS ARE DUE ON OR BEFORE March 18, 2003

AND WILL BE ACCEPTED UNTIL 2:00 P.M.

PROJECT TITLE: Replacement of Energy Management Control Systems (EMCS) at Frank H. Peterson Academy of Technology No. 280

DCPS PROJECT NO: M-88410

SCOPE OF WORK: Replace EMCS and HVAC at Frank H. Peterson Academy of Technology No. 280

Budget Not To Exceed \$2,800,000

All mechanical contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on February 25, 2003, 9:00 a.m., at Frank H. Peterson Academy of Technology No. 280, 7450 Wilson Boulevard, Jacksonville, Florida 32210. Failure to attend the pre-bid conference 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 \$50.00 at the office of:

Estrella Engineering, Inc., 1726 Kingsley Avenue, Suite 21, Orange Park, FL. 32073

DCSB Point of Contact: John McKean, Project Manager, (904)858-6310

Contract documents for bidding may be examined at:

F.W. Dodge McGraw Construction Bulletin
Hill Plan Room National Association of
Construction Market Data, Inc. Minority Contractors

MBE Participation Goal: 15% 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.

NOTICE TO BIDDERS

BID REQUEST FOR: DISPENSABLE CONDIMENTS

Bid No: 6068

Opening Date: March 4, 2003

Phone: (941)479-4250, Fax: (941)337-8200, In Person or Mail: 3308 Canal Street, Fort Myers, Florida 33916-6594

Complete Bid Package available only upon request.

By: Linda Owen, Senior Buyer

REGIONAL PLANNING COUNCILS

NOTICE TO PROFESSIONAL GIS CONSULTANTS

The North Central Florida Regional Hazardous Materials Response Team (Team) desires Geographic Information System (GIS) consultants to submit a statement of qualifications and a proposed scope of work for the following project.

PROJECT NAME: "Regional Hazmat Team GIS Application"

DESCRIPTION: Compile information required for emergency response to hazardous materials emergencies into an application that will run on stand-alone laptop computers operated by response team members. This project will include working closely with responders to develop an easy to use interface. Some updating of data will be required. All work must be completed by June 20, 2003.

It is estimated that the cost of this project will be \$12,500. Consultants wishing to be considered for this project must come to the North Central Florida Regional Planning Council office and review the work that has been completed to date using ArcGIS 8. Potential consultants should call Dwayne Mundy, (352)955-2200, Extension 108, to schedule an appointment.

QUALIFICATION REQUIREMENTS: Experience in the GIS field using ESRI ArcView and ArcGIS products.

SUBMITTAL REQUIREMENTS: Firms desiring consideration for this project must submit a clean, single-side original that can be used to make additional copies. The submittal must, as a minimum, include the following information:

1. Name, address, contact person and phone number;
2. Listing of key staff and resumes showing GIS qualifications;
3. Listing of any subconsultants anticipated to be used on this project;
4. An indication of the firm's ability (available staff) to complete the work prior to June 20, 2003;
5. Proposed scope of work and timeline to complete the project; and
6. Experience with GIS projects under \$15,000.

SELECTION PROCESS: It is anticipated the Policy Board of the North Central Florida Regional Hazardous Materials Response Team will select a consultant at its February 28, 2003, meeting being held at 10:00 a.m., at the North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida.

LETTER OF RESPONSE DEADLINE: Monday, February 24, 2003, 3:00 p.m. Late proposals will not be accepted. Facsimile and electronic mail responses will not be accepted.

REQUESTING RESPONSE ADDRESS: North Central Florida Regional Hazardous Materials Response Team, ATTN: Mr. Charles Justice, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603.

The North Central Florida Regional Hazardous Materials Response Team reserves the right to accept or reject any and all responses in the best interest of the Team.

**** FIRST NOTICE ****

REQUEST FOR PROPOSALS

“Analysis of Submerged Aquatic Vegetation, Inter-tidal Unvegetated, Saltwater Marsh, Mangrove, Oyster, Freshwater Wetland and Native Upland Habitats within the Greater Charlotte Harbor Watershed”

Proposals for this service must be received by the Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917, by 5:00 p.m. (local time), Wednesday, April 2, 2003. The Charlotte Harbor National Estuary Program (NEP) reserves the right to reject any or all proposals.

SCOPE OF SERVICE: One of the priority goals of the Charlotte Harbor NEP is to maintain, restore and/or enhance submerged aquatic vegetation, inter-tidal unvegetated, saltwater marsh, mangrove, oyster, freshwater wetland and native upland habitats to a total extent and quality no less than caused by natural variation. There is a need to compile data for all seven habitat types in a comprehensive manner for the entire Charlotte Harbor NEP study area and analyze it for spatial and temporal changes to determine if the program is maintaining its goal of natural variation. Thus, the Charlotte Harbor National Estuary Program is considering proposals to evaluate spatial and temporal changes in submerged aquatic vegetation, inter-tidal unvegetated, saltwater marsh, mangrove, oyster, freshwater wetland and native upland habitats within the greater Charlotte Harbor watershed, using original and previous analyses as appropriate. The final report will evaluate current habitat extent and locations in comparison to natural variation, to historical conditions and/or dates mentioned with Quantifiable Objective FW-2 (i.e. 1980) of the Comprehensive Conservation and Management Plan of the Charlotte Harbor NEP. Appropriate targets for natural variation or historical conditions for this comparison will be determined with the support of the NEP Management Conference. If additional information is needed to provide a complete analysis for a

specific area that is not currently being collected, the report will describe the type of information necessary to complete the analysis in similar future endeavors. The final report will synthesize the information on a subbasin basis and be provided in CD format.

INVITATION TO PROPOSE: The program hereby solicits proposals for the project “Analysis of Submerged Aquatic Vegetation, Inter-tidal Unvegetated, Saltwater Marsh, Mangrove, Oyster, Freshwater Wetland and Native Upland Habitats within the Greater Charlotte Harbor Watershed.” The Program anticipates awarding only one contract. The Program reserves the right to reject any or all proposals. Awards will be made to respondents whose proposals are deemed by the Program to be most beneficial, all factors considered.

REQUEST FOR PROPOSALS (RFP) INFORMATION AND INSTRUCTION: All requests for information, instructions and applications for submitting a proposal must be submitted in writing: Ms. Catherine Corbett, Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33917-3909, Fax (239)656-7724 or email ccorbett@swfrpc.org. All requests for clarification or additional information on the RFP must be submitted in writing to same by no later than 5:00 p.m., Friday, March 7, 2003.

HOW TO APPLY: A Request for Proposals document may be obtained by contacting, in writing, Ms. Catherine Corbett, Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917, Fax (239)656-7724 or email ccorbett@swfrpc.org. All requests for clarification or additional information on the RFP must be submitted in writing to same by no later than 5:00 p.m., Friday, March 7, 2003. Proposals must then be received by the Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917, by 5:00 p.m. (local time), Wednesday, April 2, 2003.

**** FIRST NOTICE ****

REQUEST FOR PROPOSALS

“Upload of Coastal Charlotte Harbor Monitoring Network Data to STORET”

Proposals for this service must be received by the Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917, by 5:00 p.m. (local time), Wednesday, April 2, 2003. The Charlotte Harbor National Estuary Program (NEP) reserves the right to reject any or all proposals.

SCOPE OF SERVICE: The Charlotte Harbor National Estuary Program is interested in developing a systematic method of uploading the water quality data collected by the Coastal Charlotte Harbor Monitoring Network into STORET in a process that will allow easy downloading and data analysis at a later date. The Coastal Charlotte Harbor Monitoring Network is an inter-agency, cooperative water quality monitoring

program that collects physical and chemical parameters using a probabilistic design that re-randomizes site locations monthly. The project will entail the successful vendor to coordinate with the Coastal Charlotte Harbor Monitoring Network members to determine the most appropriate methods for data uploads that will also allow the data to be downloaded on a Network, single-stratum or multi-strata basis for future data analysis. The process must allow agencies to meet the Quality Assurance requirements of the Total Maximum Daily Load (TMDL) rule when this information is available from Network members. The project will also entail the uploading of each Network's data collected under the program until April 2003 and instruction to appropriate staff of methods developed under this project. The final products will entail a Network-approved method of uploading data to STORET, relevant staff from each of the Network members conversant with said method, all data collected by all Network members by April 2003 for this program within STORET and a document explaining in detail the standard operating procedures for the method developed under this project.

INVITATION TO PROPOSE: The program hereby solicits proposals for the project "Upload of Coastal Charlotte Harbor Monitoring Network Data to STORET." The Program anticipates awarding only one contract. The Program reserves the right to reject any or all proposals. Awards will be made to respondents whose proposals are deemed by the Program to be most beneficial, all factors considered.

REQUEST FOR PROPOSALS (RFP) INFORMATION AND INSTRUCTION: All requests for information, instructions and applications for submitting a proposal must be submitted in writing to Ms. Catherine Corbett, Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33917-3909, Fax (239)656-7724 or email ccorbett@swfrpc.org. All requests for clarification or additional information on the RFP must be submitted in writing to same by no later than 5:00 p.m., Friday, March 7, 2003.

HOW TO APPLY: A Request for Proposals document may be obtained by contacting, in writing, Ms. Catherine Corbett, Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917, Fax (239)656-7724 or email ccorbett@swfrpc.org. All requests for clarification or additional information on the RFP must be submitted in writing to same by no later than 5:00 p.m., Friday, March 7, 2003. Proposals must then be received by the Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917, by 5:00 p.m. (local time), Wednesday, April 2, 2003.

REGIONAL TRANSPORTATION AUTHORITIES

REQUEST FOR PROPOSAL NO. 03-284 – MARKETING, PUBLIC RELATIONS, AND ADVERTISING SERVICES
Tri-County Commuter Rail Authority (TRI-RAIL), an agency of the State of Florida, operates a 72 mile commuter railroad with eighteen (18) stations in Miami-Dade, Broward and Palm Beach Counties.

THE PURPOSE of this RFP is to enter into an agreement with a qualified firm to provide public relations, public information, marketing services, and advertising, including but not limited to: copywriting, editing, proofing, event planning and coordination, media and community relations (including spokesperson activities), graphic design and print coordination. The term of the agreement will be for a period of five (5) years. Firms must possess a minimum of five (5) years of recent and relevant experience in managing campaigns to assist public transit/transportation clients.

A **REQUEST FOR DOCUMENTS** should be directed to: Mr. Robert Becker, TRI-RAIL, 800 N. W. 33 Street, Suite 100, Pompano Beach, Florida 33064, (954)788-7909. The cost of the solicitation document is Fifty Dollars (\$50.00) non-refundable. Checks or money orders made payable to TRI-RAIL should be forwarded to Mr. Becker at the address above. Solicitation documents will be available on or about February 10, 2003.

A **PRE-PROPOSAL CONFERENCE** will be held in the TRI-RAIL Board Room at the address above on February 19, 2003, 10:00 a.m. The purpose of the meeting will be for TRI-RAIL to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is recommended.

RECEIPT OF SEALED PROPOSALS: All proposals must be received in a sealed envelope no later than 5:00 p.m., March 14, 2003, at the TRI-RAIL office in Pompano Beach.

TRI-RAIL reserves the right to postpone, to accept or reject any and all proposals in whole or in part. All Firms must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All proposals must remain in effect for One Hundred Eighty (180) days from the RFP submission due date.

ESTIMATED ANNUAL BUDGET: \$400,000.00 – \$500,000.00.

DBE PARTICIPATION: TRI-RAIL solicits and encourages Disadvantaged Business Enterprise (DBE) participation. DBEs will be afforded full consideration of their responses and will not be subject to discrimination. The Disadvantaged Business Enterprise participation goal for this solicitation is 12%.

WATER MANAGEMENT DISTRICTS

REQUEST FOR PROPOSALS 02/03-022 WR

SURFACEWATER QUALITY SAMPLE COLLECTION

The Suwannee River Water Management District (District) announces that professional services encompassing the disciplines of surfacewater sampling, flow measurement (discharge), aquatic biology sampling and analysis, and data management will be required. The project is to continue the ongoing ambient water quality-monitoring network of the surface waters in the District. These projected budgets are subject to funding.

The RFP document (RFP #02/03-022 WR) will be available on February 14, 2003, at: www.mysuwanneeriver.com. Or requests for the RFP document should be directed to:

Suzanne Richardson, Administrative Assistant
 Department of Water Resources
 Suwannee River Water Management District
 9225 County Road 49, Live Oak, FL 32060
 Phone: (386)362-1001

The document outlines the scope of services and all general and specific conditions associated with that scope. All proposals submitted to perform the requested services must be prepared in accordance with the RFP document.

A mandatory proposer's conference to address questions relevant to the RFP is scheduled for 10:00 a.m., March 14, 2003, at District headquarters in Live Oak. Proposals submitted as responses to the RFP will be due on April 24, 2003, by 3:00 p.m.

If you have questions regarding the project, contact: David Hornsby, (386)362-1001 or toll free (Florida only) 1(800)226-1066, Fax (386)362-1056.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE REGARDING ELECTRONIC POSTING

Pursuant to Section 287.042(3)(b)2., 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.

CITIZENS PROPERTY INSURANCE CORPORATION

NOTICE TO BOND UNDERWRITERS

Citizens Property Insurance Corporation (Citizens), created by Section 627.351(6), Florida Statutes, hereby announces that it is soliciting proposals from qualified firms to serve as a bond underwriter with respect to one or more proposed financings by Citizens, including without limitation, various types of short-term or long-term fixed or variable rate securities, on a taxable or tax-exempt basis, in amounts from \$300 million to \$1 billion.

Any entity desiring to be considered for retention by Citizens as a bond underwriter may obtain a copy of the Request for Proposals from James W. Newman, Jr., Executive Director, Citizens Property Insurance Corporation, 101 North Monroe Street, Suite 1000, Tallahassee, Florida 32301, (850)513-3727, Fax (850)513-3900 or from our website www.citizensfla.com, which sets forth the criteria for submissions and selection. Ten copies of each entity's response to the Request for Proposal must be received at the above referenced address no later than 3:00 p.m., Friday, March 7, 2003.

This notice is made pursuant to Section 627.3513, Florida Statutes, and Section 30 of the Plan of Operations of Citizens. The selection of one or more bond underwriters will be made at a duly noticed public meeting of the Board of Governors of Citizens.

CITY OF BONITA SPRINGS

REQUEST FOR LETTERS OF INTEREST FOR
 ENGINEERING ANALYSIS OF PROPERTIES
 DESIGNATED WITHIN THE CITY OF BONITA SPRINGS
 AS "DENSITY REDUCTION/GROUNDWATER
 RESOURCE" (DR/GR)

CN #03-005

DUE: 2:00 P.M., MARCH 13, 2003

The City of Bonita Springs, Florida is soliciting Letters of Interest from qualified professional engineering firms and/or individuals to provide services in connection with performing a technical engineering analysis on properties located within the City of Bonita Springs "Density Reduction/Groundwater Resource" (DRGR) Land Use Category to determine the applicability of the designation.

Letters of Interest shall be sealed, submitted and plainly marked on the outside of the envelope:

CN 03-005

LETTER OF INTEREST
 DR/GR ENGINEERING ANALYSIS

Proposers should submit one original and seven copies of the Letter of Interest on or before 2:00 p.m., Thursday, March 13, 2003 to:

Dianne J. Lynn
 City Clerk

City of Bonita Springs
 9220 Bonita Beach Road, Suite 108
 Bonita Springs, Florida 34135

Any Letter of Interest received after the specified time will not be considered. **FAXED PROPOSALS WILL NOT BE ACCEPTED.**

A complete information packet can be obtained by calling the office of the City Clerk, Dianne J. Lynn, (239)390-1000.

Section XII
Miscellaneous

DEPARTMENT OF BANKING AND FINANCE

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Office of Financial Institutions and Securities Regulation, on December 17, 2002, issued a Notice of Intent to Enter a Final Order Approving or Denying Recovery from the Securities Guaranty Fund in Administrative Proceeding No. 3262-S-5/01 to Jay Harry Drivas, Individually, and Sunpoint Securities, Inc., CRD #1517814. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301 or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk
Office of Financial Institutions
and Securities Regulation
Suite 526, Fletcher Building
200 East Gaines Street
Tallahassee, Florida 32399-0379

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE DEPARTMENT WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Office of Financial Institutions and Securities Regulation, on December 24, 2002, issued a Notice of Intent to Enter a Final Order Approving or Denying Recovery from the Securities Guaranty Fund in Administrative Proceeding No. 3319-S-10/01 to Richard Alan Stock, Individually, CRD No. 1026309. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301 or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk
Office of Financial Institutions
and Securities Regulation
Suite 526, Fletcher Building
200 East Gaines Street
Tallahassee, Florida 32399-0379

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE DEPARTMENT WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Office of Financial Institutions and Securities Regulation, on December 24, 2002, issued a Notice of Intent to Enter a Final Order Approving or Denying Recovery from the Securities Guaranty Fund and Notice of Rights in Administrative Proceeding No. 3320-S-10/01 to Jeno Karl Koch, Individually, CRD #1998154. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301 or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk
Office of Financial Institutions
and Securities Regulation
Suite 526, Fletcher Building
200 East Gaines Street
Tallahassee, Florida 32399-0379

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE (21) DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE DEPARTMENT WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Office of Financial Institutions and Securities Regulation, on December 24, 2002, issued a Notice of Intent to Enter a Final Order Approving or Denying Recovery from the Securities Guaranty Fund and Notice of

Rights in Administrative Proceeding No. 3320b-S-10/01 to Colin Scott Gordon, Individually, CRD #2597359. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301 or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk
Office of Financial Institutions
and Securities Regulation
Suite 526, Fletcher Building
200 East Gaines Street
Tallahassee, Florida 32399-0379

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE DEPARTMENT WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Office of Financial Institutions and Securities Regulation, on December 24, 2003, issued a Notice of Intent to Enter a Final Order Approving or Denying Recovery from the Securities Guaranty Fund in Administrative Proceeding No. 3324-S-10/01 to Joseph A. Monaco, Individually, CRD #1051595. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301 or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk
Office of Financial Services
and Securities Regulation
Suite 526, Fletcher Building
200 East Gaines Street
Tallahassee, Florida 32399-0379

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT,

AND THE DEPARTMENT WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Office of Financial Institutions and Securities Regulation, on December 16, 2002, issued a Notice of Intent to Enter a Final Order Approving Recovery from the Securities Guaranty Fund in Administrative Proceeding No. 3522-S-8/02 to Kenneth M. Caraglio, Individually, CRD #2580769. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301 or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk
Office of Financial Institutions
and Securities Regulation
Suite 526, Fletcher Building
200 East Gaines Street
Tallahassee, Florida 32399-0379

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE DEPARTMENT WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Institutions and Securities Regulation has received the following application. Comments may be submitted to the Deputy Director, Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0371, 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 Services Office, Office of Financial Institutions and Securities Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., March 7, 2003):

APPLICATION TO CONVERT

A FEDERAL CREDIT UNION TO STATE CHARTER

Applicant and Location: GP Community Federal Credit Union, Palatka, Putnam County, Florida

With Title: First Coast Community Credit Union

Correspondent: Rick A. Leonardi, President/CEO, GP Community Federal Credit Union, Post Office Box 917, Palatka, Florida 32178

Received: February 4, 2003

The Office of Financial Institutions and Securities Regulation 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/cu_expansion.html.

Name and Address of Applicant: State Employees Credit Union, Post Office Box 2927, Jacksonville, Florida 32232

Expansion Includes: Persons who reside or work in Duval County, Florida.

Received: January 31, 2003

Name and Address of Applicant: VyStar Credit Union, Post Office Box 45085, Jacksonville, Florida 32232-5085

Expansion Includes: Persons who live or work in Alachua, Putnam, Flagler and Bradford Counties, Florida.

Received: January 31, 2003

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN that the following carrier, pursuant to Section 627.6475(5), F.S., has elected to become 'risk-assuming': Mutual of Omaha Insurance Company.

Public comments will be received until March 7, 2003. Comments may be addressed to: Larry Daniels, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, Florida 32399-0327, (850)922-3152, Ext. 5026.

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA03-OR-039

In Re: CITY OF MARATHON LAND DEVELOPMENT REGULATIONS ADOPTED BY CITY OF MARATHON ORDINANCE NO. 03-12-02

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2002), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.

2. On December 17, 2002, the Department received for review City of Marathon Ordinance No. 03-12-02 which was adopted by the City of Marathon City Council on December 11, 2002 ("Ord. 03-12-02").
3. Ord. 03-12-02 amends the Section 9.5-4 Definitions, Section 9.5-124 Residential Dwelling Unit Allocation Procedures, Section 9.5-127 Residential Dwelling Unit Allocation Evaluation Criteria, and Section 9.5-266 Affordable Housing; Employee Housing of the City's Land Development Regulations to establish a category for middle income housing that will provide more latitude for the City of Marathon to grant a portion of the annual growth allocation for this special class of income.
4. Ord. 03-12-02 is consistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2002).
6. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2002). The regulations adopted by Ord. 03-12-02 are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
9. Ord. 03-12-02 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.
10. Ord. 03-12-02 is not inconsistent with the remaining Principles. Ord. 03-12-02 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 03-12-02 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/

H. E. "SONNY" TIMMERMAN, DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED

REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 5th day of February, 2003.

/s/

Paula Ford, Agency Clerk

By U.S. Mail:
 Honorable John Bartus, Mayor
 City of Marathon
 10054-55 Overseas Highway
 Marathon, Florida 33050
 Katherine V. Selchan, City Clerk

City of Marathon
 210 University Drive
 Coral Springs, Florida 33071
 Scott Janke
 City Manager
 City Manager, City of Marathon
 10054-55 Overseas Highway
 Marathon, Florida 33050
 John R. Herin, Jr.
 Weiss, Serota, Helfman, Pastoriza and Guedes, P.A.
 City Attorneys
 City of Marathon
 2665 South Bayshore Drive, Suite 420
 Miami, Florida 33133
 By Hand Delivery or Interagency Mail:
 Jim Quinn, DCA Tallahassee
 Rebecca Jetton, DCA Florida Keys Field Office
 Richard A. Lotspeich, Assistant General Counsel, DCA
 Tallahassee

**NOTICE OF APPROVAL
 FOR FLORIDA FOREVER FUNDS**

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Florida Forever Program, Series FF1 funding cycle. The project plans listed below were approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project site and all other documents necessary to close the project and that funds be released as follows:

- Project: 01-008-FF1/Pocono Trails Preserve
- Grantee: Sarasota County
- Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$804,400.00
- Project: 01-113-FF1/Sheridan Street ESL Project
- Grantee: Broward County
- Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$847,903.20

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of More
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Buell Distribution Corporation, an affiliate of Harley-Davidson Motor Company, intends to allow the establishment of Gulf Coast Harley-Davidson, Inc., as a dealership for the sale of Buell motorcycles, at 8546 Leo Kidd Avenue, Port Richey (Pasco County), Florida 34668, on or after February 4, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Gulf Coast Harley-Davidson, Inc. are dealer operator(s) and principal investor(s): Preston Farrior, 2907 Villa Rosa, Tampa, FL 33611, James Ferman, Jr., 1814 Richardson Place, Tampa, FL 33609, Stephen Straske, II, 3302 Mullen Avenue, Tampa, FL 33609 and J. Rex Farrior, III, 42 Ladoga, Tampa, FL 33606.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Carolyn Mijokovic, Regional Dealer Development Rep., Buell Distribution Corporation, an affiliate of Harley-Davidson Motor Company, 3700 West Juneau Ave., P. O. Box 653, Milwaukee, WI 53201.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Douglas Mahan, President, Carolina Import and Distribution, Inc., 350 Seminole Drive, Spartanburg, SC 29301.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED
EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Brevard District: 7
ID #: 0200004A Decision: A Issue Date: 1/129/2003
Facility/Project: Holmes Regional Medical Center

Applicant: Holmes Regional Medical Center, Inc.
Project Description: Amended to utilize 41 of the 46 approved beds immediately, subject to licensure requirements, and allow the five remaining beds to be brought on-line in a second phase. Termination date remains January 14, 2004.
Proposed Project Cost: \$1,445,000

**Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, Carolina Import and Distribution, Inc. intends to allow the establishment of Mojo Powersports Inc. d/b/a Mojo Scooters, as a dealership for the sale of PowerMax motor scooters, at 707 West Bay Drive, Largo (Pinellas County), Florida 33770, on or after January 15, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Gulf Coast Harley-Davidson, Inc. are dealer operator(s) and principal investor(s): Peter M. Spoto, 100 Squire Ct., Dunedin, FL 34698.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

The Florida Department of Environmental Protection has determined that the project involving major sewer rehabilitation for the City of Hialeah 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)245-8358.

**NOTICE OF PUBLIC OPPORTUNITY
TO COMMENT ON A DRAFT NPDES PERMIT
IN THE EASTERN GULF OF MEXICO**

On January 14, 2003, the DEP Office of Intergovernmental Programs received a Draft NPDES Permit for Desoto Canyon Block 622, by Shell Offshore Inc., pursuant to the state consistency requirements of 15 CFR 930.

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 PUBLIC OPPORTUNITY
TO COMMENT ON A DRAFT NPDES PERMIT
IN THE EASTERN GULF OF MEXICO**

On January 14, 2003, the DEP Office of Intergovernmental Programs received a Draft NPDES Permit for Desoto Canyon Block 269, by Shell Offshore Inc., pursuant to the state consistency requirements of 15 CFR 930.

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 PUBLIC OPPORTUNITY
TO COMMENT ON A DRAFT NPDES PERMIT
IN THE EASTERN GULF OF MEXICO

On January 14, 2003, the DEP Office of Intergovernmental Programs received a Draft NPDES Permit for Desoto Canyon Block 927, by Marathon Oil Company, pursuant to the state consistency requirements of 15 CFR 930.

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

On October 8, 2001, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Enrique E. Figueroa, M.D., license number ME 0078485. This Emergency Suspension Order was predicated upon the Secretary's findings

of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 3, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Fadi Al-Ghraoui, M.D., license number ME 0056071. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN January 27, 2003
 and January 31, 2003**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

3F-8.004	1/29/03	2/18/03	28/48	
3F-8.006	1/29/03	2/18/03	28/48	

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

4A-58.001	1/29/03	2/18/03	28/35	28/51
4A-58.002	1/29/03	2/18/03	28/35	28/51
4A-58.003	1/29/03	2/18/03	28/35	28/51
4A-58.004	1/29/03	2/18/03	28/35	28/51
4A-58.005	1/29/03	2/18/03	28/35	28/51
4A-58.006	1/29/03	2/18/03	28/35	28/51
4A-58.007	1/29/03	2/18/03	28/35	28/51
4A-58.008	1/29/03	2/18/03	28/35	28/51
4A-58.009	1/29/03	2/18/03	28/35	28/51
4A-58.010	1/29/03	2/18/03	28/51	28/51

DEPARTMENT OF CITRUS

20-13.0011	1/30/03	2/19/03	28/49	
20-109.005	1/30/03	2/19/03	28/49	

DEPARTMENT OF CORRECTIONS

33-208.101	1/31/03	2/20/03	28/35	28/47
33-302.105	1/30/03	2/19/03	28/42	28/52
33-601.220	1/30/03	2/19/03	28/51	
33-601.226	1/30/03	2/19/03	28/51	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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AGENCY FOR HEALTH CARE ADMINISTRATION
Health Care Cost Containment Board

59E-4.003	1/28/03	2/17/03	28/49	
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Medicaid Program Office

59G-4.010	1/31/03	2/20/03	28/45	
59G-4.030	1/31/03	2/20/03	28/45	
59G-4.040	1/31/03	2/20/03	28/46	
59G-4.060	1/31/03	2/20/03	28/45	
59G-4.110	1/31/03	2/20/03	28/46	
59G-4.210	1/31/03	2/20/03	28/46	
59G-4.220	1/31/03	2/20/03	28/46	
59G-4.230	1/31/03	2/20/03	28/45	
59G-4.231	1/31/03	2/20/03	28/45	
59G-4.270	1/31/03	2/20/03	28/46	
59G-4.340	1/31/03	2/20/03	28/46	

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-4.050	1/30/03	2/19/03	28/46	
62-210.200	1/30/03	2/19/03	28/50	
62-341.201	1/30/03	2/19/03	28/39	
62-341.476	1/30/03	2/19/03	28/39	28/51
62-343.040	1/30/03	2/19/03	28/46	
62-343.900	1/30/03	2/19/03	28/46	

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

64B6-5.001	1/30/03	2/19/03	28/52	
64B6-8.003	1/30/03	2/19/03	28/52	