

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLE: Curriculum Standards for Special Designations
 RULE NO.: 4-211.320

PURPOSE AND EFFECT: To designate what material should be included in the course work for the Professional Customer Service Representative (PCSR) and Professional Claims Adjuster (PCA) designation.

SUBJECT AREA TO BE ADDRESSED: The Professional Customer Service Representative (PCSR) and Professional Claims Adjuster (PCA) designation.

SPECIFIC AUTHORITY: 626.221 FS.

LAW IMPLEMENTED: 626.221 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., Tuesday, March 25, 2003

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jeff Odom, Bureau of Agent and Agency Licensing, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0316, (850)413-3134

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-211.320 Curriculum Standards for Special Designation.

Pursuant to Section 626.221(1), Florida Statutes, the Department of Insurance establishes the following curriculum standards:

(1) For designation as a Certified Customer Service Representative (CCSR), Professional Customer Service Representative (PCSR) or Registered Customer Service Representative (RCSR), the requirement is at least 40 course hours:

(a) through (b) No change.

(2) For designation as an Accredited Claims Adjuster (ACA) or Professional Claims Adjuster (PCA), the requirement is at least 40 course hours:

(a) through (b) No change.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History—New 11-6-01, Amended _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Florida Nursery Stock and Certification Fees
 RULE CHAPTER NO.: 5B-2

RULE TITLES: Definitions
 RULE NOS.: 5B-2.001
 Registering with the Division
 5B-2.002

Certification and Quarantine of Nursery Stock
 5B-2.0025

PURPOSE AND EFFECT: The purpose of this rule revision is to provide a definition for certified turfgrass. The effect will be, upon request, to provide certification to producers of turfgrass in order that they may comply with plant quarantine restrictions or phytosanitary requirements. Pasture or forage grasses are specifically excluded from this definition. This amendment will also specifically exempt lawn and pasture grasses not produced as certified turfgrass from nursery stock classification for registration purposes, when apparently free from injurious plant pests. In addition, this proposed rule revision will amend the list of plant pests of limited distribution in Florida to remove those plant pests that have now become widely distributed throughout the state, and to add those plant pests that have recently been introduced into the state and are of limited distribution

SUBJECT AREA TO BE ADDRESSED: To provide certification, when requested, to turfgrass producers so they may comply with plant quarantine restrictions imposed by other states or countries, and to specifically exclude those lawn and pasture grasses not produced as certified from nursery stock classification when apparently free from injurious plant pests. In addition, the list of plant pests of limited distribution in Florida requiring immediate quarantine action is being amended to remove three insect pests, one plant disease and two plant parasitic nematodes that have now become widely distributed throughout the state, and to add eight insect pests, one plant disease and one plant parasitic nematode that have recently been introduced into the state and are of limited distribution.

SPECIFIC AUTHORITY: 570.07(13),(23), 581.031(1) FS.

LAW IMPLEMENTED: 581.031(1),(4),(5),(6),(7), 581.083, 581.101, 581.131, 581.141 FS.

IF REQUESTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, A WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., March 17, 2003

PLACE: Doyle Conner Building, 1911 Southwest 34th Street, Gainesville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Connie Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-2.001 Definitions.

For the purpose of this chapter, the definitions in Section 581.011, F.S., and the following definitions shall apply:

(1) Balled and burlapped. A term used to describe a horticultural practice whereby plants are extracted from the soil with a portion of the roots and the growing medium intact forming the ball. The ball is wrapped with burlap or other materials appropriate for supporting the ball during handling.

(2) Bare-root. Plants with roots from which the growing medium in which it was grown has been removed.

(3) Certified turfgrass. Turfgrass produced for purposes of ornamental ground cover by an individual who has requested certification in order to comply with plant quarantine restrictions or phytosanitary requirements. Pasture or forage grasses are specifically excluded from this definition.

~~(4)(3)~~ Container nursery stock. Plants established in growing media contained in containers such as clay pots, plastic pots, cans, etc.

~~(5)(4)~~ Exposed. Subject to infestation because of proximity to or contact with a plant pest.

~~(6)(5)~~ Outlet. A nursery, stock dealer, plant broker or agent offering nursery stock for sale or distribution under the control of a parent organization, corporation, partnership, personal business, cooperative, or other legal business entity.

~~(7)(6)~~ Propagating material. Unrooted scions and cuttings in the process of developing root systems; seedlings and asexually produced plants which are being developed to a saleable size.

~~(8)(7)~~ Psorosis complex of viruses. A combination of viruses (psorosis-A, psorosis-B, and ringspot) that induce bark-scaling, internal wood staining, ringspots or irregular chlorotic patterns in the foliage, or eventual tree decline. The disease is spread primarily by propagation using infected budwood.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.031 FS. History—Repromulgated 12-31-74, Amended 6-15-81, 10-28-85, Formerly 5B-2.01, Amended 6-7-95, _____.

5B-2.002 Registering with the Division.

Every nurseryman, stock dealer, plant broker, and agent shall register with the division before moving, distributing or offering nursery stock for sale. All aquatic plants offered for sale or distribution at the retail level, seeds, ~~lawn and pasture grasses~~, cut flowers, cut fern, ~~and~~ cut foliage (greens) not for propagation, ~~and lawn and pasture grasses not produced as~~

certified turfgrass are specifically exempted from nursery stock classification for registration purposes, when apparently free from injurious plant pests.

(1) NURSERY REGISTRATION REQUIREMENTS.

(a) Application for registration of nurseries shall be made upon a form, DACS-08004, revised 5/99, incorporated herein by reference, to be furnished by the division, which shall contain provisions with which the applicant must comply, and must be signed by the applicant or applicant's representative. Application form DACS-08004, revised 5/99, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08004, Application For Certificate of Registration, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

(b) Nurserymen desiring to move, sell, distribute, or offer nursery stock for sale and obtain a certificate of registration shall request an inspection by the division at least thirty (30) days in advance of the date upon which they desire to move or offer nursery stock for sale. Nurserymen requesting immediate inspection may be charged an additional fee sufficient to defray the cost of inspection.

(c) The nursery stock must be inspected by an authorized representative of the division and found to be apparently free from plant pests of quarantine significance and to be reasonably free from common plant pests.

(d) The nursery must be in such condition, in regard to spacing, growth, and weed control, as to permit an efficient inspection for plant pests.

(e) The nurseryman must agree to comply with all rules of the division.

(f) Nurserymen, unless exempted under paragraph 5B-2.002(1)(g), F.A.C., must pay an annual certificate of registration fee. Such fee shall be determined by the amount of nursery stock inventoried in the nursery by an authorized representative during the first inspection after July 1; or for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers, the certificate of registration fee shall be based on the amount of planted acreage provided that the total fee does not exceed four hundred and sixty dollars (\$460). Upon meeting registration requirements, a certificate of registration may be issued by the division which shall expire twelve (12) months following date of issue. For fee purposes nursery stock shall be grouped into two categories, except for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers which shall be determined by planted acreage. The two categories for nursery stock shall include standard stock and propagating material. Standard stock shall include all nursery stock inventoried by unit for sale or distribution; i.e., pot, balled and burlapped, or tray (for seedlings and liners). Propagating material shall include breeding stock, stock plants, rooting beds or other growing units, production beds for seeds and aquatic plants. The fee for

nurseries having both standard stock and propagating material shall be determined by converting propagative material to standard stock at a ratio of 10 to 1. The figure so determined will be added to the standard stock inventory and the fee shall be determined on the combined total. Nurseries having standard stock, propagating material and field-produced vegetable transplants, field-produced bulbs, and field-produced corms or tubers shall have the planted acreage fee added to the fee determined for standard stock and propagating material. The combined fees shall not exceed four hundred and sixty dollars (\$460).

1. Schedule of fees determined by nursery stock inventory shall be as follows:

Number of Plant	Amount of Fee
1 – 1,000	\$25.00
1,001 – 2,500	35.00
2,501 – 5,000	46.00
5,001 – 10,000	69.00
10,001 – 25,000	92.00
25,001 – 50,000	115.00
50,001 – 100,000	173.00
100,001 – 150,000	219.00
150,001 – 200,000	265.00
200,001 – 250,000	311.00
250,001 – 300,000	357.00
300,001 – 350,000	403.00
350,001 – 400,000	449.00
Over 400,000	460.00

2. Schedule of fees determined by planted acreage for field-produced vegetable transplants, field-produced bulbs, and field-produced corms and tubers shall be as follows:

Number of Acres	Amount of Fee
1 – 5	\$25.00
6 – 10	35.00
11 – 15	46.00
16 – 20	69.00
21 – 25	92.00
26 – 30	115.00
31 – 35	172.00
36 – 40	218.00
41 – 45	265.00
46 – 50	311.00
51 – 60	357.00
61 – 70	403.00
71 – 80	449.00
Over 81	460.00

3. Schedule of fees determined by planted acreage for certified turfgrass shall be as follows:

Number of Acres	Amount of Fee
<u>1</u> = <u>50</u>	<u>25.00</u>
<u>51</u> = <u>100</u>	<u>35.00</u>
<u>101</u> = <u>200</u>	<u>46.00</u>
<u>201</u> = <u>300</u>	<u>69.00</u>
<u>301</u> = <u>400</u>	<u>92.00</u>
<u>401</u> = <u>500</u>	<u>115.00</u>
<u>501</u> = <u>600</u>	<u>172.00</u>
<u>601</u> = <u>700</u>	<u>218.00</u>
<u>701</u> = <u>800</u>	<u>265.00</u>
<u>801</u> = <u>900</u>	<u>311.00</u>
<u>901</u> = <u>1000</u>	<u>357.00</u>
<u>1001</u> = <u>2000</u>	<u>403.00</u>
<u>2001</u> = <u>3000</u>	<u>449.00</u>
<u>Over 3000</u>	<u>460.00</u>

(g) Governmental agency nurseries whose nursery stock is used exclusively for planting on government property are exempt from payment of a certificate of registration fee.

(h) All annual renewal documents for certificate of registration shall be returned not later than the anniversary date of the certificate being renewed, and accompanied by the appropriate fee.

(2) STOCK DEALERS, PLANT BROKERS, AND AGENTS. Stock dealers, plant brokers, and agents shall comply with the following stipulations to meet certification requirements:

(a) Those persons who desire to apply for certification and registration as a stock dealer, plant broker, or agent may make application by completing division form DACS-08004, revised 5/99. This application form should be filed with the division thirty (30) days prior to the date the stock dealer, plant broker, or agent desires to begin operation. The completed application shall be accompanied by payment of the fee as designated in paragraph 5B-2.002(2)(e), F.A.C.;

(b) All annual renewal documents for certificate of registration shall be returned not later than the anniversary date of the certificate being renewed, and accompanied by the appropriate fee;

(c) Stock dealers with more than one outlet supplied with nursery stock from a central location may register outlets by listing or attaching a list of outlets, with complete mailing address and geographical location, to the application or document for renewal form (DACs-08004, revised 5/99 or DACs-08022, revised 5/99) and remitting of the total fee payment for all outlets to be registered. Application for Renewal of Nursery Stock Dealer’s Certificate of Registration form, DACs-08022, revised 5/99, is supplied by the division for this purpose and are incorporated herein by reference.

Copies of DACS-08022, may be obtained from the Division of Plant Industry, Bureau of Plant & Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100;

(d) Stock dealers with an independent source of nursery stock supply, regardless of their affiliation with a parent person, shall apply for a certificate of registration as a separate unit and shall remit the designated fee payment;

(e) The certificate of registration fee for stock dealer, plant broker, and agent establishments shall be \$25.00 per outlet with a \$460 maximum charge;

(f) A stock dealer, plant broker, or agent shall comply with all the provisions of Chapter 581, Florida Statutes, and the rules of the department and shall obtain nursery stock only from certified nurseries;

(g) Stock dealer, plant broker, and agent certificate of registration shall expire twelve (12) months after the date of issuance.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.131, 581.141 FS. History—Amended 12-31-74, 6-24-75, 3-25-79, 6-15-81, 10-28-85, Formerly 5B-2.02, Amended 5-17-92, 6-7-95, 11-29-95, 6-12-00, _____.

5B-2.0025 Certification and Quarantine of Nursery Stock.

(1) Foreign plant pests requiring immediate quarantine action. All nursery stock found to be infested or infected with or exposed to a plant pest not known to be established in the state will be quarantined and will not be eligible for certification until the plant pest has been eliminated.

(2) Plant pests of limited distribution in Florida requiring immediate quarantine action. All nursery stock found infested or infected with or exposed to a plant pest listed below shall be subject to immediate quarantine action and will not be eligible for certification until treated as prescribed by the department and released from quarantine.

(a) Insects

1. Diaphorina citri (Asian citrus psyllid) ~~Ceroplastis sp. (scale insect)~~
2. Diaprepes abbreviatus (diaprepes root weevil)
3. Maconellicoccus hirsutus (pink mealybug)
- ~~4.3. Metamasius spp. (weevil)~~
5. Metamasius callizona (bromeliad weevil)
6. Metamasius hemipterus (palm and sugarcane weevil)
- ~~7.4. Morganella longispina sp. (scale insect) (plumose scale)~~
8. Myllocerus undatus (weevil)
- ~~9.5. Opuntiaspis spp. sp. (scale insect)~~
10. Paratachardina lobata (lobate lac scale)
- ~~11.6. Parlatoria ziziphi (black parlatoria scale insect)~~
- ~~12.7. Philephedra sp. (scale insect)~~
13. Phoenicococcus marlatti (red date scale)
- ~~14.8. Toxoptera citricida (brown citrus aphid)~~
15. Vinsonia stellifera (stellate scale)

(b) Diseases

1. Agrobacterium tumefaciens (crown gall)
2. Lethal yellowing of palms
3. Phomopsis gardeniae (gardenia canker)
4. Psorosis complex of viruses
5. Puccinia pelargonii – zonalis (geranium rust)
6. Sphaceloma poinsettia (poinsettia scab)
7. Tomato yellow leaf curl virus

(c) Mollusks (Snails)

1. Otala lactea (milk snail)
2. Zachrysis provisoria (Cuban land snail)

(d) Nematodes

1. ~~Heterodera schachtii (sugar beet nematode)~~
2. ~~Heterodera glyeines (soybean cyst nematode)~~

Meloidogyne mayaguensis

(3) Common Plant Pests. All nursery stock found infested or infected with a common plant pest shall be subject to immediate quarantine action when the population of the plant pest is adversely affecting the nursery stock. The nursery stock will not be eligible for certification until treated as prescribed by the department and released from quarantine.

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(5),(6),(7), 581.083, 581.101 FS. History—New 6-7-95, Amended 10-8-96, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Plant Quarantine and Certification 5B-3

Entry Requirements RULE NOS.:

Requirements for the Interstate Movement of Nursery Stock and Other Plants and Plant Products 5B-3.003

Requirements for the International Movement of Plants and Plant Products 5B-3.0032

Restrictions on Host Fruit of Fruit Flies 5B-3.0035

Quarantine Action 5B-3.0038

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise documentation requirements for plants and plant products entering Florida by road from other states or countries, and to provide a provision for suspending shippers responsible for pests not known to occur in Florida to be introduced into the State. Additional quarantine pests are also being added to the list of pests not known to occur in Florida, and to the list of quarantine pests of limited distribution. The effect would be that in most instances, importers of foreign produce will have less documentation to present when entering the agricultural inspection stations maintained by the Office of Agricultural Law Enforcement. This revision will also make bill of lading requirements consistent with U.S. Custom rules that require such documentation of foreign products to be in the English language, or be accompanied by an English

translation. In addition, this revision will have the effect of clarifying that products moved interstate in violation of Federal restrictions will also be considered in violation of Florida law. Furthermore, the ability to suspend shippers of products infested with pests not known to occur in Florida will give added protection against additional introductions into the State. SUBJECT AREA TO BE ADDRESSED: Determining certification requirements for international or domestic plant products is dependant upon the ability of the Department to identify that product. Bill of lading and other documentation not in the English language may prevent proper identification, leading to the entry of product not properly certified.

The requirement for foreign origin plants and plant products to be accompanied by supporting documentation verifying inspection and clearance by the USDA has become outdated. It is difficult for many shippers to obtain the proper documentation as the USDA has moved increasingly toward a paperless entry system for product entering many U.S. ports. In addition, as imported product is brokered and redistributed in smaller lots among different entities and transported throughout the U.S., the original clearance documentation resides with the importer and is difficult to locate. In addition, there is no method available to clearly reconcile product which has been redistributed any number of times from the original importer with documentation that is provided upon entry into the State. The effect is the documentation is of little value for demonstrating inspection and clearance by USDA, and shipments are often delayed while brokers try to locate it.

Florida agriculture is at risk each time a pest not known to occur in the State enters with infested plants and plant products. By suspending shippers for a suitable period who cause new pests to be introduced, we hope to prevent repeated introductions which would add greatly to the opportunity for the new pest to become established in Florida. The assistance of agriculture officials in the shippers state of origin will be enlisted to help mitigate the pest risk of future shipments before shipments to Florida may resume.

SPECIFIC AUTHORITY: 570.07(23), 581.031(4), 581.091, 581.101 FS.

LAW IMPLEMENTED: 581.031(7), 581.083, 581.101 FS.

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

TIME AND DATE: 10:00 a.m., March 14, 2003

PLACE: Doyle Conner Building, 1911 Southwest 34th Street, Gainesville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Connie Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-3.003 Requirements for the Interstate Movement of Nursery Stock and Other Plants and Plant Products.

Any person, nurseryman, stock dealer, agent, or plant broker doing business outside the State of Florida who desires to ship into this state nursery stock and other plants and plant products from any state, U. S. possession, territory, or district of the United States, shall comply with the following regulations:

(1) If shipping nursery stock, the nurseryman, stock dealer, agent, or plant broker must be registered with the department of agriculture of the state where such nursery stock originated and listed in that state's directory of registered or certified nurseries, agents, stock dealers, and plant brokers.

(2) For nursery stock, a valid certificate of inspection issued by the state of origin must be attached to each separate package, bundle, box, or shipment of nursery stock shipped into Florida. The certificate of inspection shall certify that the nursery stock is apparently free of plant pests and is in compliance with the rules of the department. In club orders, one tag must be attached to each individual order and another to the package containing the individual orders.

(3) All commercial shipments of nursery stock or other plants and plant products entering peninsular Florida by road are required to stop at an agricultural inspection station where they will be screened for proper certification and subject to cargo inspection by the department. Each shipment shall be accompanied with a bill of lading, or other valid documentation which contains, at least, the following information:

- (a) Name and address of shipper or consignor;
- (b) Name and physical address of receiver or consignee;
- (c) Description of Plants or plant products in shipment;
- (d) Place and state of origin;
- (e) Ultimate destination of shipment if other than receiver or consignee.

(4) The bill of lading or other valid document and all attachments shall be in the English Language, or shall have attached thereto an accurate English translation containing adequate information for examination of the product.

~~(5)~~(4) A report of Plant and Plant Material In Transit, DACS-08003, revised 1/00, will be completed on any shipment of nursery stock or other plants or plant products entering Florida that is subject to additional inspection upon reaching its destination. Report of Plant and Plant Material In Transit form, DACS-08003, revised 1/00, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08003, Report of Plant and Plant Material In Transit, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

~~(6)(5)~~ Non-commercial shipments of house plants which are part of a passenger's baggage or household effects may enter the state provided the plants are accompanied with a certificate of inspection. Should the plants originate from a state that does not offer an inspection and certification service for house plants, the owner must be able to furnish the department a Florida address where the plants will be located. This information will enable the department to conduct a follow-up inspection if deemed necessary. If sufficient information is given, the plants will be allowed to proceed.

~~(7)(6)~~ The movement of propagative parts of sugarcane into the State of Florida is prohibited unless accompanied by a special permit issued by the department. A special permit may be requested by completing an Application for Special Permit to Import Sugarcane, DACS-08083, revised 10/99, and submitting it to the division director. Special Permit to Import Sugarcane, DACS-08083, revised 10/99, is supplied by the division for this purpose and is incorporated herein by reference. Copies of An Application for Special Permit to Import Sugarcane, may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100. Sorghum seed is exempt from this requirement provided it is apparently free from plant pests.

~~(8)(7)~~ It is unlawful for any person to introduce into this state from another state, territory, or foreign country any citrus plant or citrus plant product or propagation there from without a permit issued by the department, unless specifically excluded by the rules of the department. A permit may be requested by completing an Application to Introduce Citrus Plants and Citrus Plant Parts, DACS-08084, revised 1/00, and submitting it to the division director. Application to Introduce Citrus Plants and Citrus Plant Parts, DACS-08084, revised 1/00, is supplied by the division for this purpose and is incorporated herein by reference. Copies of Application to Introduce Citrus Plants and Citrus Plant Parts, may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100. Any such citrus plant or citrus plant product or propagation there from introduced into the state from another state, territory, or foreign country without a permit issued by the department, or any plants propagated thereafter from such materials, are unlawful and declared to be contraband and shall be confiscated and destroyed. No compensation shall be allowed for any plant, product, or propagation confiscated and destroyed pursuant to this section.

Specific Authority 570.07(23), 581.031(1),(4),(5) FS. Law Implemented 581.031, 581.182 FS. History—New 3-16-92, Amended 7-2-95, 4-1-97, Amended 6-12-00,_____.

5B-3.0032 Requirements for the International Movement of Plants and Plant Products.

~~(1) All shipments of foreign origin plants and plant products shall be prohibited entry into the state of Florida unless accompanied by supporting documentation verifying inspection and clearance by the USDA.~~

~~(1)(2)~~ All shipments of foreign origin plants and plant products entering ~~peninsular~~ Florida by road are required to stop at an agricultural inspection station where they will be screened for proper certification and subject to cargo inspection by the department.

~~(2)(3)~~ All shipments of foreign origin plants and plant products shall be accompanied with a bill of lading, or other valid documentation which contains, at least, the following information:

- (a) Name and physical address of the shipper or consignor;
- (b) Name and physical address of receiver or consignee;
- (c) Description of plants or plant products in shipment;
- (d) Place and country of origin;
- (e) Ultimate destination of shipment if other than receiver or consignee.

(3) The bill of lading or other valid document and all attachments shall be in the English language, or shall have attached thereto an accurate English translation containing adequate information for examination of the product.

(4) It shall be unlawful to ship plants and plant products into Florida which are in violation of Federal law, including restricted foreign origin plants and plant products that require treatment or the distribution is limited to specified states.

Specific Authority 570.07(23), 581.031(4) FS. Law Implemented 581.031(15),(19),(20) FS. History—New 4-1-97, Amended_____.

5B-3.0035 Restrictions on Host Fruit of Fruit Flies.

All host fruit listed in (1) through (52) from an area infested with the fruit flies *Anastrepha* spp. (except *A. suspensa*), *Bactrocera* spp., *Dacus* spp., *Rhagoletis* spp., and *Ceratitidis* spp. is prohibited entry into the State of Florida, unless accompanied by a certificate issued by an authorized representative of the USDA or the state of origin denoting the absence of fruit flies listed above, or having complied with a treatment established by the department or USDA to insure freedom from fruit flies. The following host list does not exclude from restriction any movement into Florida of other fruit or articles that may be infested. The purpose of the list is to provide information as to the preferred hosts of fruit flies which most commonly move in commerce.

- (1) Actinidia chinensis – kiwi fruit
- (2) Annona spp. – soursop, cherimoya, pond-apple, and sugar-apple
- (3) Arenga pinnata – sugar palm
- (4) Argania spinosa – Argan tree, Morocco ironwood
- (5) Blighia sapida – akee
- (6) Capsicum spp. – peppers
- (7) Carica papaya – papaya
- (8) Carissa macrocarpa – carissa, Natal-plum
- (9) Casimiroa spp. – white-sapote and other species of this genus
- (10) Chrysophyllum spp. – star-apple and other species of this genus

- (11) Citrus spp. – orange, grapefruit, tangerine, and other citrus relatives as defined in Rule 5B-46.001, F.A.C., above.
- (12) Coffea arabica – coffee
- (13) Cucumis spp. – cucumber, muskmelon, melon, and other species of this genus
- (14) Cydonia oblonga – common quince
- (15) Cyphomandra betacea – tree tomato
- (16) Dimocarpus longana – longan
- (17) Diospyros spp. – Japanese and American persimmons and other species of this genus
- (18) Dovyalis spp. – Ceylon-gooseberry, kei-apple
- (19) Eriobotrya japonica – loquat
- (20) Eugenia spp. – Surinam cherry and other species of this genus
- (21) Acca sellowiana (= Feijoa sellowiana) – feijoa, pineapple guava
- (22) Ficus carica – fig
- (23) Fortunella japonica – kumquat
- (24) Geoffroea decorticans – chanar, Chilean palo verde
- (25) Juglans spp. – walnut with husk
- (26) Litchi chinensis – lychee
- (27) Lycopersicon esculentum – tomato
- (28) Malpighia spp. – Barbados cherry, West Indies cherry
- (29) Malus ~~sylvestris~~ pumila – apple
- (30) Mangifera indica – mango
- (31) Manilkara zapota – sapodilla
- (32) Mimusops elengi – Spanish cherry
- (33) Murraya paniculata – orange jasmine
- (34) Ochrosia elliptica – ~~bourbon orange~~ kopsia, elliptic yellowwood
- (35) Olea europea – olive
- (36) Opuntia spp. – prickly pear
- (37) Passiflora edulis – passion fruit
- (38) Persea americana – avocado
- (39) Phoenix dactylifera – date palm
- (40) Pouteria campechiana – canistel
- (41) Pouteria sapota – mamee, sapote
- (42) Prunus spp. – peach, plum, apricot, cherry, and other stone fruit relatives
- (43) Psidium spp. – common guava and cattley guava
- (44) Punica granatum – pomegranate
- (45) Pyrus communis – pear
- (46) Solanum melongena var. esculentum – eggplant
- (47) Spondias spp. – hog plum, yellow mombin, red mombin, purple mombin, Spanish plum, jocote
- (48) Syzygium spp. – rose-apple, jambolan-plum, mountain apple
- (49) Terminalia catappa – tropical almond
- (50) Thevetia peruviana – yellow oleander

- (51) Vaccinium angustifolium (including V. pennsylvanicum) – lowbush blueberry
- (52) Vaccinium corymbosum (including V. ashei and V. atrococcum) – highbush blueberry
- (53)~~(54)~~ Vitis spp. – wine grape or European grape
- (54)~~(52)~~ Any other fruit which is known to be or found to be a host of any fruit flies listed above.

Specific Authority 570.07(23), 581.031(1),(4),(5) FS. Law Implemented 581.031 FS. History–New 7-2-95, Amended.

5B-3.0038 Quarantine Action.

(1) Plant pests not known to occur in the state of Florida. Plants and plant products which do not meet Florida regulations or are found to be infested or infected with, or exposed to a plant pest not known to be established in the state shall be subject to being refused entry, returned to the owner, quarantined, treated, or destroyed as specified by the department, or destroyed or treated by an authorized representative of the department. The destruction, quarantine, treatment, or return of a shipment shall be under the direction of an authorized representative of the department and at the expense of the owner. Payment to the department for such expense shall be required before shipping can resume. Shippers shall be immediately suspended from shipping into Florida when shipments of plants and plant products are found to be infested or infected with a plant pest not known to be established in the state, and the pest is determined to be potentially damaging to Florida agriculture. This suspension shall remain in effect until the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, and the state of origin department of agriculture agree the problem has been resolved and that shipping may resume. An Agreement For Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant parts, DACS-08029, revised 8/02~~12/99~~, will be completed on all shipments requiring regulatory action. An Agreement For Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant Parts form, DACS-08029, revised 8/02 ~~12/99~~, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08003, Report of Plant and Plant Material In Transit, and DACS-08029, Agreement For Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant Parts, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100. The following are examples of plant pests that would require immediate quarantine action:

- (a) Insects
 - 1. Aceria litchii (currently in Hawaii (Litchi mite))
 - 2. Anoplophora spp. (Asian longhorned beetles)
 - 3. Biprorulus bibax (spined orange bug)
 - 4. ~~Bostrichidae~~ Bostrichidae (Bostrichid beetles)
 - 5. Brevipalpus chilensis (Chilean false red mite)
 - 6. Ceratovacuna lanigera (sugarcane woolly aphid)

- 7.2. Diaphora citri (Asian citrus psyllid)
- 8. Eutetranychus orinetalis (Oriental red mite)
- 9. Exophthalmus spp. (Caribbean citrus weevils)
- 10.3. Liriomyza huidobrensis (pea leaf miner)
- 11.4. Maconellicoccus hirsutus (pink mealybug)
- 12. Metamasius spp. (Neotropical palm and bromeliad weevils)
- 13. Musgraveia sulciventris (bronze orange bug)
- 14. Myllocerus spp. (Asian weevils)
- 15. Nephrotettix spp. (Green leafhoppers on rice)
- 16. Nilaparvata lugens (brown plant hopper)
- 17. Oxycaenus hyalinipennis (dusky cottonseed bug)
- 18. Prynnotrypes spp. (Andean potato weevils)
- 19. Russelliana solanicola (a potato psyllid)
- 20.5. Siphoninus plilyleae (Ash whitefly)
- 21. Trioza anceps (avocado psyllid)
- 22. Trioza perseae (avocado psyllid)
- 23.6. Trioza erytrae (African citrus psyllid)
- 24. Tropilaelaps clareae (Tropilaelaps mite)
- 25.7. Vinsonia stellifera (stellate scale)
- (b) Diseases
 - 1. Citrus chlorotic dwarf
 - 2. Citrus leprosis virus
 - 3. Citrus variegated chlorosis
 - 4. Citrus yellow mosaic virus
 - 5. Huanglongbing (citrus greening disease)
 - 6. Phytophthora ramorum (sudden oak death)
 - 7.4. Puccinia horiana (chrysanthemum white rust)
 - 8.2. Sugarcane bacilliform badnavirus
 - 9.3. Sugarcane yellowleaf syndrome
 - 10.4. Xanthomonas axonopodis pv. citri (citrus canker)
- (c) Mollusks
 - 1. Achatina spp. fulica (giant African snail and others)
 - 2. Archachatina marginata (banana rasp snail)
 - 3.2. Cryptomphalus spp. (brown garden snail and others)
- Helix aspersa
 - 4. Megalobulimus oblongus (giant South American snail)
 - 5. Theba pisana (white garden snail)
- (d) Nematodes
 - 1. Anguina tritici (wheat gall nematode)
 - 2.4. Bursaphelenchus cocophilus (red ring nematode)
 - 3. Ditylenchus destructor (potato rot nematode)
 - 4. Ditylenchus dispaci (bud and stem nematode)
 - 5.2. Globodera rostochiensis and G. Pallida (potato cyst nematode)
 - 6. Hemicycliophora arenaria (citrus sheath nematode)
 - 7. Heterodera carotae (carrot cyst nematode)
 - 8. Heterodera cruciferae (cabbage cyst nematode)
 - 9. Heterodera goettingiana (pea cyst nematode)
 - 10.3. Heterodera zeae (corn cyst nematode)

- 11. Hoplolaimus columbus (Columbia lance nematode)
 - 12. Longidorus africanus (a needle nematode)
 - 13 Longidorus belondriodes (a needle nematode)
 - 14. Meloidogyne chitwoodi (Columbia root-knot nematode)
 - 15. Meloidogyne citri (a citrus root-knot nematode)
 - 16.4. Meloidogyne fujianensis (citrus root-knot nematode)
 - 17. Meloidogyne naasi (cereal root-knot nematode)
 - 18. Nacobbus aberrans (false root-knot nematode)
 - 19. Pratylenchus convallariae (a lesion nematode)
 - 20. Pratylenchus crenatus (a lesion nematode)
 - 21. Pratylenchus goodeyi (a lesion nematode)
 - 22. Xiphinema brevicolle (a dagger nematode)
 - 23. Xiphinema bricolensis (a dagger nematode)
 - 24. Xiphinema californicum (a dagger nematode)
 - 25. Xiphinema diversicaudatum (a dagger nematode)
 - 26. Xiphinema index (California dagger nematode)
 - 27. Xiphinema insigne (a dagger nematode)
 - 28. Xiphinema vuittenezi (a dagger nematode)
 - 29. Zygotylenchus spp. (a lesion nematode)
- (2) Plant pests of limited distribution in the state of Florida. Plants and plant products found infested or infected with or exposed to a plant pest of limited distribution in the state shall be subject to immediate quarantine action and will not be eligible for certification until treated as prescribed by the department and released from quarantine. An Agreement for Chemical Treatment, DACS-08081, revised 10/99, may be required for plants and plant products requiring treatment. Agreement for Chemical Treatment form, DACS-08081, revised 10/99, is supplied by the division for this purpose and is incorporated herein by reference. Copies of DACS-08081, Agreement for Chemical Treatment, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100. The following are examples of plant pests that would require immediate quarantine action:
- (a) Insects
 - 1. Diaphorina citri (Asian citrus psyllid) ~~Ceroplastes rusei (scale insect) (fig wax scale)~~
 - 2. Diaprepes abbreviatus (diaprepes root weevil)
 - 3. Maconellicoccus hirsutus (pink mealybug) ~~Metamasius spp. (weevil)~~
 - 4. Metamasius callizona (bromeliad weevil)
 - 5. Metamasius hemipterus (palm and sugarcane weevil)
 - 6.4. Morganelia longispina (scale insect) (plumose scale)
 - 7. Myllocerus undatus (weevil)
 - 8.5. Opuntiaspis spp. sp. (scale insect)
 - 9. Paratachardina lobata (lobate lac scale)
 - 10.6. Parlatoria ziziphi (black parlatoria scale)
 - 11.7. Philephedra sp. (scale insect)
 - 8. Toxoptera citricida (brown citrus aphid)

SPECIFIC AUTHORITY: 211.33(6), 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 92.525(1)(b),(2),(3),(4), 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755, 373.41492 FS.

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

TIME AND DATE: 9:00 a.m., March 17, 2003

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Nancy Purvis, (850)488-0712. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4729

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-7.026 Public Use Forms.

(1)(a) The following public use ~~public use~~ forms and instructions are used by the Department in its dealings with the public. These forms are hereby incorporated and made a part of this rule by reference.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, ~~Forms~~ Distribution Center, 168A 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, 35) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 46) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.~~

Form Number	Title	Effective Date
(2)(4)	No change.	
(3)(2)	Miami-Dade County Lake Belt Mitigation Fee Monthly Return	10/01
	(R. 02/03 n. 7/99)	

Specific Authority 211.33(6), 213.06(1), 373.41492(4)(b) FS. Law Implemented ~~92.525(1)(b),(2),(3),(4), 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755, 373.41492 FS.~~ History—New 12-18-94, Amended 10-4-01, _____.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE TITLE: _____ RULE NO.: _____

Application for License; Requirements for Offices, Display Space and Operation; Denial, Suspension or Revocation; Implementation 15C-7.003

PURPOSE AND EFFECT: The purpose of the proposed action is to make applying for a dealer license more convenient for applicants by deleting the requirement for two photographs of the proposed dealer location. This decision was made by the Used Motor Vehicle Industry Task Force and reinforced by the new Automobile Dealers Advisory Board.

SUBJECT AREA TO BE ADDRESSED: Requirements for motor vehicle dealer license applicants.

SPECIFIC AUTHORITY: 320.011 FS.

LAW IMPLEMENTED: 320.27 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: Michael Alderman, Attorney, General Counsel, Department of Highway Safety and Motor Vehicles, Room A432, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)488-1606

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

15C-7.003 Application for License; Requirements for Office, Display Space and Operation; Denial, Suspension or Revocation; Implementation.

- (1) through (2) No change.
- (3) Applications for Motor Vehicle Dealer's License.
- (a) through (b) No change.

(c) All applications shall have attached all documentation and endorsements necessary to substantiate the applicant's compliance with the requirements of Section 320.27(3), Florida Statutes, and this rule. Such documentation or endorsements shall include:

1. through 9. No change.

~~10. Two positive print photographs of the proposed licensed place of business. The photographs shall be a minimum of 3" x 4" in size. One photograph shall depict the exterior of the dealership from a distance to clearly show two (2) sides of the building, one side of which shall be the public entrance into the dealership. The second photograph shall show the remaining sides of the building which will house the dealership. At least one of the photographs must reflect the area to be used for display of vehicles/units offered for sale, if display space is required.~~

(4) through (10) No change.

Specific Authority 319-27, 320.011 FS. Law Implemented 319, 320.27 FS. History--New 9-24-90, Amended _____.

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Investor-Owned Electric Utility Minimum Filing Requirements

RULE NO.: 25-6.043

PURPOSE AND EFFECT: To revise and update Commission form PSC/ECR/011-E entitled Minimum Filing Requirements for Investor-Owned Electric Utilities

SUBJECT AREA TO BE ADDRESSED: Rule 25-6.043 Investor-Owned Electric Utility Minimum Filing Requirements

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

TIME AND DATE: 8:30 a.m., March 26, 2003

PLACE: Betty Easley Conference Center, Room 234, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dale Mailhot, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6418

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Permissible Items for Visitors

RULE NO.: 33-601.725

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add facial tissues to the list of items which visitors are allowed to bring into a department facility.

SUBJECT AREA TO BE ADDRESSED: Inmate visiting.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 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:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items include:

(a) through (h) No change.

(i) Small package of facial tissues.

(2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Amended 5-27-02, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural

RULE CHAPTER NO.: 40D-1

RULE TITLE: Permit Processing Fee

RULE NO.: 40D-1.607

PURPOSE AND EFFECT: This proposed rule amendment establishes a fee for the processing of a single application for both an Individual Environmental Resource Permit and a General Environmental Resource Permit for Incidental Site Activities.

SUBJECT AREA TO BE ADDRESSED: The permit application processing fee schedule for Environmental Resource Permit applications.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.421(2) 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: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit ~~be incorrect~~. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District’s permit application processing fees are as follows:

- (1) Environmental Resource or Management and Storage of Surface Waters Permit Applications.
 - (a) through (a)3. No change.
- 4. Application for Individual Permit and General Permit for Incidental Site Activities \$3300.00
- 4. through 13. renumbered 5. through 14. No change.
- (2) through (12) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History–Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-99, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00, 3-15-01, 9-26-02,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental Resource Permits
 RULE CHAPTER NO.: 40D-4

RULE TITLE: Publications and Agreements Incorporated by Reference
 RULE NO.: 40D-4.091

PURPOSE AND EFFECT: The proposed amendments to the Basis of Review for Environmental Resource Permits are intended to provide guidance and specifications for the development of surface water management plans that are implemented during construction of surface water management systems.

SUBJECT AREA TO BE ADDRESSED: The administrative criteria for surface water management systems in the Environmental Resource Permitting Basis of Review.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) “Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District, September 26, 2002. This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History–New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-99, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 9-26-02,_____.

ENVIRONMENTAL RESOURCE PERMITTING
INFORMATION MANUAL
BASIS OF REVIEW
CHAPTER 2

CHAPTER TWO – ADMINISTRATIVE CRITERIA

2.1 through 2.7 No change.

2.8 Construction Surface Water Management

2.8.1 a. A construction surface water management plan for the proposed system and related activities shall be designed to provide reasonable assurance that the project construction activities will not result in erosion and sediment deposition in wetlands or off-site, adverse impacts to wetlands, off-site flooding, or violations of state water quality standards.

b. Discharge control and erosion protection measures shall be employed and operated at all times during construction to avoid adverse impacts to receiving waters or adjacent property. Detention/retention storage structures, sediment barriers, flow conveyances, revetment, discharge control structures, and

other stormwater management structures should be built and continuously maintained during project construction in a manner such that, to the extent possible, the structures are incorporated into and become part of the permanent surface water management system.

c. The owner/permittee shall ensure that the surface water and stormwater management measures proposed in the plan are effectively implemented until completion of the project or until the permanent surface water management system is operational.

2.8.2 a. For non-agricultural systems, the construction surface water management plan shall be designed and implemented to include site specific measures adapted from conceptual practices and guidelines described in the following publications. In addition, the applicant may propose equivalent protection measures that meet the requirements of Rules 40D-4.301 and 40D-4.302, F.A.C.

(i) The guidelines set forth in Chapter 6, "The Florida Development Manual: A Guide to Sound Land and Water Management," (FDER 1988).

(ii) The guidelines set forth in "The Florida Stormwater, Erosion, and Sediment Control Inspector's Manual," (FDEP and FDOT 1999).

b. For non-agricultural systems with a project area of 5 acres or more, or construction activities that result in the disturbance of less than five acres, but are part of a larger common plan of development or sale within a total land area, the construction surface water management plan shall, in addition to the requirements of Section 2.8.2(a) above, be designed and implemented to function in accordance with the technical standards, conceptual practices and guidelines for a stormwater pollution prevention plan described in Part V of the Florida Department of Environmental Protection (FDEP) document, "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land." FDEP document number 62-621.300(4)(a), effective October 22, 2000.

c. For agricultural systems, a conservation plan shall be designed and implemented for the proposed activities that is the functional equivalent of a construction surface water management plan. As used herein, "conservation plan" means a formal document describing the stormwater and surface water management practices for a specific parcel of property. Such practices must comply with USDA-NRCS standards for the control of soil erosion and sediment transport, avoidance of off-site flooding, protection of wetlands and prevention of state water quality standard violations during construction and operation.

2.8.3 For projects located wholly or partially within 100 feet of an Outstanding Florida Water (OFW), or within 100 feet of any wetland abutting an OFW, applicants must provide reasonable assurance that the proposed construction or alteration of a system will not cause sedimentation in the OFW

or adjacent wetlands and that filtration of all runoff will occur prior to discharge into the OFW or adjacent wetlands. Reasonable assurance is presumed if in addition to implementation of the requirements in section 2.8.2, any one or more of the following measures are implemented:

a. Maintenance of a vegetative buffer, consisting of an area of undisturbed vegetation that is a minimum of 100 feet in width, landward of the OFW or adjacent wetlands. During construction or alteration of the system, all runoff, including turbid discharges from dewatering activities, must be allowed to sheet flow across the buffer area. Concentrated or channelized runoff from upstream areas must be dispersed before flowing across the vegetative buffer. Construction activities of limited scope that are necessary for the placement of outfall structures may occur within the buffer area.

b. The installation or construction of the structures described below at all outfalls to the OFW or adjacent wetlands must be completed prior to beginning any construction or alteration of the remainder of the system. These structures must be operated and maintained throughout construction or alteration of the permanent system. Although these structures may be located within the 100 foot buffer described in sub-paragraph (a) above, a buffer area of undisturbed vegetation that is a minimum of 25 feet in width must be maintained between the OFW or adjacent wetlands and any structure.

(i) Stormwater discharge facilities constructed in accordance with the conditions of the permit for the permanent surface water management system;

(ii) Interim sedimentation traps or basins located immediately upstream of the stormwater discharge facilities described above; and

(iii) Spreader swale(s) that reduce the velocity and disperse the amount of discharges from the stormwater facilities to allow non-erosive rates and sheet flow depth before discharging to wetlands adjacent to the OFW.

c. No direct discharges to the OFW or adjacent wetlands may occur during the 10-year 24-hour storm event or as the result of dewatering activities. Any on-site storage constructed to prevent such discharges must recover within 14 days of the rainfall event. A vegetative buffer, consisting of an area of undisturbed vegetation that is a minimum of 25 feet in width must be maintained landward of the OFW or adjacent wetlands. Construction activities of limited scope and necessary for the placement of outfall structures may occur within the buffer area.

2.8.4 a. A complete construction surface water management plan for the project must be submitted with the permit application or prior to beginning construction.

(i) If a complete plan is not submitted as a part of the permit application, a preliminary plan for the project area must be submitted with sufficient content and detail to demonstrate compliance with the requirements and technical standards set

forth in this Section 2.8, and a specific limiting condition will be placed on the permit prohibiting construction prior to completion of the plan and its approval by the District.

(ii) Five copies of the completed plan shall be submitted to the District for review. Submittal of the completed plan shall occur no later than the submittal of a Notice of Intent (NOI)¹ for an FDEP-NPDES Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land, or the federal equivalent thereof should the Department of Environmental Protection no longer issue such generic permits.

b. The completed plan shall be signed by the applicant/owner or authorized agent and signed and sealed by the design engineer. The plan shall be part of the final construction plans for the permitted surface water management system.

c. The permittee shall amend the construction surface water management plan whenever the project is altered or modified in a manner that will result in: (1) the potential discharge of pollutants, (2) a change in the amount of discharge, (3) a change in the number or location of storm water discharge points, or (4) adverse impacts to wetlands; if such change(s) have not otherwise been previously addressed in the approved plan. The permittee shall also amend the plan if its implementation does not eliminate or minimize erosion and sediment deposition, off-site flooding, adverse impacts to wetlands, or violations of state water quality standards. Amendments to the plan shall be prepared and kept as separate documents along with the original plan. All alterations to the system must be shown on the amended plan along with the documentation of required approval(s).

d. The permittee shall keep copies of the construction surface water management plan and any amendments thereto together with permitted construction drawings at the construction site for use by construction personnel, and shall make the plan and construction drawings available upon request to the District staff who visit the project during inspections.

e. The District will notify the permittee if it determines that the construction surface water management plan, as implemented, does not comply with one or more of the minimum requirements of the permit. The permittee shall implement corrective measures as soon as possible, but in no case later than 7 days following receipt of such notification.

¹ To be authorized by a FDEP/NPDES generic permit to discharge stormwater from construction activities that distribute 5 acres or more of land [Rule 62-621.300(4), F.A.C.] the operator/permittee (land owner or authorized agent) must have:

- a. Received an ERP permit from the WMD or FDEP prior to beginning construction;
- b. Completed a stormwater pollution prevention plan (SWPPP);

- c. Proceeded with implementation of the SWPPP; and
- d. Submitted the Notice of Intent and SWPPP to FDEP at least 48 hours prior to the initial disturbance of soils associated with clearing, grading, or excavation activities or other construction activities.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General Environmental	
Resource Permits	40D-40
RULE TITLES:	RULE NOS.:
Definitions	40D-40.021
Conditions for Issuance of General Permits	40D-40.302
Duration of Permits	40D-40.321
General Conditions	40D-40.381

PURPOSE AND EFFECT: The proposed rule amendments provide for the issuance of a General Permit authorizing certain incidental construction activities. The General Permit would allow an applicant to begin such construction activities on a site prior to the issuance of an Individual Environmental Resource Permit for the project.

SUBJECT AREA TO BE ADDRESSED: Permitting criteria and conditions for General Environmental Resource Permits.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.117, 373.419, 403.031(3) 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: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 40D-40.021 Definitions.
- As used in this chapter:
 - (1) No change.
 - (2) “Incidental Site Activities” means the following activities in uplands that are conducted as part of the construction of a system proposed in an environmental resource permit application: land clearing, grading, excavation of borrow areas for on-site grading, road and building subgrade construction (excluding foundation construction), unpaved access road construction, utility installation, fence installation,

construction trailer installation, construction phase surface water management, erosion and sediment control measures, and similar approved activities.

(3)(2) Other ~~The~~ terms have the same meaning as defined in Rule 40D-4.021, F.A.C.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416, 373.419, 403.031(3) FS. History—New 10-1-84, Amended 3-1-88, _____.

40D-40.302 Conditions for Issuance of General Permits.

To qualify for a general permit for construction and operation under this chapter, the applicant must provide reasonable assurances that the surface water management system meets all conditions of subsection 40D-40.302(1), F.A.C., all thresholds in subsection (2), and the conditions of at least one other subsection. To obtain a site conditions assessment permit under this chapter, the applicant must provide reasonable assurances that all conditions of subsection 40D-40.302(5), F.A.C., are met. To obtain a permit for construction of incidental site activities under this chapter, the applicant must provide reasonable assurances that all conditions of subsections 40D-40.302(1) and 40D-40.302(6), F.A.C., are met.

(1) through (4) No change.

(5) Conditions for a ~~Standard~~ General Site Conditions Assessment Permit.

(a) through (b) No change.

(6) Additional Conditions for an Incidental Site Activities Permit

(a) Notwithstanding the threshold conditions of subsection (2), a permit shall be authorized for incidental site activities that are conducted in connection with a surface water management system proposed in an individual environmental resource permit application provided:

1. Section J of the Environmental Resource Permit Application, Supplemental Information for Authorization to Conduct Incidental Site Activities, was filed concurrently with the individual environmental resource permit application for the overall system;

2. The applicant submitted an individual environmental resource permit application which incorporates the proposed incidental site activities, including specific descriptions, locations and alignments to identify the incidental site activities and to show that the work will be conducted in conjunction and conformance with the overall project system;

3. The application is complete.

a. For the purposes of this requirement, an application is complete when the applicant has submitted the information required by Form 547.27/ERP (8/94), including Section J, and all additional information timely requested by District staff, all required notice of the application's receipt has been given and all review periods are concluded, and a letter of completeness has been issued by the District.

b. This general permit is not authorized for projects where the applicant has submitted a written request to proceed with processing the permit application in accordance with section 373.414(1), Florida Statutes.

4. The proposed incidental site activities do not involve construction located in, on or over wetlands or other surface waters and will not be conducted within 50 feet of the landward extent of wetlands, other surface waters, or upland preservation areas, unless another setback is specified in the permit or shown on the permitted construction drawings;

5. Any proposed incidental site activities involving excavation will not be located within 200 feet of the landward extent of wetlands or other surface waters, unless another setback is specified as a condition in the permit or shown on the permitted construction drawings;

6. District staff has reviewed the individual environmental resource permit application and is recommending approval of the individual permit. For the purpose of this section, District staff is recommending approval of the individual permit when the Regulation Department Director has issued a letter informing the applicant that the application is complete and the staff will be recommending approval of the application to the Governing Board;

7. The District has not received any substantial objections to the proposed incidental site activities or the associated individual environmental resource permit application; or all such objections have been withdrawn prior to the time this general permit is issued. As used herein "substantial objection" means a written statement directed to the District regarding a permit which identifies the objector, concerns hydrologic or environmental impacts of the proposed activity, and relates to applicable rule criteria;

8. The applicant has submitted a construction phase surface water management plan for the proposed system and related activities that provides reasonable assurance that the incidental site activities will not result in erosion and sediment deposition in wetlands or off-site, adverse impacts to wetlands, off-site flooding, or violations of state water quality standards;

9. The project area is not in violation of any District rule at the time this general permit is issued; and

10. Public notice of receipt of the individual permit application stated that a request for a general permit for incidental site activities was filed concurrently with the individual application, and if approved, the general permit would allow incidental site activities, as defined in Rule 40D-40.021, F.A.C., to begin prior to final action on the individual permit. The public notice must also state that Rule 40D-40.381, F.A.C., requires that in the event the individual permit is not issued, the permittee cease incidental site activities and restore the site to previous conditions.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History—New 10-1-84, Amended 3-1-88, 5-10-88, 9-13-88, 10-3-95, 7-23-96, _____.

40D-40.321 Duration of Permits.

Unless revoked or otherwise modified, or specifically stated as a limiting condition of the permit, the duration of all a general permits issued pursuant to this Chapter, other than those authorizing incidental site activities, is as specified in Rule 40D-4.321, F.A.C. The duration of a general permit authorizing incidental site activities shall be 90 days.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416, 373.419(2) FS. History—New 10-1-84, Amended 3-1-88, 10-3-95, _____.

40D-40.381 General Conditions.

The standard general permits issued pursuant to this chapter shall be subject to the following limiting conditions:

(1) through (2) No change.

(3) For general permits authorizing incidental site activities, the following limiting general conditions shall also apply:

(a) If the decision to issue the associated individual permit is not final within 90 days of the issuance of the incidental site activities permit, the site must be restored by the permittee within 90 days after notification by the District. Restoration must be completed by re-contouring the disturbed site to previous grades and slopes and re-establishing and maintaining suitable vegetation and erosion control to provide stabilized hydrologic conditions. The period for completing restoration may be extended if requested by the permittee and determined by the District to be warranted due to adverse weather conditions or other good cause. In addition, the permittee shall institute stabilization measures for erosion and sediment control as soon as practicable, but in no case more than 7 days after notification by the District.

(b) The incidental site activities are commenced at the permittee's own risk. The Governing Board will not consider the monetary costs associated with the incidental site activities or any potential restoration costs in making its decision to approve or deny the individual environmental resource permit application. Issuance of this permit shall not in any way be construed as a commitment to issue the associated individual environmental resource permit.

~~(4)~~(3) No change.

Specific Authority 373.044, 373.113, 373.118, FS. Law Implemented 373.117, 373.413, 373.414, 373.416, 373.419, FS. History—New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE CHAPTER TITLE: Florida Mobile Home Relocation Corporation
RULE CHAPTER NO.: 61B-36

RULE TITLES:

Procedures for Operation
Claims Procedures
Approved Forms

RULE NOS.:
61B-36.001
61B-36.002
61B-36.003

PURPOSE AND EFFECT: Chapter 723, F.S., was amended during the 2001 Legislative Session to create the Florida Mobile Home Relocation Corporation and the Florida Mobile Home Relocation Trust Fund to provide payments to mobile home owners who are evicted due to a change in the use of the land comprising the mobile home park. The statute provides payment of actual moving expenses of a mobile home up to \$5,000 for a single section home or \$10,000 for a multi-section home. Additionally, in the event the mobile home owner who is evicted for change in the use of the land comprising the mobile home park abandons his or her home and transfers title to the park owner, he or she is entitled to one-fourth of the \$5,000 or \$10,000 payment.

SUBJECT AREA TO BE ADDRESSED: As a result of the statute, a board of directors was appointed to administer the trust fund and ensure that people who are displaced will receive their payment for moving expenses or for abandonment of their homes as expeditiously as possible. The proposed rules provide quick, fair and effective procedures for administrative processing and board consideration of applications for relocation expenses and abandoned homes. The need for a quick payment procedure is due to the fact that many people who are forced to move or abandon their homes due to a change in the use of the land cannot afford to pay to have their homes moved. In the case of a home owner who must abandon his or her home, the payment is needed immediately in order to make a deposit on a new home or find other suitable means of housing.

SPECIFIC AUTHORITY: 723.0611(3)(a) FS.

LAW IMPLEMENTED: 723.0611, 723.06115, 723.06116, 723.0612 FS.

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

TIME AND DATE: 10:30 a.m., Tuesday, April 1, 2003

PLACE: Shady Lane Oaks, 1577 Bolesta Road, #174, Clearwater, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robert S. Cohen, General Counsel, Florida Mobile Home Relocation Corporation, Post Office Box 14125, Tallahassee, FL 32317-4125

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61B-36.001 Procedures for Operation.

(1) The Florida Mobile Home Relocation Corporation board of directors, one of whom serves as chair, shall conduct the corporation's business at meetings held as frequently as deemed necessary by the board. All such meetings shall be noticed in the Florida Administrative Weekly, as well as the principal publications of the largest nonprofit association representing mobile home owners in this state and the largest nonprofit association representing the manufactured housing industry in this state, who comprise the members of the corporation board of directors. Such notice shall be published at least 14 days prior to the date scheduled for the meeting of the board of directors, except in the case of emergency meetings of the board of directors, in which case the notice may be published less than 14 days prior to the date of the meeting. The board of directors may hold meetings by telephone conference call, or other electronic means, by providing 48 hours written notice via facsimile to the largest nonprofit association representing mobile home owners in this state, the largest nonprofit association representing the manufactured housing industry in this state and to other interested parties who have provided notice to the corporation of their interest in receiving public notice of corporation business to review applications for payment of relocation expenses or abandonment so as to meet the timetable set forth in s. 723.0612(4), F.S.

(2) The board of directors may employ or retain attorneys, accountants or administrative personnel to perform the administrative and financial transactions and responsibilities of the corporation and to perform any other necessary duties not prohibited by law. The board of directors is not required to engage in a competitive solicitation or bidding process for goods and services needed by the board to perform its functions.

(3) Members of the board of directors may be reimbursed by the corporation for actual and necessary expenses incurred by them as members in accordance with state guidelines as approved by the department. Members of the board of directors are not entitled to any additional compensation for their services.

(4) The corporation shall establish, by rule, an address for receipt of mail and any official notices required by Section 723.0612, F.S. The initial address for receipt of such mail or notices shall be Florida Mobile Home Relocation Corporation, Post Office Box 14125, Tallahassee, Florida 32317-4125.

(5) The corporation is authorized to open accounts with financial institutions or credit unions to conduct the financial affairs of the corporation.

(6) The corporation shall implement procedures, in conjunction with the department, for the transfer of funds from the Florida Mobile Home Relocation Trust Fund to the corporation for the payment of claims for relocation expenses approved by the board of directors.

Specific Authority 723.0611(3) FS. Law Implemented 723.0611, 723.0612 FS. History—New _____.

61B-36.002 Claims Procedures.

(1) In order to receive payment from the corporation for relocation expenses, the mobile home owner shall submit to the corporation, with a copy to the park owner, an Application for Payment of Relocation Expenses, FMHRC Form 1001, which includes a copy of the notice of eviction due to change in use of the land comprising the mobile home park and a copy of the signed contract with a moving or towing contractor that includes an itemization of the costs of taking down, moving and setting up the mobile home in a new location. The copy of the notice of eviction shall show a date after July 1, 2001, the effective date of the statute creating the Florida Mobile Home Relocation Corporation. The cost itemization referenced herein shall be in a form substantially similar to FMHRC Form 1007 in order to be considered for approval by the board of the Corporation. The application shall also include a copy of the title to the mobile home showing the name of the owner of the home being the same as the applicant for relocation expenses. The title certificate must bear the Department of Highway Safety and Motor Vehicles designation of "HS" which designates the home as a "mobile home." No other designation on the title will be accepted for processing and approval for relocation expenses. Any application received that does not contain complete information and all of the required documentation shall be returned by the corporation to the applicant along with a notice of the deficiencies in the application. Only completed applications will receive a date stamp. In the event the applicant resubmits the application with the required documentation, the application will then receive a date stamp assigning its priority.

(2) Any claims made pursuant to this rule shall be prioritized as follows: The mail will be collected from the post office box address of the corporation at least Monday, Wednesday and Friday, state and federal holidays excluded. Any completed applications received will be date stamped. Priority of payment of claims for relocation expenses will be based upon the date the completed application is date stamped.

(3) The corporation must approve payment within 45 days after receipt of the completed application, or payment is deemed approved. Once the mobile home has been moved to its new location, the corporation shall forward to the park owner a copy of the approval along with an invoice for payment of \$2,000 for a single-section mobile home or \$2,500 for a multi-section mobile home.

(4) If funds are available and the completed application is approved, the following shall occur:

(a) In the event the mobile home has not yet been moved to a new location, the corporation shall issue a voucher to the moving or towing contractor in the amount of the contract price for relocation of the mobile home. The amount of the voucher shall be as approved by the board of the corporation and as set forth in s. 723.0612(1), F.S. The moving or towing contractor may redeem the voucher from the corporation following completion of the relocation of the mobile home and upon approval of the relocation by the mobile home owner that the work performed was satisfactory. Within 30 days of receipt of the voucher and proof of the satisfactory completion of the relocation by the moving or towing contractor, the corporation shall pay the amount set forth on the voucher.

(b) In the event the home owner has already moved the mobile home to a new location and paid for the move, the corporation shall issue a voucher to the home owner whose application was previously approved by the corporation in accordance with this rule. The amount of the voucher shall be as approved by the board of the corporation and as set forth in s. 723.0612(1), F.S. The home owner may redeem the voucher upon submitting proof of the relocation of the mobile home in the form of a receipt or invoice marked "paid" by the moving or towing contractor. Within 30 days of receipt of the voucher and proof of the relocation by the moving or towing contractor, as set forth herein, the corporation shall pay the amount set forth on the voucher.

(5) In the event a mobile home owner who has been evicted for change in the use of the land chooses to abandon the mobile home pursuant to s. 723.0612(7), F.S., the home owner may collect an amount equal to one-fourth of the maximum allowable moving expenses from the corporation so long as the mobile home owner delivers to the park owner the current title to the mobile home properly endorsed by the owner of record with valid releases of all liens shown on the title. In order to qualify for reimbursement under this subsection, the title certificate on the mobile home sought to be abandoned must bear the Department of Highway Safety and Motor Vehicles designation of "HS" which is the designation as a "mobile home." No other designation will be accepted for processing and approval for payment for an abandoned home. The mobile home owner who seeks payment under this section shall submit to the corporation an Application for Payment for Abandoned Home, FMHRC Form 1002, which includes a copy of the notice of eviction due to change in the use of the land comprising the mobile home park and a copy of the current title to the mobile home with the proper designation of "HS" duly endorsed to the park owner by the owner of record and valid releases of all liens shown on the title. Upon approval of the application by the corporation, the corporation shall forward to the park owner a copy of the approval along with an invoice for the payment of one-fourth of the maximum allowable moving expenses.

(5) In the event the funds for payment of relocation expenses or the payment for abandonment of the mobile home have been exhausted due to the payment of previous claims and expenses of the corporation, the mobile home owner who has properly completed the application and attached the required documentation will receive a certificate showing the time and date of approval of payment to a claimant. Should sufficient funds become available, the corporation shall pay the claimant for relocation expenses whose unpaid claim is the earliest by time and date of approval. In the event the funds for payment for an abandoned home have been exhausted, the corporation shall pay the home owner at the time the park owner has made the payment to the corporation of the one-fourth of the maximum allowable moving expenses as set forth in the previous subsection.

Specific Authority 723.0611(3) FS. Law Implemented 723.061, 723.06116, 723.0612 FS. History--New _____.

61B-36.003 Approved Forms.

The corporation adopts the forms below as suggested forms for use by Mobile home owners and park owners:

(1) Application for Payment of Relocation Expenses, FMHRC Form 1001, incorporated by reference herein and effective X-1-2003.

(2) Application for Payment for Abandoned Mobile Home, FMHRC Form 1002, incorporated by reference herein and effective X-1-2003.

(3) Contractor Voucher for Payment for Mobile Home Relocation, FMHRC Form 1003, incorporated by reference herein and effective X-1-2003.

(4) Home Owner Voucher for Payment for Mobile Home Relocation, FMHRC Form 1004, incorporated by reference herein and effective X-1-2003.

(5) Certificate for Payment When Relocation Funds Become Available, FMHRC Form 1005, incorporated by reference herein and effective X-1-2003.

(6) Certificate for Payment When Abandoned Home Funds Become Available, FMHRC Form 1006, incorporated by reference herein and effective X-1-2003.

(7) Standard Form Relocation Contract, FMHRC Form 1007, incorporated by reference herein and effective X-1-2003. All forms referenced in these rules may be obtained by writing to the Florida Mobile Home Relocation Corporation, Post Office Box 14125, Tallahassee, Florida 32317-4125.

Specific Authority 723.00611(3) FS. Law Implemented 723.061, 723.0611, 723.06116, 723.0612 FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE:	RULE NO.:
Certification of Glass and Glazing Specialty Contractors	61G4-15.018

PURPOSE AND EFFECT: The Board proposes to create a rule to address the subject of certification of glass and glazing specialty contractors.

SUBJECT AREA TO BE ADDRESSED: Certification of Glass and Glazing Specialty Contractors.

SPECIFIC AUTHORITY: 120.53, 489.113(6), 489.115(5), 455.217(1) FS.

LAW IMPLEMENTED: 120.53, 489.113(6), 489.115(5), 455.217(1) 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Approval of Continuing Education Courses RULE NO.: 61G8-17.0042

PURPOSE AND EFFECT: The Board proposes to review this rule to determine the necessity of amendments.

SUBJECT AREA TO BE ADDRESSED: Approval of Continuing Education Courses.

SPECIFIC AUTHORITY: 455.213(7),(8), 470.005(1) FS.

LAW IMPLEMENTED: 455.213(6), 470.015 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Licensure Examination RULE NO.: 64B2-11.003

PURPOSE AND EFFECT: The Board proposes to delete a portion of the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Licensure Examination.

SPECIFIC AUTHORITY: 456.017(1), 460.405 FS.

LAW IMPLEMENTED: 456.017(1), 460.406(1) 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: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-11.003 Licensure Examination.

(1) through (3) No change.

~~(4) An applicant who is a diplomate of the American Board of Chiropractic Roentgenology shall not be required to take the portion of the practical examination measuring X-ray interpretation of chiropractic and pathology films. An applicant who is a diplomate of the American Board of Chiropractic Orthopedics shall not be requested to take the portion of the practical examination measuring orthopedic diagnosis.~~

(5) No change.

Specific Authority 456.017(1), 460.405 FS. Law Implemented 456.017(1), 460.406(1) FS. History—New 1-10-80, Amended 3-15-81, 10-25-83, 10-10-85, Formerly 21D-11.03, Amended 10-6-86, 5-10-87, 10-12-87, 1-5-88, 3-24-88, 4-19-89, 12-31-89, 7-8-90, 7-15-91, 4-26-93, 7-14-93, Formerly 21D-11.003, Amended 3-7-94, Formerly 61F2-11.003, 59N-11.003, Amended 11-4-98, 5-5-02, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: List of Approved Forms; Incorporation RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The Board proposes a rule amendment to incorporate the medical faculty certificate application form into the rule.

SUBJECT AREA TO BE ADDRESSED: Form which will be utilized by the Board for a medical faculty certificate.

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS.

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-1.007 List of Approved Forms; Incorporation.

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

(1) through (17) No change.

(18) DH-MQA 1072, entitled "Application Materials Medical Faculty Certificate," (10/02).

(18) through (22) renumbered (19) through (23) No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS. History—New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02,

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Rule Governing Licensure and Inspection of Electrology Facilities

RULE NO.: 64B8-51.006

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

SUBJECT AREA TO BE ADDRESSED: Licensure and Inspection of Electrology Facilities.

SPECIFIC AUTHORITY: 456.037, 478.43(1),(4), 478.51(3) FS.

LAW IMPLEMENTED: 456.037(2),(3),(5), 478.49, 478.51 FS.

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

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

Howerton, Executive Director, Board of Medicine, Electrolysis Council, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Board of Medicine

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

RULE NO.: 64B8-52.004

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

SUBJECT AREA TO BE ADDRESSED: Location of Laser Training Course.

SPECIFIC AUTHORITY: 478.43 FS.

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

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

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

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Standards of Practice for Filling Prescriptions Authorized by Practitioners Licensed in Jurisdictions Other Than Florida or Procured Through the Internet

RULE NO.: 64B16-27.833

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule to address the standards of practice for filling prescriptions authorized outside of Florida or generated through the internet.

SUBJECT AREA TO BE ADDRESSED: The proposed rule sets forth the criteria and requirements for the standards of practice for filling prescriptions authorized outside of Florida or generated through the internet.

SPECIFIC AUTHORITY: 465.005, 465.0155 FS.

LAW IMPLEMENTED: 465.003(14), 465.015(2)(c), 465.0155, 465.026 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON APRIL 16, 2003, IN FT. LAUDERDALE, FLORIDA.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-27.833 Standards of Practice for Filling Prescriptions Authorized by Practitioners Licensed in Jurisdictions Other Than Florida or Procured Through the Internet.

(1) It has come to the attention of the Board that Florida licensed pharmacies and pharmacists are dispensing prescription medications which have been authorized by practitioners licensed in Florida and elsewhere which appear to have been based solely on the results of answers to an electronic medical questionnaire and in the absence of a documented patient evaluation, including a physical examination. Patients receiving medications in this manner are at a greater risk of suffering from undisclosed or undiagnosed contraindications. Pharmacists have a responsibility to act in the best interests of the patient at all times and to ensure that they are not dispensing outside the course of the professional practice of pharmacy.

(2) As a standard of practice, Florida licensed pharmacists have the responsibility of becoming familiar with those standards of practice of practitioners licensed in Florida which relate to the issuance of prescriptions and the existence of a valid physician-patient relationship. These standards include Rule 64B15-14.008, F.A.C., of the Florida Board of Osteopathic Medicine which provides that prescribing medications based solely on the answers to an electronic questionnaire, and in the absence of a documented evaluation, including a physical examination, is below the standard of practice; Rule 64B8-9.003, F.A.C., of the Florida Board of Medicine which requires that a physician maintain patient records which include, at a minimum, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; reports of consultations and hospitalizations; and copies of records or reports or other documentation obtained from other health care practitioners at the request of the physician and relied upon by the physician in determining the appropriate treatment of the patient; and section 474.214(1)(y), Florida Statutes, which provides that a veterinarian may be subject to discipline for ordering or prescribing drugs other than for the specific treatment of animal patients for which there is a documented

veterinarian/client/patient relationship, including having recently seen the animal or having made medically appropriate and timely visits to the premises where the animal is kept.

(3) A pharmacist who is called upon to dispense a prescription authorized by a practitioner licensed in another jurisdiction is required to exercise his or her professional judgement to determine the validity of such prescription. As a standard of practice, a pharmacist who routinely fills prescriptions which have been authorized by practitioners licensed in jurisdictions other than Florida must ascertain the appropriate standards of practice of said practitioner(s) that relate to the authority to issue prescriptions and the validity of the physician-patient relationship. For the purposes of this rule, "routinely fills prescriptions which have been authorized by practitioners licensed in jurisdictions other than Florida" shall mean 10 or more such prescriptions on a daily average.

(4) If the address of the practitioner authorizing the prescription is outside of the State of Florida, the pharmacist shall presume that said practitioner is not licensed in Florida but is instead licensed under the laws of the state on the address, unless the pharmacist has actual knowledge otherwise.

(5) Reasons to suspect that a prescription may have been authorized in the absence of a valid physician patient relationship or in violation of the practitioner's standard of practice include the number of prescriptions authorized on a daily basis by the practitioner; the manner in which the prescriptions are authorized by the practitioner or received by the pharmacy (i.e. electronically); the geographical distance between the practitioner and the patient(s); knowledge by the pharmacist that the prescription was issued solely as a result of the answers to an electronic medical questionnaire; or knowledge by the pharmacist that the pharmacy he or she works for directly or indirectly participates in an internet site that markets prescription drugs to the public.

(6) Any pharmacist that has reasons to suspect that a prescription has been authorized based solely on the results of an electronic medical questionnaire and in the absence of a documented patient evaluation, including a physical examination, shall not fill such prescription until either:

(a) Having first ascertained if the applicable standard of practice allows the practitioner to authorize the prescription under said circumstances, or

(b) Obtaining proof to a reasonable certainty of the validity of such prescription. A current copy of any statute, regulation or policy statement from the applicable regulatory Board which authorizes the practice shall constitute proof of the standard of practice. A fax signed by the practitioner indicating that the practitioner has a documented physician-patient relationship that predates the prescription shall constitute proof to a reasonable certainty of the validity of the prescription.

(7) A pharmacist who dispenses prescription medications in violation of the standards established by this rule is not acting in the best interest of the patient and is dispensing outside the course of the professional practice of pharmacy.

(8) Pharmacy permittees shall not knowingly assist or participate in the violation of any Florida statute pertaining to the practice of pharmacy. Section 465.015(3)(b), F.S., provides that it is unlawful for any person other than the owner of a pharmacy registered under Florida law to display any sign or take any other action that would lead the public to believe that such person is engaged in the business of dispensing or retailing any medicinal drugs. Section 465.024(2), F.S., prohibits any pharmacist, owner, or employee from using any communications media to promote or advertise the sale of any controlled substance. Any Florida pharmacy that maintains a contractual relationship with an internet site that directly markets prescription drugs to the public and that is not registered as a pharmacy, or that advertises the sale of controlled substances, shall be subject to discipline pursuant to section 456.072(1)(j), F.S.

Specific Authority 465.005, 465.0155 FS. Law Implemented 465.003(14), 465.015(2)(c), 465.0155, 465.026 FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: Continuing Education Required for License Renewal

RULE NO.: 64B18-17.001

PURPOSE AND EFFECT: The Board proposes the rule amendment to address an overlap in time between completion of a licensee's professional education at initial licensure and the continuing education requirements for the first renewal period.

SUBJECT AREA TO BE ADDRESSED: The Board's proposed rule amendment adds an exemption from certain continuing education requirements in the first renewal period after initial licensure.

SPECIFIC AUTHORITY: 456.013(6), 456.033, 461.005, 461.007(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 461.007 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON APRIL 4, 2003 IN JACKSONVILLE, FLORIDA.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-17.001 Continuing Education Required for License Renewal.

(1) though (8) No change.

(9) For the first renewal period after initial licensure, the licensee is exempt from the continuing education requirements of subsection 64B18-17.001(2), F.A.C., except for hours mandated by statute for medical errors.

Specific Authority 456.013(6), 456.033, 461.005, 461.007(3) FS. Law Implemented 456.013(6), 456.033, 461.007 FS. History--New 11-24-80, Formerly 21T-17.01, Amended 10-14-86, 2-21-88, 5-16-89, Formerly 21T-17.001, Amended 7-6-94, Formerly 61F12-17.001, Amended 1-1-96, 1-2-97, 6-1-97, Formerly 59Z-17.001, Amended 4-25-00, 9-27-01, _____.

DEPARTMENT OF HEALTH

School Psychology

RULE CHAPTER TITLE: Disciplinary Guidelines

RULE CHAPTER NO.: 64B21-504

PURPOSE AND EFFECT: The Department of Health proposes to promulgate a new chapter relating to all matters pertaining to school psychology discipline.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.079 FS.

LAW IMPLEMENTED: 456.072, 456.079, 490.009 FS.

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

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

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLE: Licensure by Endorsement

RULE NO.: 64B24-2.004

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

SUBJECT AREA TO BE ADDRESSED: Licensure by endorsement.

SPECIFIC AUTHORITY: 467.005 FS.

LAW IMPLEMENTED: 467.0125 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE CHAPTER TITLE: Training Programs RULE CHAPTER NO.: 64B24-4

PURPOSE AND EFFECT: The Department of Health proposes to review the existing language in the entirety of this chapter to determine if amendments are necessary and/or new language should be promulgated in all matters pertaining to training programs.

SUBJECT AREA TO BE ADDRESSED: Training programs.

SPECIFIC AUTHORITY: 456.004(5), 467.205(2) FS.

LAW IMPLEMENTED: 467.009(3), 467.0125, 467.205 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE CHAPTER TITLE: Midwifery Practice RULE CHAPTER NO.: 64B24-7

PURPOSE AND EFFECT: The Department of Health proposes to review the existing language in the entirety of this chapter to determine if amendments are necessary and/or new language should be promulgated in all matters pertaining to midwifery practice.

SUBJECT AREA TO BE ADDRESSED: Midwifery practice.

SPECIFIC AUTHORITY: 409.908(12), 456.004(5), 467.005, 467.203(1)(e),(f) FS.

LAW IMPLEMENTED: 382.013, 409.908(12), 467.005, 467.006(2), 467.014, 467.015, 467.016, 467.019, 467.203(1)(f) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256

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

**Section II
Proposed Rules**

DEPARTMENT OF INSURANCE

Residual Markets and Special Risk Pools

RULE TITLE: Medical Panel Advisory Review RULE NO.: 4J-6.001

PURPOSE, EFFECT AND SUMMARY: The specific authority for the rule, Section 766.308, F.S., was repealed by Chapter 2001-277, Laws of Florida. Therefore, the rule, regarding the Florida Birth-Related Neurological Injury Compensation Plan, is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC 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: 624.308, 766.308(2) FS.

LAW IMPLEMENTED: 766.301-.316 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, March 25, 2003

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eugenia Tyus, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, (850)413-2552

THE FULL TEXT OF THE PROPOSED RULE IS:

4J-6.001 Medical Panel Advisory Review.

Specific Authority 624.308, 766.308(2) FS. Law Implemented 766.301-.316 FS. History--New 6-25-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Eugenia Tyus, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michelle Newell, Director, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2002

PUBLIC SERVICE COMMISSION

DOCKET NO. 030045-EU

RULE TITLE: RULE NO.:

Electric Utility Procedures for Generating Capacity Shortage Emergencies 25-6.0183

PURPOSE AND EFFECT: To adopt the revised and updated amendment generating capacity shortage emergency plan.

SUMMARY: Rule 25-6.0183, F.A.C., is amended to adopt the August, 2002, version of the Florida Reliability Coordinating Council's Generating Capacity Shortage Plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A SERC was not prepared for the proposed rule because there should be no additional costs other than the costs to promulgate a rule and no significant negative impacts on utilities, small businesses, small cities, or small counties.

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

SPECIFIC AUTHORITY: 350.127(2), 366.05 FS.

LAW IMPLEMENTED: 366.04(2)(c),(f),(5) 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeanette Sickel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6461

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.0183 Electric Utility Procedures for Generating Capacity Shortage Emergencies.

The Commission adopts the Florida Reliability Coordinating Council's ~~Florida Electrical Emergency Contingency Plan~~, Generating Capacity Shortage Plan Element, dated August 2002 ~~July 1997~~ as the Commission's plan to address generating capacity shortage emergencies within Florida. A copy of the Generating Capacity Shortage Plan Element may be obtained from the Director, Division of Economic Regulation Safety & Electric Reliability, Florida Public Service Commission.

Specific Authority 350.127(2), 366.05 FS. Law Implemented 366.04(2)(c),(f),(5) FS. History--New 2-12-91, Amended 3-19-98, _____.

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 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 28, No. 41, October 11, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals

RULE TITLE: RULE NO.:

Florida Hospital Uniform Reporting System (FHURS) 59E-5.102

PURPOSE AND EFFECT: The Agency intends to make substantive revisions to Chapter IV, Appendix A of the Florida Hospital Uniform Reporting System (FHURS) Manual, Entitled Glossary of Healthcare Terminology (Definitions) and Pages 3.9 & 3.10 in the Section entitled Description of Accounts. The manual is being amended to comply with the statutory provisions of Chapter 409.911(1), F.S., to provide a consistent set of definitions for the reporting of financial information to the Agency and for use in allocating Medicaid disproportionate share funds. The FHURS Manual is incorporated by reference in Rule 59E-5.102, F.A.C.

The 2002 Legislature enacted changes to Chapter 409.911(1), F.S. adding the statutory definitions to the FHURS manual. The Governor signed the legislation into law on June 7, 2002.

SUMMARY: The 2002 Session of the Florida Legislature amended Chapter 409.911(1), F.S., to add the statutory definitions to the FHURS manual. The proposed changes being made to the Agency's Florida Hospital Uniform Reporting System are necessary to implement the intent of Chapter 409.911(1), F.S.

SPECIFIC AUTHORITY: 408.15, 409.919 FS.

LAW IMPLEMENTED: 409.911(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Chris Augsburger, Regulatory Analyst Supervisor, Bureau of Health Facility Regulation/Financial Analysis, 2727 Mahan Drive, MS #28, Tallahassee, FL 32308-5403

THE FULL TEXT OF THE PROPOSED RULE IS:

59E-5.102 Florida Hospital Uniform Reporting System. (FHURS)

(1) The Agency for Health Care Administration hereby adopts and establishes a uniform system for hospital reporting by adopting and incorporating by reference the Florida Hospital Uniform Reporting System (FHURS) Manual, Version 92-1, April 9, 1992. This manual, which includes reporting forms, has the force and effect of the Agency for Health Care Administration's rules.

(2) A copy of the FHURS Manual may be obtained, upon payment of the cost of reproduction, by writing to: The Agency for Health Care Administration, Supervisor of Financial Analysis, Bureau of Health Facility Regulation, Director of Public Information, 2727 Mahan Drive, Mail Stop #28, 325 John Knox Road, 301 The Atrium, Tallahassee, Florida 32308-5403 ~~32303~~.

Specific Authority 408.15 FS. Law Implemented 408.061(2), 408.07(22) FS. History--New 6-11-92, Formerly 10N-5.102, Amended 2-24-94, _____.

MATERIAL ADDED TO THE FLORIDA HOSPITAL UNIFORM REPORTING SYSTEM MANUAL AND INCORPORATED BY REFERENCE IN RULE 59E-5.102

APPENDIX A
GLOSSARY OF HEALTHCARE TERMINOLOGY
(DEFINITIONS)

iv-iii

GLOSSARY OF HEALTHCARE TERMINOLOGY

Accrual Reporting

The recognition and reporting of the effects of transactions and other events on the assets and liabilities of the hospital entity in the time period to which they relate rather than only when cash is received or paid, in accordance with generally accepted accounting principles.

Active Medical Staff

Physicians, other than residents, who have been accepted as members of the medical staff organization of the hospital, and who are also voting members of the medical staff, holding positions which will entitle them to voting staff privileges.

Actual Audited Data

"Audited Actual Experience", "Audited Actual Data", or "Audited Financial Statements" means data contained within financial statements examined by an independent,

Florida-licensed, certified public accountant in accordance with generally accepted auditing standards and including an opinion on the audited financial statements. However, for the purposes of the Medicaid program, "Actual Audited Data" or "Actual Audited Experience" means data reported to the Agency for Health Care Administration which has been audited in accordance with generally accepted auditing standards by the Agency for Health Care Administration or representatives under contract with the agency.

Acute Care

Inpatient general routine care provided to patients who are in an acute phase of illness but not to the degree, which requires the concentrated and continuous observation and care provided in the intensive care units of an institution.

Adjusted Admissions

Adjusted admissions are the sum of acute admissions and the intensive care admissions divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory and ancillary patient services to gross revenues, as defined in s. 408.07(22), F.S. [407.002(1), F.S.] The formula for computation of adjusted admissions is as follows:

$$\frac{\text{The Total of Acute \& Intensive Care Admissions}}{\text{Divided by the Quotient of (Total Inpatient Revenue - Sub Acute Inpatient Revenue) / Gross Revenue}}$$

Adjusted Patient Days

Adjusted patient days are the sum of acute patient days and the intensive care patient days divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory and ancillary patient services to gross revenues, as defined in s. 408.07(22), F.S. The formula for computation of adjusted patient days is as follows:

4.1

Adjusted Patient Days (continued)

$$\frac{\text{The Total of Acute \& Intensive Care Patient Days}}{\text{Divided by the quotient of (Total Inpatient Revenue - Sub Acute Inpatient Revenue) / Gross Revenue}}$$

Admission, Inpatient

A person who has been admitted to a hospital for bed occupancy for purposes of receiving inpatient hospital services. An inpatient is a patient that is defined in subsection 59E-7.011(4), F.A.C., Agency For Health Care Administration. (See Page 4.8) The formal acceptance by an institution of a patient who is to be provided with room, board, continuous nursing service, and other institutional services while lodged in the institution.

Ambulatory Care Services

Health services rendered to persons who are not confined overnight in a health care institution. The essential characteristic of “Ambulatory Services” is that the patients come or are brought to a facility of the hospital for a purpose other than admission as an inpatient. Ambulatory services include emergency services, clinical services, ambulance services, and home health services. Ancillary services, such as laboratory, physical therapy, and radiology are also provided in an ambulatory setting. Ambulatory care services are often referred to as “outpatient” services.

Ancillary Services

Diagnostic or therapeutic services performed by specific facility departments as distinguished from general or routine patient care such as room and board charges. Ancillary services generally are those specific services for which charges are customarily made in addition to routine charges and include such services as surgery, laboratory, radiology, pharmacy, and therapy.

Assets Whose Use is Limited

Assets Whose Use is Limited include the following:

(1) Proceeds of debt issuances and funds of the health care entity deposited with a trustee and limited to use in accordance with the requirements of an indenture or similar document.

(2) Other assets limited to use for identified purposes by an agreement between the healthcare entity and an outside party other than a donor or grantor. Examples include assets set aside under agreements with third-party ~~payers~~ payors to meet depreciation funding arrangements and assets set aside under self-insurance funding arrangements.

(3) See Board Designated Assets

Available Beds

Licensed hospital beds that are staffed and ready for use with necessary supporting services. Beds in labor rooms, post anesthesia / postoperative recovery rooms, outpatient surgery centers, observation beds and other such areas, which are regularly maintained and utilized for only a portion of the stay of patients, primarily for special procedures and not for inpatient lodging, would not be deemed a “bed” for these purposes.

4.2

Average Daily Inpatient Census

The total number of inpatient days divided by the number of days in the period. For example: A hospital with 109,500 inpatient days during a given year of 365 days has an average daily inpatient census of 300. ($109,500 / 365 = 300$). If the reporting period is more or less than 365 days, inpatient days would be divided by the number of days in that reporting period.

Average Length of Stay

The number of days of that the average inpatient remains in the hospital. For example: A hospital with 25,000 inpatient admissions and 125,000 inpatient days during a given year or other reporting period has an average length of stay of 5.0 days. ($125,000 / 25,000 = 5.0$)

Base Medicaid Per Diem

The hospital’s Medicaid per diem rate initially established by the Agency for Health Care Administration on January 1, 1999. The base Medicaid per diem rate shall not include any additional per diem increases received as a result of the disproportionate share distribution. (Applicable only to the Medicaid Disproportionate Share program).

Board Certified

This term refers to a physician who has met all educational and residency requirements of a medical specialty governing authority (i.e. The American College of Cardiology, The American College of Surgeons, etc.) and who has passed the required national examination.

Board Designated Assets

Assets set aside by the governing Board for identified purposes and over which the Board retains control and at its discretion subsequently may use for other purposes.

(Also see: Assets Whose Use Is Limited)

Board Eligible

This term refers to a physician who has met all educational and residency requirements of a medical specialty governing authority (i.e. The American College of Cardiology, The American College of Surgeons, etc.) and is or has been eligible to take the national examination but has not passed it.

Boarder Baby

A newborn infant is retained in the nursery while the mother is not an inpatient of the hospital.

Case-Mix

A calculated index for each hospital, based on financial accounting and patient data collection as defined set forth in [s. 408.07(10), F.S.] ~~reflecting the relative costliness of the mix of cases of that hospital compared to a state or national mix of cases, [s. 400.07(10), F.S.] [407.002(5), F.S.]~~

4.3

Charity Care or Uncompensated Charity Care

Medical care provided by a healthcare entity to a person who has insufficient resources or assets to pay for needed medical care without utilizing his resources, which are required to meet his basic need for shelter, food, or clothing.

“Charity care” or uncompensated charity care”: means that portion of hospital charges reported to the Agency for Health Care Administration for which there is no compensation, other than restricted or unrestricted revenues provided to a hospital by local governments or tax districts regardless of the method of payment; for care provided to a patient whose family income for the twelve 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 (4) times the federal poverty level for a family of four be considered charity. ~~No patient shall be considered charity care whose family income, as applicable for the twelve months preceding the determination, exceeds 150 percent of the federal poverty guidelines, unless the amount of the hospital charges due from the patient exceeds 25 percent of annual family income.~~

Charity Care Days

(5950 Column 4 + 5960 Column 4) / GRAPD

(See page 4.6 for definition of GRAPD)

Charity Care Days, Disproportionate Share Program

((5950 Column 4 + 5960 Column 4) - ((9130 Column 1 + 9132 Column 1) / 2)) / GRAPD

Computerized Tomography (CT)

Diagnosis of disease through visualization of the transverse plane of internal body structure by means of a pinpoint radiographic beam resulting in the production of a precise reconstruction image of the area through a computerized analysis of the variance in tissue absorption rates.

Contract Services

Services performed in whole or in part by an outside individual or organization on a contractual basis.

Contractual Adjustments (Allowances)

Difference between revenue at full, established rates and amounts realized from third-party payors ~~payors~~ under contractual agreements.

Controlling Organization

The organization, which operates a hospital and has control of the plant, property, and equipment, but does not have legal title to the aforementioned assets.

Daily Inpatient Census

The number of inpatients present at the census taking time each day, plus any inpatients who were both admitted and discharged after the census taking time the previous day. Generally the inpatient census is taken each midnight. However, a facility may designate and consistently use any other specified hour for census taking.

4.4

Deductions from Revenue

Reductions in gross revenue arising from bad debts, contractual adjustments, charity care, administrative, courtesy, and policy discounts, and other deductions.

Diagnosis Related Groups (DRG)

A method of patient classification that categorizes patients who are medically related with respect to diagnoses and treatment and are statistically similar in their length of stay.

Direct Expense

The cost of any goods or services that contributes to, and is readily ascribable to, the output of a product or service. Direct expenses include salaries and wages, employee benefits, professional fees, supplies, purchased services, and other direct expenses.

Direct Assignment of Cost

The process of identifying and assigning costs directly to the functional cost center generating those costs.

Discharge

The termination of lodging and the formal release of an inpatient by the institution. Since deaths are a termination of lodging, they are also inpatient discharges.

Discrete Unit

A separately organized, staffed, and equipped unit of the institution.

Disproportionate Share Percentage

Means a rate of increase in the Medicaid per diem rate as calculated under Chapter 409.911, F.S.

Donated Commodities

Gifts of supplies and other materials such as medicines, blood, linen, and office supplies which are normally purchased by the institution, and are reported at their fair market value at the time of donation, regardless of when actual receipt takes place.

Donated Services

The services performed by personnel who receive no compensation or partial compensation for their services. The equivalent of an employer-employee relationship must exist between the institution and the individual donating the services. The term is usually applied to services rendered by members of religious orders, societies, or groups to an institution operated by or affiliated with such an order, society, or group.

Employee

As distinguished from an independent contractor, an employee is a person who performs services subject to the will and control of an employer with respect to what he does and how he does it and is on the payroll of the institution.

4.5

Employee Benefits

A pension provision, retirement allowance, insurance coverage, or other cost representing a present or future value to an employee, which is paid for by the employer.

Encounter

A face-to-face contact between a patient and a provider who has primary responsibility for assessing and treating the condition of the patient at a given contact and who exercises independent judgment in the care of the patient.

Expense

Expired cost; any item or class of cost of (or loss from) carrying on an activity; a present or past experience defraying a present operating cost or representing an unrecoverable cost or loss.

Fringe Benefit

See employee benefit.

Full Time Equivalent (FTE) Employees

An objective measurement of the personnel employment of an institution in terms of full labor capability. To calculate the number of full time equivalent employees, sum all hours for which employees were paid (whether worked or not) during the year and divide by 2080 (in leap years divide by 2088).

Function

A collection of activities having related purposes.

Functional Reporting

Reporting of revenue and expense according to type of activity performed.

Generally Accepted Accounting Principles

“Generally accepted accounting principles” (GAAP) means the term as defined in Rule 61H1-20.007, F.A.C., Department of Business And Professional Regulation, Board of Accountancy.

Generally Accepted Auditing Standards

“Generally accepted auditing standards” (GAAS) means the term as defined in Rule 61H1-20.008, F.A.C., Department of Business and Professional Regulation, Board of Accountancy.

Gross Revenue

The sum of daily hospital service charges, ambulatory service charges, ancillary service charges and other operating revenue. Gross revenue does not include contributions, donations, legacies, or bequests made to a hospital without restriction by the donors. [s. 408.07(22), F.S.] [~~s. 407.002(12), F.S.~~]

Gross Revenue Per Adjusted Patient Day (GRAPD)

Gross revenue divided by total adjusted patient days.

4.6

Health Care Facility

Means a hospital, long-term care hospital, skilled nursing facility, or intermediate care facility for the developmentally disabled. A facility relying solely on spiritual means through prayer for healing is not included as a health care facility. [s. 408.032(8), F.S.] [~~s. 381.702(7), F.S.~~]

Health Related Care

Care, other than medical that is performed by qualified personnel and pertains to protective, preventive, personal and social services.

Hill-Burton Program

Federal program of financial assistance created by the Hospital Survey and Construction Act of 1946 for the construction and modernization of health care facilities.

Home Health Agency

A public or private organization that provides, either directly or through arrangements with other organizations, health services such as nursing, therapy, health related homemaker, or social services in the patient’s home.

Hospital:

(1) General, Short – Term Acute Care

Any establishment, licensed under chapter 395, that offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and regularly makes available at least clinical laboratory services, diagnostic radiology services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. [s. 395.002(13)(a)(b), F.S.] [~~395.002(6)(a)(b), F.S.~~]

(2) Specialty

Any facility which meets the provisions of section (1), and which regularly makes available either: the range of medical services offered by a general hospital, but restricted to a defined age or gender group of the population; or a restricted range of services appropriate to the diagnosis, care, treatment of patients with specific categories of medical or psychiatric illnesses or disorders, or Intensive residential treatment programs for children and adolescents as defined in subsection 395.002(16). [s. 395.002(29)(a)(b)(c), F.S.] [~~395.002(14)(a)(b)(c), F.S.~~]

(3) Long Term

A facility, which treats patients requiring less intense treatment than those, defined in section (1), and in which the majority of those patients will have lengths of stay greater than sixty (60) days.

(4) Rural

An acute care hospital licensed under Chapter 395, having 100 licensed beds of 85 beds or less and an emergency room that meets the criteria established in Section 408.07(42)(a)(b)(c)(d)(e), F.S. [~~407.002(24), F.S.~~]

(5) Teaching

Any hospital formally affiliated with an accredited medical school that exhibits activity in the area of medical education as reflected by at least seven different resident physician specialties and the presence of 100 or more resident physicians. [s. 408.07(44), F.S.] [~~407.002(27), F.S.~~]

4.7

Hospital-Based Physician

A physician who spends the predominant part of his practice time within one or more hospitals rather than in an office setting. Such a physician has either a special financial arrangement with the hospital (salary or a percentage of fees collected) or bills patients separately for his/her services. Such

physicians include directors of medical education, pathologists, anesthesiologists and radiologists, as well as physicians who staff hospital emergency rooms and outpatient departments or clinics.

Inpatient

“Inpatient” means a patient who has an admission order given by a licensed physician or other individual who has been granted admitting privileges by the hospital. Observation patients are excluded unless they are admitted. [Rule 59E-7.011(4), F.A.C.] A patient who is provided with room, board, and continuous general nursing service in an area of the hospital where patients stay overnight.

Intangible Assets

A nonphysical, noncurrent asset such as goodwill, a trademark, or capitalized interest cost. It is amortized over a period not to exceed forty (40) years.

Intensive Care

Services provided in an inpatient care unit to patients, who require extraordinary observation and care on a concentrated, exhaustive and continuous basis.

Intermediate Care Facility

An institution, other than an intermediate care facility for the developmentally disabled (ICF/DD) mentally retarded, which has six beds or less and provides health – related care and services on a regular basis to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but because of their mental or physical condition, require health – related care and services above the level of room and board. [s. 381.702(14), F.S.]

Invoice Cost

Cost incurred by a buyer and reflected on an invoice, which unless otherwise specified, is net after deducting trade discounts.

Length of Stay

The number of calendar days that elapse between an inpatient’s admission and discharge; counting the day of admission and not counting the day of discharge. An admission and discharge on the same day is counted as a single day.

Lithotripsy

Extra corporeal Shockwave Lithotripsy (ESWL) is a noninvasive procedure by which renal and urethral calculi are pulverized using electro hydraulic shock waves.

4.8

Long-Term Psychiatric Care

Psychiatric care rendered in a licensed unit of a general hospital or a psychiatric facility with an average length of stay of 60 days or more.

Maintenance

Effort expended to keep assets in proper condition to serve their intended purpose. This effort is ordinary and recurring and does not improve the asset or add to its useful life.

Magnetic Resonance Imaging (MRI)

Refers to a noninvasive method of graphically representing the distribution of water and other hydrogen rich molecules in the human body.

Major Organ Transplantation

A major organ transplant is generally considered to be the acquisition of a healthy heart, kidney, liver, or lung either from a living donor or a cadaver, which is used to replace a diseased organ of a patient. The transplantation of a major organ system is highly resource intensive, due to the extremely complex and sophisticated surgical techniques involved.

Medicaid Days

For the purpose of the Medicaid program, means the number of actual Medicaid days attributable to Medicaid patients as determined by the Agency for Health Care Administration.

For the purpose of prior year reports, Medicaid days are the number of days attributable to Medicaid patients reported by a hospital.

Multi-hospital Organization Chain Organization

A healthcare or other organization consisting of a group of two or more facilities, which are owned, leased, or through any other arrangement, is controlled by one business entity.

Net Operating Revenue

Net operating revenue means gross revenue minus deductions from revenue. [s. 395.701(d), F.S.]

Net Revenue per Adjusted Patient Day (NRAPD)

Net operating revenue divided by total adjusted patient days

Non-operating Expense

The expenses of a hospital, which are not directly related to patient care, patient services, or the sale of related goods. For example, non-operating expenses include losses on the sale of hospital property and expenses for retail operations.

Non-operating Revenue

Revenue not directly related to the entity’s ongoing or principal operations is classified as non-operating and may include unrestricted gifts, unrestricted income from endowment funds, gain on sale of hospital properties, and income and gains from investments of general funds.

4.9

Non-revenue Producing Cost Centers

These are overhead units, such as dietary and plant operations and maintenance that provide necessary support services to revenue producing centers.

Occasion of Service

Any examination, consultation, treatment, or procedure performed in any of the service facilities of a hospital.

On-Call Pay

Compensation paid to an employee for being available to work.

Operating Expenses

Operating expenses include all necessary and proper costs that are appropriate in developing and maintaining the operation of the patient care facilities and activities. Necessary and proper costs related to patient care are those costs which are common and accepted occurrences in the hospital operation.

Operating Revenue

Operating revenue is that revenue resulting from the entity's ongoing central operations. For example, revenue for the care of patients or residents of a hospital or nursing home would be considered operating revenue.

Other Operating Revenue

Other operating revenue normally includes revenue from the services other than healthcare provided to patients and residents, as well as sales and services to persons other than patients. Such revenue arises from the normal day-to-day operations of most healthcare entities and is accounted for separately from health care service revenue.

Outpatient

A hospital patient who received services in one or more of the facilities of the hospital that is not an inpatient (as defined in subsection 59E-7.011(4), F.A.C.) of the hospital at the time services were rendered.

Owner

The person or organization having legal title to the plant, property, and equipment of a hospital.

Patient Care Services Revenue

The hospital's full-established charges for services rendered to patients regardless of amounts actually paid to the hospital by or on behalf of patients.

4.10

Patient Day

A unit of measure denoting lodging facilities provided and services rendered to one inpatient between the census-taking hour on two successive days. The day of admission, but not the day of discharge or death, is counted as a patient day. If both admission and discharge or death occur on the same day, the day is considered a day of admission and counts as one patient day.

Pediatric Patient

Any patient of a hospital who is less than 15 years of age. A patient less than 14 years of age.

Periodic Interim Payment (PIP)

A plan under which the hospital receives cash payments from third-party ~~payors~~ payers (usually Medicare) in constant amounts each period.

Procedure

A unit of activity for a cost center. For example, a procedure in a radiology cost center may include a series of pictures that constitute an exam.

Professional Component

The professional services provided to patients by hospital-based physicians, as opposed to the education, research, and administrative duties performed by the hospital-based physicians.

Reclassification

The process of recasting a hospital's revenue and expense accounts into a new structure e.g. moving from a responsibility to a functional arrangement. For purposes of the Florida Hospital Uniform Reporting System (FHURS), the process of converting the hospital's accounts so as to comply with the prescribed reporting principles, definitions, listing of accounts and formats found in this manual. A record of the conversion process must be maintained.

Reporting Manual

The Florida Hospital Uniform Reporting System Manual is a handbook of accounting policies, principles, and concepts, including a chart of accounts with definitions and standard units of service. The Manual establishes guidelines and specific requirements based on statutory regulations for Florida hospitals reporting to the Florida Agency for Health Care Administration.

Registration

The process of formally entering a patient's name on the institution's records for service in an outpatient care service area.

4.11

Related Party

A provider which to a significant extent is associated or affiliated with, or has control of, or is controlled by the organization furnishing the services, facilities, or supplies.

Relative Value Unit

An index number assigned to various procedures based upon the relative amount of labor, supplies, and capital needed to perform the procedure. The unit value represents the cost of performing a service relative to some other service that is used as a base; i.e., the base has a unit value of one.

Resident

A recent graduate physician/dentist employed by a hospital that is serving an advanced period of postgraduate training. This may represent the first year of training or any year thereafter.

Restricted Funds

Funds restricted by donors or grantors for specific purposes. Restricted funds generally fall into three categories: Plant Replacement and Expansion Fund, Specific Purpose Fund, and

Endowment Fund. The accounts within each restricted fund are self-balancing, as each fund constitutes a separate accounting entity.

Revenue Center

An account for accumulating revenue consistent with the functional definition of the matching cost center.

Revenue Producing Cost Centers

Health facility activities providing direct services to patients (such as nursing, physical therapy, and laboratory) and thereby generating revenue.

Self-Insurance

The assumption by a hospital of risks arising out of the ownership of property or from other causes.

Skilled Nursing Facility (SNF) / Skilled Nursing Unit (SNU)

An institution, or distinct part of an institution, which is primarily engaged in providing to inpatients, skilled nursing and related services to patients who require medical or nursing care, or rehabilitation services for injured, disabled, or sick persons. [s. 408.032(16), F.S.] [~~s. 381.702(17), F.S.~~]

Standard Unit of Measure

A uniform statistic for measuring and comparing hospital costs and productive output as defined in this manual. (See Appendix B)

4.12

Subacute Care Services

Services provided to patients, who require a level of hospital care less than that defined as acute care, including for example, residential care, and chemical dependency that does not require detoxification.

Subprovider

A portion of a general hospital that has been issued subprovider identification number because it offers a clearly different type of service from the remainder of the facility, for example: Long-term psychiatric care unit, substance abuse unit, or rehabilitation unit.

Teaching Program (Approved)

A medical residency training program approved by the Council on Medical Education of the American Medical Association, or in the case of an osteopathic hospital, approved by the Committee on Hospitals of the Bureau of Professional Education of the American Osteopathic Association. Residency programs in the field of dentistry must have the approval of the Council on Dental Education of the American Dental Association.

Teaching Program (Non-approved)

A medical internship or residency training program is not approved unless it has been recognized by the Council on Medical Education of the American Medical Association, or in

the case of an osteopathic hospital, approved by the Committee on Hospitals of the Bureau of Professional Education of the American Osteopathic Association. A residency program in the field of dentistry is not approved unless approval has been received from the Council on Dental Education of the American Dental Association.

Tertiary Health Services

A health service which due to its high level of intensity, complexity, specialized or limited applicability, and cost, should be confined to a limited number of hospitals to ensure the quality, availability, and cost effectiveness of such service. Examples of such services include, but are not limited to, organ transplantation, specialty burn units, neonatal intensive care units, comprehensive rehabilitation, and medical or surgical services which are experimental or developmental in nature, to the extent that the provision of such services are not yet considered within the commonly accepted course of diagnosis or treatment for the condition. [s. 408.032(17), F.S.] [~~s. 381.702(18), F.S.~~]

Third-Party Payer

Any agency that contracts with either hospitals or patients to pay for the health care services provided to covered patients. Examples of third party payers are: the Medicare and Medicaid Programs, health maintenance organizations (HMO's), or commercial insurers.

Unrestricted Funds

Funds which bear no external restrictions as to use or purpose; i.e., funds which can be used for any legitimate purpose designed by the Governing Board as distinguished from funds restricted externally for specific operating purposes, for plant replacement and expansion, and for endowment.

4.13

When the difference between the amount of a patient's bill and the payment received by the hospital from a third-party agency is recoverable from the patient, any resulting uncollected amount should be reported in the appropriate bad debt or uncompensated care category and should not be reported in contractual adjustments.

5950 CHARITY CARE – HILL BURTON

Account 5950 shall be used to report the charges applicable to any charity services that are being used to comply with the requirements of the Hill-Burton Hospital and Medical Facilities Construction Plan.

5960 CHARITY CARE – OTHER

Account 5960 shall be used to report “Charity care” or “uncompensated charity care” which means that portion of hospital charges reported to the Agency for Health Care Administration for which there is no compensation, other than restricted or unrestricted revenues provided to a hospital by local governments or tax districts regardless of the method of payment, for care provided to a patient whose family income for the twelve 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 (4) times the federal poverty level for a family of four be considered charity.

Each hospital will determine which patients are charity care patients by a verifiable process subject to the following provisions:

Documentation shall include one of the following forms:

- 1) W-2 withholding forms
- 2) Paycheck stubs
- 3) Income tax returns
- 4) Forms approving or denying unemployment compensation or worker’s compensation.
- 5) Written verification of wages from employer
- 6) Written verification from public welfare agencies or any governmental agency which can attest to the patient’s income status for the past twelve (12) months
- 7) A witnessed statement signed by the patient or responsible party, as provided for in public law 770-725, as amended, known as the Hill-Burton Act, except that such statement need not be obtained within the 48 hours of the patients’ admission to the hospital as required by the Hill-Burton Act. The statement shall include an acknowledgement that, in accordance with Section 817.50, F.S., providing false information to defraud a hospital for the purpose of obtaining goods or services is a misdemeanor in the second (2nd) degree.
- 8) A Medicaid remittance voucher which reflects that the patient’s Medicaid benefits for that Medicaid fiscal year have been exhausted.

3.9

Charges applicable to account 5950 should not be reported in this account. Contractual adjustments should not be reported in this account. When the hospital receives lump-sum grants or subsidies (rather than specific payments for an individual patient’s bill) from governmental or voluntary agencies for the care of medically indigent patients, the amount of the lump-sum grant or subsidy must be reported under “Restricted Donations and Grants for Indigent Care” (Account 5995).

5980 ADMINISTRATIVE, COURTESY AND POLICY DISCOUNTS

This account shall be used to report write-offs of debit or credit balances in patient’s accounts in which the cost of billings or refunding exceeds the amount of the account balance. In addition, reductions in the nature of courtesy allowances must be reported in this account.

5981 EMPLOYEE DISCOUNTS

This account shall be used to report employee discounts from the hospital’s full established rates for services rendered.

5990 OTHER DEDUCTIONS FROM REVENUE

Other deductions from revenue which are not included elsewhere must be reported in this account.

5995 RESTRICTED DONATIONS AND GRANTS FOR INDIGENT CARE

This account is used to report voluntary and governmental agency grants or subsidies for the care of nonspecified medically indigent patients during the current reporting period.

5010-5890 – OTHER OPERATING REVENUE

This group of accounts is used to report all operating revenues other than those that are directly associated with patient care.

5020 TRANSFERS FROM RESTRICTED FUNDS FOR RESEARCH EXPENSES

This account reflects the amount of transfers from restricted funds to the Operating Fund to match expenses incurred in the current period by the Operating Fund for restricted fund research activities.

3.10

NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher J. Augsburger, Regulatory Analyst Supervisor
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeffrey N. Gregg, Bureau Chief, Health Facility Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2003
 DATE PROPOSED RULE PUBLISHED IN FAW: August 2, 2002

DEPARTMENT OF MANAGEMENT SERVICES

Division of Facilities Management

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Leases for Real Property	60H-1
RULE TITLES:	RULE NOS.:
Division Approval; When Required	60H-1.002
Standard Lease Agreement Form	60H-1.003
Right-to-Terminate Clause Required	60H-1.007
Notice of Renewal	60H-1.009
Leases of 5,000 Square Feet or More	60H-1.015
Prior Approval of Space Need	60H-1.022
Legal Review	60H-1.027
Rental Rate Guidelines for Privately Owned Space	60H-1.030

PURPOSE, EFFECT AND SUMMARY: These amendments conform the rules to the current statute and provide that the Department may exempt certain leases from the required right to terminate clause.

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: 255.249, 255.25, 255.503 FS.
 LAW IMPLEMENTED: 255.249, 255.21, 255.25, 255.254, 255.503 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: 10:00 a.m., March 31, 2003
 PLACE: The Department of Management Services, Room 260L, 4050 Esplanade Way, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Randall C. Baker, Chief, Real Property Management, Department of Management Services, 4050 Esplanade Way, Building 4030, Suite 380, Tallahassee FL 32399-0950, (850)488-6519, bakerr@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

- 60H-1.002 Division Approval; When Required.
 (1) General. No agency shall lease a building or any part thereof unless prior approval of the lease conditions and the need therefor is first obtained from the Division.

- (2) Exceptions:
 (a) The Division's approval need not be obtained for a lease of less than 5,000 ~~3,000~~ square feet of space within a privately owned building or renewal of such a lease, provided the agency head has filed with the Bureau a certificate of compliance in accordance with Rule 60H-1.003, F.A.C.; provided further that such a lease which is for a term extending beyond the end of a fiscal year shall be subject to the provisions of Section 216.311, Florida Statutes.

(b) This rule shall not apply to any lease having term of less than 120 consecutive days for the purpose of securing the one-time special use of the leased property.

(c) This rule shall not apply to any lease for nominal or no consideration. As used herein, "nominal consideration" means consideration for \$1 or less.

Specific Authority 255.25, 255.249, 255.503(11) FS. Law Implemented 255.249(2)(j),(k),(3), 255.25(2)(b),(7), 255.503 FS. History--New 8-11-75, Amended 4-25-79, Formerly 13D-7.02, Amended 3-18-86, Formerly 13M-1.002, Amended 2-21-96,_____.

60H-1.003 Standard Lease Agreement Form.

(1) All agency leases shall be on the Department of Management Services' Standard Lease Form FM Form 4054, effective August 11, 1975, as revised May, 2001, incorporated by reference in this rule.

(2) No change.

(3) Certificate of Compliance. Within 30 days after executing a lease of less than 5,000 ~~3,000~~ square feet of space within a privately or publicly owned building, the agency head shall file with the Bureau on a form provided by the Bureau (FM 4113, effective May 1996, as revised January, 2003, incorporated by reference in this rule) a certificate stating that the lease is in compliance with all leasing criteria provided by Chapter 255, Florida Statutes. The certificate shall further state that the agency has determined that the lease is in the best interest of the State. As used herein the phrase "the best interest of the state" shall mean:

(a) The agency has filed a Request for Prior Approval of Space Need pursuant to Rule 60H-1.022, F.A.C., and either

1. The Division has approved the Request or has not responded to the agency's request within 10 working days of receipt of the request; or

2. If state owned space is available in the same geographic region, the agency has enunciated reasons why such space would not enable the agency to fulfill its statutory duties;

(b) The rental rate for the space in the privately owned building is within the rental rate guidelines established by the Bureau;

(c) The space to be leased is the most cost effective space available to meet the agency's needs.

(4) Exceptions. This rule shall not apply to:

(a) Any agency lease having a term of less than 120 consecutive days for the purpose of securing the one-time special use of the leased property.

(b) Any agency lease for nominal or no consideration. As used herein, "nominal consideration" means consideration for \$1.00 or less. Nominal or no consideration leases shall be filed with the Bureau on a form provided by the Bureau (FM Form No. 4108, effective July 1995, as revised January, 2003, incorporated by reference in this Rule).

(5) Change of Ownership. If ownership of a leased facility changes during the term of the lease, the Bureau of Property Management must be furnished certain pertinent information; i.e., a copy of the deed or other legal document effecting transfer of facility and disclosure form (FM Form No. 4114, effective June 1995, as revised January, 2003, incorporated by reference in this Rule) completed by the new owner.

(6) through (7) No change.

Specific Authority 255.249(3), 255.25(2) FS. Law Implemented 255.249(2)(j),(k),(3), 255.25(2)(a),(b) FS. History—New 8-11-75, Amended 4-25-79, Formerly 13D-7.03, Amended 3-18-86, Formerly 13M-1.003, Amended 9-30-96, _____.

60H-1.007 Right-to-Terminate Clause Required.

Article XXI of the Standard Lease Agreement, the right-to-terminate clause, allowing the agency to terminate the lease with notice if public space becomes available, shall be a part of any lease for a term exceeding one year, ~~and~~ may not be omitted from an agency's lease for any reason and Article XXI shall be deemed a part of any lease and given full legal force and effect. However, prior to or during the term of any lease, extensions(s) thereof, or any replacement lease of 5,000 square feet or greater, the Department of Management Services, at the written request of the user Agency, may exempt any lease, extensions(s) thereof, or any replacement lease from the requirements of this rule if the cumulative cost of the new lease, extension(s) or replacement lease being proposed by the existing Lessor, is at least 10 percent less than the current market value of a comparable lease in the private sector as determined by an independent market analysis performed by the Agency, plus documented moving costs. A present value analysis index shall be used in calculating lease costs.

Specific Authority 255.25 FS. Law Implemented 255.25(2) FS. History—New 8-11-75, Amended 4-25-79, Formerly 13D-7.07, 13M-1.007, Amended _____.

60H-1.009 Notice of Renewal.

(1) If an agency elects to renew an agency lease, a copy of the notice of renewal, with the date the notice was received by certified or registered mail by the lessor clearly marked thereon, shall be furnished to the Bureau.

(2) If the space of the lease to be renewed is less than 5,000 3,000 square feet in a privately owned building, the agency shall provide a Certificate of Compliance in the same manner provided in Rule 60H-1.003, F.A.C.

(3) The agency shall obtain the Bureau's approval prior to exercising its option to renew in the manner in which it obtains approval to procure a new lease.

Specific Authority 255.249(2), 255.25 FS. Law Implemented 255.25(2) FS. History—New 8-11-75, Amended 4-25-79, Formerly 13D-7.09, Amended 3-18-86, Formerly 13M-1.009, Amended 2-21-96, _____.

60H-1.015 Leases of 5,000 3,000 Square Feet or More.

(1) No agency shall enter into a lease for 5,000 3,000 square feet or more of space in a privately owned building except upon advertisement for and receipt of competitive bids and award to the lowest and best bidder. No agency shall enter into, within any 12-month period, more than one lease for space of a total of 5,000 3,000 square feet or more in the same privately owned facility or complex except upon the solicitation of competitive bids.

(a) Exceptions:

1. This rule shall not apply to renewal of leases pursuant to Article XX of the Standard Lease Agreement.

2. This rule shall not apply to any lease having a term of less than 120 consecutive days for the purpose of securing the one-time special use of the leased property.

3. This rule shall not apply to any lease for nominal or no consideration. As used herein, "nominal consideration" means consideration for \$1.00 or less per year.

4. This rule shall not apply to buildings or facilities of any size leased for the purpose of providing care and living space for persons, provided the agency has filed with the Bureau a certificate of exemption demonstrating that the lease is exempt from competitive bidding under Section 255.249 or 255.25, Florida Statutes.

5. The Division may approve extensions of an existing lease of 5,000 3,000 square feet or more space if such extensions are determined to fit the needs of the agency, but in no case shall the total of such extensions exceed 11 months. If at the end of the period granted by the extension(s), the time of such extension(s) equal(s) 11 months, and the agency still needs space, the agency shall solicit competitive bids in accordance with this chapter. All agency requests for an extension under this clause shall be submitted in writing to the Bureau within a reasonable period of time before a lease is to end. The agency shall furnish a statement of justification for the extension. The Division director shall review the request and issue a written decision.

6. An agency may enter into a modification of a lease for less than 5,000 3,000 square feet to increase the square footage if the modification is upon the same terms and conditions of the approved lease, provided the total additional square footage of the lease modification is less than 5,000 3,000 square feet. An agency may enter into, within any 12-month period, more than one modification of a lease for 5,000 3,000 square feet or more to increase the square footage, provided the total space acquired by modification within the 12-month period is less than 5,000 3,000 square feet.

(2) through (6) No change.

Specific Authority 255.249(2) FS. Law Implemented 255.249(2)(b), 255.21, 255.25(3),(5), 255.254 FS. History–New 4-25-79, Amended 4-19-83, Formerly 13D-7.092, Amended 3-18-86, Formerly 13M-1.015, Amended 2-21-96,_____.

60H-1.022 Prior Approval of Space Need.

The Division shall not authorize any agency to enter into a lease agreement in a privately owned building when suitable space is available in a state owned or other publicly owned building located in the same geographic region, unless the agency files with the Bureau a statement explaining why the public space does not fit the needs of the agency. If the Division director approves the request, or does not respond to the agency’s request within 10 working days of receipt of the request, the agency may then proceed to:

- (1) Negotiate a lease for space in a state owned or other publicly owned building.
- (2) Negotiate a lease for private sector space of less than 5,000 ~~3,000~~ square feet.
- (3) Solicit competitive bids in accordance with Chapter 255, Florida Statutes, and this chapter, in a privately owned building. The term "state owned or other publicly owned building" as used in this section means any state owned or other publicly owned facility regardless of use or control.
- (4) Negotiate a lease of any size for the purpose of providing care and living space for persons.

Specific 255.249, 255.25 FS. Law Implemented 255.25(2)(b),(3),(4) FS. History–New 3-18-86, Formerly 13M-1.022, Amended 2-21-96,_____.

60H-1.027 Legal Review.

- (1) A lease of less than 5,000 ~~3,000~~ square feet of space in a privately owned building shall be reviewed as to form and legality by the agency’s attorney or member of agency’s legal staff and approval thereof indicated in the space provided on the lease.
- (2) A lease of 5,000 ~~3,000~~ square feet or greater of space in a privately owned building shall be approved by the Department of Management Services office of General Counsel and approval thereof indicated on the lease.
- (3) This rule shall not apply to leases for less than 120 consecutive days.

Specific Authority 255.249(2)(a),(e) FS. Law Implemented 255.249(1),(3), 255.25(2) FS. History–New 4-25-79, Formerly 13D-7.17, 13M-1.027, Amended 2-21-96,_____.

60H-1.030 Rental Rate Guidelines for Privately Owned Space.

- (1) The maximum rental rates are established each June by the Bureau for space in privately owned and in publicly owned buildings according to the zone and to the category of services furnished. These rates are provided to each Agency immediately upon development and are available to other interested parties upon request.
- (2) If the rental rate for any proposed lease of 5,000 ~~3,000~~ square feet or greater or any proposed lease of less than 5,000 ~~3,000~~ square feet is more than 10% above the maximum rental

rate for the zone and category of services furnished, then that lease shall be presented by the user agency for approval by the Department of Management Services.

Specific Authority 255.249(2)(f) FS. Law Implemented 255.25(2), 255.249(2)(e) FS. History–New 4-1-85, Formerly 13D-7.20, Amended 3-18-86, Formerly 13M-1.030, Amended 2-21-96, 9-30-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Randall C. Baker, Chief, Real Property Management,
 Department of Management Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Simone Marsteller, Interim
 Secretary, Department of Management Services
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: February 6, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: February 28, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: State Examination for Funeral Industry Professionals
 RULE NO.: 61G8-16.0001

PURPOSE AND EFFECT: To create an examination that encompasses all funeral industry professionals, to set the criteria for passing the examination, and to establish the subjects covered by the examination.

SUMMARY: The Board proposed to establish one examination for all funeral industry professionals, set minimum passing score, and explain the subjects covered by the examination.

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

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

SPECIFIC AUTHORITY: 455.217, 470.005, 470.006, 470.009 FS.

LAW IMPLEMENTED: 455.217, 470.006, 470.009, 470.007, 470.011 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: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-16.0001 State Examination for Funeral Industry Professionals.

(1) In addition to all other requirements, any person desiring to be licensed, whether initially or by endorsement, as an embalmer, funeral director or direct disposer, in the state of Florida shall:

(a) Apply to the Board to take the examination prepared and administered by the Department of Business and Professional Regulation.

(b) Pass the examination prepared and administered by the Department of Business and Professional Regulation with a score of 75% or more. A fraction of a percentage point of one-half (.5) or higher on this examination shall be raised to the next highest whole number.

(2) The state examination shall cover the following laws:

(a) Chapters 245, 382, 406, 470, 497 and 872, Florida Statutes, and

(b) 10 U.S.C. §§ 1481-1488, 16 U.S.C. §17 E, 18 U.S.C. §710, 38 U.S.C. §2303, 42 U.S.C. §248, 42 U.S.C. §300aaa-3; and the following rule chapters:

(c) 64V-1, 11G, 61G8, Florida Administrative Code.

(3) The examination shall cover the following topics in the percentage ranges that follow:

Practice Laws 40-50%, Preneed Contracts 16-20%, Medical Examiner 4-6%, Vital Statistics 10-16%, Disposition 10-16%, Federal Laws 4-6% and Offenses 8-16%.

Specific Authority 455.217, 470.005, 470.006, 470.009 FS. Law Implemented 455.217, 470.006, 470.009, 470.007, 470.011 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2003

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: RULE NO.:

Examination for Embalmer Applicants 61G8-16.001

PURPOSE AND EFFECT: Rule 61G8-16.001 is amended to address changes made by 61G8-16.0001, F.A.C.

SUMMARY: The Board proposes to amend the rule to delete language now covered by Rule 61G8-16.0001.

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

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

SPECIFIC AUTHORITY 455.217, 470.005, 470.006 FS.

LAW IMPLEMENTED 455.217, 470.006 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: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-16.001 Examination for Embalmer Applicants.

(1) Any person desiring to be licensed as an embalmer shall apply to the Department and successfully pass the required licensure examinations as provided by Section 470.006, F.S. (1995).

(2) The following shall constitute successful passage of the required licensure examination for embalmer applicants:

(a) Attaining a score of seventy-five percent (75%) on the Funeral Services Science section of the National Board Examination prepared by the Conference of Funeral Service Examining Boards, and

(b) Attaining a score of seventy-five percent (75%) on the examination prepared and administered by the Department of Business and Professional Regulation as set forth in Rule 61G8-16.0001, F.A.C. encompassing local and state laws and rules relating to the disposition of dead bodies provided; however, that a fraction of a percentage point of one-half (.5) or higher in a department examination score will be raised to the next highest whole number.

~~(3) The areas of competency to be covered by the examinations as provided above shall be the theory and practice of embalming, restorative art, pathology, anatomy, microbiology, chemistry, hygiene, public health and sanitation and the local state laws and rules relating to the disposition of dead bodies.~~

~~(4) The content of that portion of the Department examination testing competency in the areas of local and state laws and rules relating to the disposition of dead human bodies shall be extracted from:~~

~~(a) Chapter 245, F.S.— 20%;~~

~~(b) Chapter 382, F.S., Chapter 10D-49, F.A.C.— 15%;~~

~~(c) Chapter 406, F.S., Chapter 11G, F.A.C.— 5%;~~

~~(d) Chapter 470, F.S., Chapter 61G8, F.A.C.— 60%.~~

Specific Authority 455.217, 470.005, 470.006 FS. Law Implemented 455.217, 470.006 FS. History—New 11-11-79, Amended 6-3-81, Formerly 21J-16.01, Amended 5-9-88, Formerly 21J-16.001, Amended 5-1-96, 10-29-97, 2-16-98,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Funeral Directors and
Embalmers
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 12, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 24, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Funeral Directors and Embalmers

RULE TITLE: Examination for Funeral Director Applicants
RULE NO.: 61G8-16.002
PURPOSE AND EFFECT: The rule is amended to delete
sections now covered by the examination established in Rule
61G8-16.0001, F.A.C.

SUMMARY: The Board proposes to amend this rule to delete
language which is now addressed by Rule 61G8-16.0001,
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: 455.217, 470.005, 470.009 FS.

LAW IMPLEMENTED: 455.217, 470.009 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: Leon Biegalski, Executive Director,
Board of Professional Surveyors and Mappers, Northwood
Centre, 1940 N. Monroe Street, Tallahassee, Florida
32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-16.002 Examination for Funeral Director
Applicants.

(1) Any person desiring to be licensed as a funeral director
shall apply to the Department and successfully pass the
licensure examination prepared and administered by the
Department, pursuant to Rule 61G8-16.0001, F.A.C. as
provided by Section 470.009, F.S. (1995).

(2) Additionally, the successful applicant will have
attained ~~The following shall constitute successful passage of
the required licensure examination for funeral director
applicants:~~

~~(a) Attaining~~ a score of seventy-five percent (75%) on the
funeral service arts section of the National Board Examination
prepared by the Conference of Funeral Service Examining
Boards, attained ~~attaining~~ a score of seventy-five percent
(75%) on the funeral service science section of the NBE
prepared by the Conference of Funeral Service Examining
Boards, ~~and~~

~~(b) Attaining a score of seventy five percent (75%) on the
examination prepared and administered by the Department
encompassing local and state laws and rules relating to the
disposition of dead bodies provided, however, that a fractional
percentage score of one half (.5) point or higher in an
examination score will be raised to the next highest whole
number.~~

~~(3) The areas of competency to be covered by the
examinations as provided above shall be the laws and rules of
the state and the law and rules of the federal government
relating to the disposition of dead bodies extracted from:~~

~~(a) Chapter 470, F.S., Chapter 61G8, F.A.C. 46%;~~

~~(b) Chapter 497, F.S. 15%;~~

~~(c) Chapter 406, F.S., Chapter 11G, F.A.C. 5%;~~

~~(d) Chapter 382, F.S., Chapter 10D-49, F.A.C. 15%;~~

~~(e) Chapter 245, F.S. 11%;~~

~~(f) Chapter 872, F.S. 5%;~~

~~(g) 10 U.S.C. §§1481-1488, 16 U.S.C. §17E, 18 U.S.C.
§710, 38 U.S.C. §2303, 42 U.S.C. §248, 42 U.S.C. §300aaa-3
-3%.~~

Specific Authority 455.217, 470.005, 470.009 FS. Law Implemented 455.217,
470.009 FS. History—New 11-11-79, Amended 6-4-80, 6-3-81, 6-15-82,
Formerly 21J-16.02, 21J-16.002, Amended 1-8-95, 5-13-96, 10-29-97,
2-16-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Funeral Directors and
Embalmers
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 12, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 24, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Funeral Directors and Embalmers

RULE TITLE: Examination for Licensure by Endorsement
for Funeral Directors
RULE NO.: 61G8-16.004

PURPOSE AND EFFECT: The purpose of the rule
amendment is to eliminate language that is covered by Rule
61G8-16.0001, F.A.C.

SUMMARY: The Board proposes to amend this rule to include
passing the examination established by Rule 61G8-16.0001 as
a qualification to being licensed by endorsement.

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: 470.005, 470.011, 455.217 FS.

LAW IMPLEMENTED: 470.011, 455.217 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: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-16.004 Examination for Licensure by Endorsement for ~~Funeral Directors~~.

(1) Any person desiring to be licensed as a funeral director or embalmer by endorsement, as provided in Chapter Section 470.011, F.S. (1995), shall apply to the Department, have passed the appropriate national examinations and pass the examination required in Rule 61G8-16.0001, F.A.C and successfully pass the required licensure examination.

~~(2) Attaining a score of seventy five percent (75%) on the examination prepared and administered by the Department with a fractional percentage score of one half (.5) point or higher raised to the next highest whole number.~~

~~(3) The areas of competency to be covered by the examination for licensure by endorsement for funeral directors shall be extracted from the state and federal laws and rules specified in Rule 61G8-16.002(3).~~

Specific Authority 470.005, 470.011, 455.217 FS. Law Implemented 470.011, 455.217 FS. History—New 11-11-79, Amended 6-3-81, Formerly 21J-16.04, Amended 5-24-89, Formerly 21J-16.004, Amended 10-29-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2003

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Continuing Education for License Renewal RULE NO.: 61G8-17.0034

PURPOSE AND EFFECT: This rule is amended to include language that states the changes in continuing education requirements for funeral directors, embalmers, and direct disposers.

SUMMARY: The rule is amended to change the continuing education requirements for funeral directors and embalmers to 12 hours and the requirements for direct disposer are 3 hours.

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: 455.2226, 470.005(1), 470.015(1), 470.018 FS.

LAW IMPLEMENTED: 455.2124, 455.2226, 470.015, 470.018 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):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-17.0034 Continuing Education for License Renewal.

(1) through (3) No change.

(4) No license shall be renewed unless the licensee has completed the required continuing education hours together with completion of a single board approved course on communicable diseases, including HIV/AIDS, which course shall contain the subject area requirements set out in Rule 61G8-17.0042(3), F.A.C. Courses approved in communicable diseases shall meet the requirements of Sections 455.2226, 470.015, 470.018 and 470.0201, F.S.

(a) Funeral Directors and Embalmers shall complete twelve (12) hours of continuing education.

(b) Registered Direct Disposers shall complete three (3) hours of continuing education.

(5) through (6) No change.

Specific Authority 455.2226, 470.005(1), 470.015(1), 470.018 FS. Law Implemented 455.2124, 455.2226, 470.015, 470.018 FS. History—New 4-10-94, Amended 3-14-95, 7-25-95, 9-25-95, 9-25-97, 11-11-99, 11-20-00, 6-24-01, 11-29-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Examination Requirements
 RULE NO.: 61G8-23.002
 PURPOSE AND EFFECT: Rule 61G8-23.002, F.A.C., is amended to include Chapter 497, F.S., among the subject areas tested.

SUMMARY: The Board proposes to amend the rule to include the information covered by Chapter 497, F.S., among the subject areas tested for licensure.

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

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

SPECIFIC AUTHORITY: 470.017 FS.

LAW IMPLEMENTED: 470.017 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: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-23.002 Examination Requirements.

(1) No change.

(2) The area of competency to be covered by the examination as provided above shall be:

(a) through (b) No change.

(c) With respect to disposition of dead human bodies, the following state and federal laws and rules, or relevant portions thereof will be included: Chapter 245, Chapter 382, Chapter 406, Chapter 455, Chapter 470, Section 872.06 and Chapter 497 of the Florida Statutes; Chapter 64V-1, Chapter 11G-2, Chapter 61G8-20, Chapter 61G8-22, Chapter 61G8-23 of the Florida Administrative Code; 10 U.S.C. 1481-1488.

(3) No change.

Specific Authority 470.017 FS. Law Implemented 470.017 FS. History—New 2-13-80, Amended 7-2-81, 8-23-83, Formerly 21J-23.02, 21J-23.002, Amended 10-13-97, 2-16-98, 6-14-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2003

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 03-07R

RULE CHAPTER TITLE: Generic Permits
 RULE CHAPTER NO.: 62-621

RULE TITLES: Scope/Applicability Permits
 RULE NOS.: 62-621.100 62-621.300

DEP announces proposed amendments to Rule 62-621, F.A.C., incorporating a new generic permit to address the regulation of Phase II MS4s under the NPDES stormwater program. In addition, DEP announces proposed amendments to Rule 62-621, F.A.C., incorporating a new generic permit to address the regulation of construction operations disturbing at least one (1) acre, but less than five (5) acres, under Phase II of the NPDES stormwater program. 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 entitled “Official Notices.”

The person to be contacted regarding the propose rule is: Fred Noble, P.E., NPDES Stormwater Section, Florida Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 03-08R

RULE CHAPTER TITLE: Municipal Separate Storm Sewer Systems
 RULE CHAPTER NO.: 62-624

RULE TITLES: Policy and Purpose Definitions General Provisions General Conditions Application Procedures for New MS4 Permits Re-application Procedures for MS4 Permits Contents of Re-application for MS4 permit Application Processing
 RULE NOS.: 62-624.100 62-624.200 62-624.300 62-624.310 62-624.400 62-624.420 62-624.440 62-624.460

Standards for Issuing or Denying Permits	62-624.500
Annual Report	62-624.600
Transfer of Operational Authority	62-624.700
Regulated Phase II MS4s	62-624.800
Permit Application Procedures for Phase II MS4s	62-624.810

DEP announces proposed amendments to Rule 62-624, F.A.C., incorporating unregulated "Phase II MS4s".

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 entitled "Official Notices."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Fred Noble, P.E., NPDES Stormwater Section, Florida Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Continuing Education During Initial Licensure Period

RULE NO.: 64B2-13.007

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

SUMMARY: The Board proposes to allow licensees to obtain five hours of continuing education credits by attending a Board meeting at which disciplinary hearings are conducted.

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

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

SPECIFIC AUTHORITY: 456.013(6), 460.405, 460.408 FS.

LAW IMPLEMENTED: 456.013(6) 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: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.007 Continuing Education During Initial Licensure Period.

During the initial biennium of licensure, practitioners are required to obtain five hours of continuing education in the subject area of risk management by attending one full day or 8 hours at a Florida Board of Chiropractic Medicine meeting at which disciplinary hearings are conducted as provided in

subsection 64B2-13.004(8), F.A.C. Once the hours required by Rule 64B2-13.0045, F.A.C., have been met, licensed practitioners shall not be required to complete any other the continuing education requirements during the biennium in which they receive initial licensure.

Specific Authority 456.013(6), 460.405, 460.408 FS. Law Implemented 456.013(6) FS. History—New 1-25-88, Formerly 21D-13.007, 61F2-13.007, 59N-13.007, Amended 11-13-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

DEPARTMENT OF HEALTH

Division of Disease Control

RULE TITLES:	RULE NOS.:
Notifiable Diseases or Conditions to be Reported, Human	64D-3.002
Notification by Laboratories	64D-3.003
Notification by Others	64D-3.0031
Notifiable Disease Case Report Content	64D-3.004
Quarantine, Requirements	64D-3.007
Public Health Emergency	64D-3.0071
Diseased Animals	64D-3.012
Procedures for Control of Specific Communicable Diseases	64D-3.013

PURPOSE AND EFFECT: The purpose of these amendments is to update provisions for reporting of diseases and to implement provisions in CS/SB 1262 regarding public health emergencies.

SUMMARY: The amendments to the rule will update the list of reportable diseases to add Creutzfeldt-Jakob disease, glanders, melioidiosis, saxitoxin poisoning, staphylococcus enterotoxin B, typhus fever, and vaccinia disease; further define other diseases on the list; add provisions related to notification by laboratories; and clarify confidentiality of case report information. Quarantine provisions are revised to clarify the scope of quarantine orders and to change the incorporated materials regarding zoonotic quarantines. A new section of rule adds reporting requirements specific to zoonotic diseases. A second new section of rule related to public health emergencies defines "practical method of quarantine" and provides circumstances for quarantine in private homes. Other changes are made related to control of rabies and requirements for food service establishments.

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

SPECIFIC AUTHORITY: 381.0011(6)(a),(13), 381.003(2), 381.0031(6), 381.006 (16), 384.25(2), 384.33, 392.66 FS.

LAW IMPLEMENTED: 381.0011(4),(6), 381.003(1), 381.0012, 381.0031, 381.00315(1)(b)4., 384.23, 384.25, 384.27, 385.202, 392.53 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 IN WRITING, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 2:00 p.m., Thursday, March 27, 2003

PLACE: Department of Health, Conference Room 310A, 2585 Merchants Row Blvd., Prather Building, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rowe E. Rogero, Division of Disease Control, Department of Health, 4052 Bald Cypress Way, Bin A09, Tallahassee, FL. 32399, (850)245-4322, rowe_rogero@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

64D-3.002 Notifiable Diseases or Conditions to be Reported, Human.

(1) The following notifiable diseases or conditions are declared as dangerous to the public's health or of public health significance.

(a) Acquired Immune Deficiency Syndrome (AIDS).

(b) Animal Bite: Includes a bite or other significant exposure to a human by an animal that is:

1. Infected with or suspected of being infected with rabies,

or

2. Capable of transmitting herpes B viruses (includes exposures from nonhuman primates).

~~Animal Bite to humans by a potentially rabid animal resulting in a county health department or state health office recommendation for post-exposure prophylaxis, or by a nonhuman primate.~~

(c) Anthrax (T).

(d) Botulism (T).

(e) Brucellosis (T).

(f) Campylobacteriosis.

(g) Cancer (except non-melanoma skin cancer).

(h) Chancroid.

(i) Chlamydia trachomatis.

(j) Ciguatera.

(k) Congenital Anomalies.

(l) Creutzfeldt-Jakob Disease (CJD).

~~(m)(4)~~ Cryptosporidiosis.

~~(n)(m)~~ Cyclosporiasis.

~~(o)(n)~~ Dengue

~~(p)(o)~~ Diphtheria (T).

(q) Eastern equine encephalitis (EEE).

~~(r)(p)~~ Ehrlichiosis.

~~(s)(q)~~ Encephalitis, non-arboviral (T).

(t) Encephalitis, other arboviral.

~~(u)(r)~~ Enteric disease due to *Escherichia coli* O157:H7 (T).

~~(v)(s)~~ Enteric disease due to other pathogenic *Escherichia coli* (including enterotoxigenic, enteroinvasive, enteropathogenic, enterohemorrhagic, and enteroaggregative strains).

~~(w)(t)~~ Giardiasis (acute).

~~(x)~~ Glanders.

~~(y)(u)~~ Gonorrhea.

~~(z)(v)~~ Granuloma Inguinale.

~~(aa)(w)~~ *Haemophilus influenzae*, invasive disease (T).

~~(bb)(x)~~ Hansen's Disease (Leprosy).

~~(cc)(y)~~ Hantavirus Infection (T).

~~(dd)(z)~~ Hemolytic Uremic Syndrome.

~~(aa)~~ Hemorrhagic Fever (T).

~~(ee)(bb)~~ Hepatitis, viral A (T), B ; C, non-A non-B, and other including unspecified.

~~(ff)(ee)~~ Hepatitis, viral, Hepatitis B Surface Antigen (HBsAg)-positive in a pregnant woman or a child < or = 24 months of age.

~~(gg)(dd)~~ Herpes simplex virus (HSV) in neonates and infants to six (6) months of age.

~~(hh)(ee)~~ Human Immunodeficiency Virus (HIV).

~~(ii)(ff)~~ Human papillomavirus (HPV) in neonates and children through twelve (12) years of age.

~~(jj)(gg)~~ Lead Poisoning.

~~(kk)(hh)~~ Legionellosis.

~~(ll)(ii)~~ Leptospirosis.

~~(mm)(jj)~~ Listeriosis (T).

~~(nn)(kk)~~ Lyme Disease.

~~(oo)(ll)~~ Lymphogranuloma Venereum.

~~(pp)(mm)~~ Malaria.

~~(qq)(nn)~~ Measles (T).

~~(rr)~~ Melioidiosis.

~~(ss)(oo)~~ Meningitis, bacterial and mycotic.

~~(tt)(pp)~~ Meningococcal Disease (includes meningitis and meningococcemia) (T).

~~(uu)(qq)~~ Mercury Poisoning.

~~(vv)(rr)~~ Mumps.

~~(ww)(ss)~~ Neurotoxic Shellfish Poisoning (T).

~~(xx)(tt)~~ Pertussis (T).

~~(yy)(uu)~~ Pesticide-Related Illness and Injury.

~~(zz)(vv)~~ Plague (T).

~~(aaa)(ww)~~ Poliomyelitis (T).

~~(bbb)(xx)~~ Psittacosis.

~~(ccc)(yy)~~ Q Fever (T).

~~(ddd)(zz)~~ Rabies (T).

- ~~(eee)(aaa)~~ Rocky Mountain Spotted Fever, *R. rickettsii*.
- ~~(fff)(bbb)~~ Rubella, including congenital.
- (ggg) St. Louis Encephalitis (SLE).
- ~~(hhh)(eee)~~ Salmonellosis.
- (iii) Saxitoxin poisoning (paralytic shellfish poisoning).
- ~~(jjj)(ddd)~~ Shigellosis.
- ~~(kkk)(eee)~~ Smallpox (T).
- ~~(lll)(fff)~~ *Staphylococcus aureus*, glycopeptide (vancomycin) intermediate (GISA/VISA, MIC= or > 8 micrograms per milliliter ~~8ug/ml~~ and = or < 32 micrograms per milliliter) (T).
- ~~(mmm)(ggg)~~ *Staphylococcus aureus*, glycopeptide (vancomycin) resistant (GRSA/VRSA, MIC>32 micrograms per milliliter ~~mg/ml~~) (T).
- (nnn) Staphylococcus enterotoxin B.
- ~~(ooo)(hhh)~~ Streptococcal Disease, invasive, Group A.
- ~~(ppp)(iii)~~ Streptococcus pneumoniae, invasive disease.
- ~~(qqq)(jjj)~~ Syphilis.
- ~~(rrr)(kkk)~~ Tetanus.
- ~~(sss)(lll)~~ Toxoplasmosis, acute.
- ~~(ttt)(mmm)~~ Trichinosis.
- ~~(uuu)(nnn)~~ Tuberculosis.
- ~~(vvv)(ooo)~~ Tularemia (T).
- ~~(www)(ppp)~~ Typhoid Fever (T).
- (xxx) Typhus fever.
- (yyy) Vaccinia disease.
- (zzz) Venezuelan equine encephalitis (VEE).
- ~~(aaaa)(qqq)~~ *Vibrio cholerae* (T).
- ~~(bbbb)(rrr)~~ *Vibrio* Infections, other.
- (cccc) Viral hemorrhagic fever (includes Ebola, Marburg, Lassa and Machupo).
- (dddd) West Nile virus disease (includes WNV encephalitis and WNV fever).
- (eeee) Western equine encephalitis (WEE).
- ~~(fff)(sss)~~ Yellow Fever (T).
- ~~(gggg)(ttt)~~ Any disease outbreak in a community, a hospital, or other institution, or a foodborne, or waterborne outbreak (T).
- (hhhh) Any grouping or clustering of patients having similar diseases, symptoms or syndromes that may indicate the presence of a disease outbreak including those of biological agents associated with terrorism (T).
- (2) No change.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 392.53(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1), 381.0031 (1), (2), (6), 384.23, 384.25, 385.202, 392.53 FS. History–New 12-29-77, Amended 6-7-82, 11-6-85, Formerly 10D-3.62, Amended 2-26-92, 9-7-93, 11-1-94, 7-21-96, Formerly 10D-3.062, Amended 11-2-98, 7-5-99, 6-4-00,_____.

64D-3.003 Notification by Laboratories.
(1) through (7) No change.

(8) In addition to the reporting requirements pursuant to subsection 64D-3.003(1), F.A.C., each laboratory that obtains a human isolate of *Escherichia coli* O157:H7, or *Neisseria meningitidis* or *Haemophilus influenzae* from a sterile site or *Staphylococcus aureus* with a vancomycin minimum inhibitory concentration (MIC) = or > 8 micrograms per milliliter from any a sterile site shall retain a subculture of the isolate on suitable media for at least six months after receipt of the specimen in the laboratory. In lieu of retaining this subculture, the laboratory is permitted to send the subculture to the Florida Department of Health Central Laboratory, which will maintain a record indicating the date that these subcultures were submitted to the Central Laboratory.

(9) through (10) No change.

(11) Persons submitting specimens for reportable laboratory tests to the Florida Department of Health, pursuant to subsection 64D-3.003(4), F.A.C., are required to supply the laboratories with sufficient information to comply with the provisions of this section.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33 FS. Law Implemented 381.0011, 381.003, 381.0031, 384.25 FS. History–New 12-29-77, Amended 6-7-82, Formerly 10D-3.66, Amended 2-26-92, 7-21-96, Formerly 10D-3.066, Amended 11-2-98, 7-5-99, 6-4-00,_____.

64D-3.0031 Notification by Others.

In addition to the individuals required to report under s. 381.0031, F.S., the following persons are required to report animal bites to humans as well as conditions that they diagnose or suspect in animals pursuant to subsection 64D-3.012(2), F.A.C.:

- (1) Animal control officers operating under s. 828.27, F.S.,
- (2) Animal disease laboratories licensed under s. 585.61, F.S., and
- (3) Wildlife officers operating under s. 372.07, F.S.

Specific Authority 381.0031(6) FS. Law Implemented 381.0031(2),(6) FS. History–New _____.

64D-3.004 Notifiable Disease Case Report Content.

(1) No change.

(2) Information contained in such a report and in related investigatory notes is confidential as provided in Section 381.0031(4), F.S., and will only be released as determined as necessary by the State Health Officer or designee for the protection of the public’s health due to the highly infectious nature of the disease, the potential for further outbreaks, and/or the inability to identify or locate specific persons in contact with the cases.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 392.66 FS. Law Implemented 381.0011(4), 381.003(1), 381.0031(1),(4),(5), 384.25, 392.53 FS. History–New 12-29-77, Amended 6-7-82, Formerly 10D-3.68, 10D-3.068, Amended 7-5-99, 6-4-00,_____.

64D-3.007 Quarantine, Requirements.

(1) Orders regarding quarantine shall be in writing, include an expiration date, and restrict or compel movement or actions by or regarding persons, animals or premises consistent with the protection of public health and accepted health practices except as otherwise governed by (4). Quarantine is an official order that limits the freedom of movement and actions of persons or animals which is deemed necessary in order to prevent the spread of a notifiable disease or other disease condition. The county health department director or administrator or the State Health Officer shall determine which persons or animals are subject to quarantine and shall issue appropriate instructions in writing, including an expiration date.

(2) For the purpose of orders regarding quarantine, the term "actions" encompasses isolation, closure of premises, testing, destruction, disinfection, treatment, and preventive treatment, including immunization. Quarantine orders shall be in effect for a time period in accord with accepted public health practice, and shall be no more restrictive nor longer in duration than is reasonably necessary to protect the public's health.

(3) Subjects or objects of quarantine orders shall be accessible at all times to the Department or its designees for purposes related to declaration, enforcement, maintenance, modification or abolition of such orders. The county health department decisions regarding the testing and euthanasia of animals maintained in quarantine for the purposes of human disease control and prevention shall be made according to the guidelines as set forth in the document "Rabies Prevention and Control in Florida, 2000," incorporated by reference as indicated in subparagraph 64D-3.013 (2)(c)2., F.A.C. Such an order shall be issued in writing and shall be enforced by local officials as required in s. 381.0012(5), F.S.

(4) For zoonosis control and prevention, any animal determined by the department to be a significant threat to human health shall be humanely euthanized in accordance with the American Veterinary Medical Association's 2000 Report of the AVMA Panel on Euthanasia, which is incorporated herein by reference. Such an order shall be issued in writing.

Specific Authority 381.0011(6)(a),(13), 381.003(2), 384.33 FS. Law Implemented 381.0011(6), 381.0012, 381.003(1), 381.00315(1)(b)4., 384.28, FS. History—New 12-29-77, Amended 6-7-82, Formerly 10D-3.81, Amended 7-21-96, Formerly 10D-3.081, Amended 6-4-00, _____.

64D-3.0071 Public Health Emergency.

(1) Solely for purposes of Section 381.00315(1)(b)4., Florida Statutes:

(a) "Quarantine" refers to the isolation and closure aspects of quarantine under Section 381.0011(6), Florida Statutes. See Rule 64D-3.007, F.A.C.

(b) "Practical method of quarantine" means a location where a person infected with or exposed to a communicable disease that threatens public health will have food, clothing,

and shelter as necessary while isolated from contact with people who have not been infected with that disease or immunized against that infection.

(2) Where quarantine is used pursuant to Section 381.00315(1)(b)4., Florida Statutes, the subject individual may choose isolation in their domicile and such closure as needed to ensure that isolation, unless the Department determines that the subject individual's domicile is not a practical method of quarantine.

Specific Authority 381.0011(6)(a),(13), 381.003(2) FS. Law Implemented 381.0011(6), 381.0012, 381.003(1), 381.00315(1)(b)4. FS. History—New _____.

64D-3.012 Diseased Animals.

(1) No person shall bring into this state or offer for sale domestic or feral animals infected with a disease communicable from animals to humans.

(2) Any grouping or clustering of animals having similar diseases, symptoms or syndromes that may indicate the presence of a threat to humans including those for biological agents associated with terrorism shall be reported.

Specific Authority 381.0011(4),(6),(13), 381.003(2), 381.0031(6) FS. Law Implemented 381.0011(6),(10), 381.003(1), 381.0031(1), 823.04 FS. History—New 12-29-77, Amended 6-7-82, Formerly 10D-3.90, 10D-3.090, Amended _____.

64D-3.013 Procedures for Control of Specific Communicable Diseases.

(1) No change.

(2) Rabies.

(a) Reporting of Suspected Human Exposure to Rabies – Any person having knowledge of an incident in which a person is bitten by or otherwise exposed to any known or suspected rabid animal shall notify the county health department director or administrator or designee within 24 hours of exposure (or the next business day) by telephone, other electronic means, or in writing.

(b) No change.

(c) Rabies Control in Animals.

1. No change.

2. The county health department director or administrator or the designee shall cause to be captured, confined, or seized capture, confine or seize suspected rabid animals and isolate and quarantine or humanely euthanize and provide for laboratory examination, as outlined in the guidebook, Rabies Prevention and Control in Florida, 2003 2000; incorporated by reference in this rule. This includes animals involved in human exposure (bite and non-bite) and animals exposed to rabid or suspected rabid animals. Other methods of controlling rabies in domestic or wild animals shall be administered by order of the county health department director or administrator or the designee according to recommendations of the Florida Rabies Advisory Committee published in the "Rabies Prevention and Control in Florida"; incorporated by reference in this rule. This

document may be obtained from the Department of Health, Bureau of Epidemiology, Bald Cypress Way, Bin A-12, Tallahassee, Florida 32399-1720.

- 3. No change.
- (d) No change.
- (3) through (6) No change.

(7) All food service establishments serving raw oysters shall display, either on menus, or on table placards, ~~or elsewhere in plain view of all patrons~~, the following notice: "Consumer Information: There is risk associated with consuming raw oysters. If you have chronic illness of the liver, stomach or blood or have immune disorders, you are at greater risk of serious illness from raw oysters, and should eat oysters fully cooked. If unsure of your risk, consult a physician."

Specific Authority 381.0011(6),(13), 381.003(2), 381.006(16), 384.25(2), 384.33 FS. Law Implemented 381.0011(4),(6),(8), 381.003(1), 381.0031, 384.25, 384.27 FS. History—New 12-29-77, Amended 6-14-78, 6-7-82, 11-6-85, Formerly 10D-3.91, Amended 7-5-87, 7-19-89, 2-26-92, 10-20-93, 11-1-94, 7-21-96, Formerly 10D-3.091, Amended 7-5-99, 6-4-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Don Ward, Bureau of Epidemiology, Department of Health
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Landis K. Crockett, M.D., M.P.H., Division Director, Disease Control, Department of Health
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 18, 2002

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Food Stamp Program Income and Expenses
RULE NO.: 65A-1.603
PURPOSE AND EFFECT: The Food Stamp Act of 1977 was amended to allow multiple levels of utility allowances in the Food Stamp Program and to disallow the use of actual utility expenses. The Farm Security and Rural Investment Act of 2002 (P.L. 107-171 – the Farm Bill) eliminated the requirement to prorate utility allowances. This proposed rule amendment states that actual utility expenses are not allowed and clarifies budgeting of standard and basic allowances. Disallowing actual utility expenses is a positive change for most clients, because with this change they will no longer be required to verify their actual utility expenses. Eliminating the requirement to prorate utility allowances will improve efficiency in budgeting by making the process less error prone.
SUMMARY: Due to changes in the Food Stamp Act of 1977, as amended, an actual utility deduction is no longer available in budgeting utility expenses. This rule amendment limits Food Stamp assistance groups to one of three possible utility deductions: the standard utility allowance, the basic utility allowance or the telephone standard. In addition, due to

changes in the 2002 Farm Bill, this rule amendment: makes changes to the budgeting of utilities when expenses are shared; changes budgeting for the basic utility allowance; and, changes budgeting for the telephone standard. Further this rule amendment, deletes utility expenses for an unoccupied home and revises the shelter standard estimate for the homeless.

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: 414.45 FS.

LAW IMPLEMENTED: 414.31 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: 10:00 a.m., March 24, 2003
PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, FL 32399-0700, (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.603 Food Stamp Program Income and Expenses.

- (1) No change.
- (2) Standard Utility Allowance.

(a) A standard utility allowance (SUA) must be used by the Assistance Groups (AGs) who actually incur or, within the next 12 months, expect to incur, either heating or cooling costs or both separate and apart from their rent or mortgage payment. The AGs that must use the SUA include those that:

1. Are billed by their landlord for actual usage of cooling and/or heating utilities, or are charged a flat rate for heating and cooling, separate and apart from their rent or mortgage;
2. Receive direct or mortgage assistance authorized by the Low Income Home Energy Assistance Act of 1981 (LIHEAP); and,
3. Share a utility meter and incur a heating cost, a cooling cost or both. The standard utility allowance contains both a heating and a cooling component. Assistance Groups AGs who are residents of public housing and are billed only for excess utility expenses are entitled to the full SUA will not have the standard utility allowance applied. Actual utility expenses are not allowed. When multiple residences share a common utility meter, only the AGs which are directly billed for a residence may have the standard utility allowance applied. All other residences may, based on their circumstances, have either the full basic utility allowance or the full telephone allowance

~~applied. For multiple AGs living in the same residence, the standard utility allowance is divided by the number of AGs in the residence who contribute toward payment of the utility expense. If more than one AG shares in any of the utility expenses of the dwelling that incurs or has the ability to incur heating or cooling expenses, the full SUA will be allowed for each AG sharing in any of the utility costs of the dwelling. An individual living with others and not sharing in the utility costs of the dwelling, is not entitled to the SUA. When the SUA standard utility allowance is budgeted, no additional utility costs, including the separate telephone expense, will be budgeted. The amount of the standard utility allowance is \$198 194.~~

~~(2)(b) Basic Utility Allowance.~~

~~A basic utility allowance (BUA) will be budgeted for AGs that do not have the ability to incur either heating or cooling expenses, but that have the ability to incur utility costs, other than telephone, separate and apart from their rent or mortgage. Actual expenses are not allowed, households who incur utility expenses other than a telephone expense, but do not incur heating or cooling expenses separate and apart from their rent or mortgage payment. The use of this basic utility allowance is mandatory for all such AGS households who incur a utility expense other than a telephone, including AGs who:~~

- ~~1. Do not incur heating or cooling costs, but pay for other utilities such as electricity, fuel, water, sewage, or garbage pickup; are billed only for excess utility expenses; or~~
- ~~2. Are billed by their landlord for actual usage or are charged a flat rate for utilities separate and apart from their rent and the charges do not include heating and cooling costs; and, share a utility meter with another AG; or,~~
- ~~3. Share a utility meter and pay for utilities, but do not incur heating or cooling costs. If more than one AG shares in paying any of the utility expenses of the dwelling that does not incur or have the ability to incur either heating or cooling costs, the full BUA will be allowed for each AG sharing in the utility costs. An individual living with others and not sharing in the utility expenses of the dwelling is not entitled to share the BUA. The basic utility allowance is \$178 144. If the basic utility allowance is budgeted, no other utility expenses including the separate telephone expense, will be budgeted. pay only a flat rate for utilities For multiple AGs living in the same residence, the basic utility allowance is divided by the number of AGs in the residence who contribute toward payment of the utility expense.~~

~~(3)(e) Telephone Standard.~~

~~AGs whose only allowable utility expense is for a telephone, will be offered a separate standard telephone allowance for use in the food stamp budget. If more than one AG shares in payment of the telephone expense and that is the only utility expense of the dwelling, the full telephone standard will be allowed for each AG sharing in the telephone expense. The amount of the standard telephone allowance is \$14.~~

~~(4)(d) To use any of the allowances, verification must be obtained that the AG actually incurs, or expects to incur, the types level of utility expenses leading to allow the specific allowances. A utility deposit receipt is acceptable verification that an AG incurs a utility expense. When an AG expects to incur an expense, verification of past use of the utility or equipment must be provided. When verification is requested, it must be received within 30 days of the date of the request, or the ESS public assistance specialist will determine the AG's eligibility and allotment without allowing the appropriate allowances. In instances of lack of verification due to the season or when the AG has not lived at its current residence long enough to incur the expense, the applicant's statement will be acceptable unless questionable. If the applicant's statement is questioned by the public assistance specialist, Verification must be provided prior to budgeting the appropriate allowance.~~

~~(3) Utility Expenses for an Unoccupied Home. The utility expenses for a home temporarily unoccupied because of employment or training away from the home, illness, or abandonment caused by a natural disaster or casualty loss, are allowable. For expenses to be included, the assistance group must intend to return to the home and the current occupants of the home, if any, must not be claiming the shelter costs or expenses for food stamp purposes. In addition, the home must not be rented or leased during the absence of the assistance group. An AG is not entitled to claim utility expenses in both temporary housing and the unoccupied home. However, the greater of the two expenses will be allowed in the food stamp budget. Verification as stated in rule subparagraph (2)(d) above must be provided.~~

~~(5)(4) Shelter Standard Estimate for the Homeless. Homeless individuals who incur shelter costs during a month shall have a shelter standard estimate of \$143 included in their food stamp budget, if the individual so desires. The federal shelter standard estimate specified in 7CFR 273.9(d)(5) will be allowed.~~

Specific Authority 414.45 FS. Law Implemented 414.31 FS. History--New 1-31-94, Formerly 10C-1.603, Amended 1-12-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Rodney McInnis, Operations Review Specialist
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Audrey Mitchell, Program
 Administrator, Public Assistance Policy
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: February 19, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 13, 2002

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Developmental Services Program

RULE TITLE:
 Intelligence Tests to be Administered

RULE NO.:
 65B-4.032

PURPOSE AND EFFECT: This rule specifies the intelligence tests to be used in the determination of Mental Retardation for the purpose of imposition of the sentence in felony cases.

SUMMARY: This rule specifies the tests to be administered to determine Mental Retardation in Death Penalty trials. Chapter 921, Florida Statutes has provisions prohibiting the imposition of the death penalty in cases which the defendant is mentally retarded.

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: 921.137 FS.

LAW IMPLEMENTED: 921.137 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., March 28, 2003

PLACE: 1317 Winewood Blvd, Building 3, Room 313, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charles Ball or Michael Hemingway, Developmental Disabilities Program Office, 1317 Winewood Blvd., Building 3, Room 303, Tallahassee, Florida 32399, (850)488-4257

THE FULL TEXT OF THE PROPOSED RULE IS:

65B-4.032 Intelligence Tests to be Administered.

(1) When a defendant convicted of a capital felony is suspected of having or determined to have mental retardation, intelligence tests to determine intellectual functioning as specified in (a) below shall be administered by a qualified professional licensed pursuant to Chapter 490, 491, 458 or 459 Florida statutes. Further, the examiner shall have two or more years of verifiable experience in the administration of intelligence tests. The evaluation shall consist of an individually administered test, which is valid and reliable for the purpose of determining intelligence. If in the opinion of the evaluator, these tests are not appropriate, then said professional shall select an appropriate alternative instrument and the evaluator shall state in writing the reason the instruments specified in (2) below were inappropriate and the justification for the alternative instrument or instruments selected.

(2) Unless determined to be inappropriate in accordance with (1) above, one of the following tests shall be used in capital felony cases.

- (a) The Stanford-Binet intelligence scale
- (b) Wechsler Intelligence Scale.

Specific Authority 921.137 FS. Law Implemented 921.137 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Ball and Michael Hemingway

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Clark

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 24, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 21, 2003

Purchase Order No.: S 6001 HA0561

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
Application; Gold Seal Certificate	65C-20.008
Staffing Requirements	65C-20.009
Health Related Requirements	65C-20.010
Health Records	65C-20.011
Enforcement	65C-20.012
Large Family Child Care Homes	65C-20.013

PURPOSE, EFFECT AND SUMMARY: The rule modifications contained in this document will establish noticing requirements for gold seal accredited providers; incorporate competency based testing requirements; clarify cardiopulmonary resuscitation procedures training requirements; clarify health and safety requirements; incorporate safety standards for swimming pools and other potential water hazards; delete the requirement for documentation of a negative tuberculosis test for child care personnel; clarify licensing requirements; establish standards for training prior to providing child care; clarify record retention requirements; incorporate standards for parental consent; and clarify disciplinary guidelines.

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: 402.305 FS.

LAW IMPLEMENTED: 402.305 FS.

A HEARING WILL BE HELD AT THE TIME, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., April 2, 2003

PLACE: State Regional Service Center, Hurston South Tower, 1st Floor, Room D, 400 West Robinson Street, Orlando, Florida 32801

TIME AND DATE: 10:00 a.m., April 3, 2003

PLACE: Florida Department of Children and Families, District 4 Office, Auditorium 2nd Floor, 5920 Arlington Expressway, Jacksonville, Florida 32211

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vikki Griffin, Management Analyst, 1317 Winewood Blvd. Building 6, Room 387, Tallahassee, FL 32399, (850)921-0701

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-20.008 Application; Gold Seal Certificate.

(1) Application for a license or for renewal of a license to operate a family day care home shall be made on CF-FSP Form 5133, Jan. 2003 ~~Oct. 1996~~, Application for a License to Operate a Family Day Care Home, which is incorporated by reference and can be obtained at the Department of Children and Families local district service center or the local licensing agency.

(2) A completed application for renewal of an annual license must be submitted to the department or local child care licensing agency at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. The renewal application and required forms may be obtained from the local child care licensing office.

(3) Child Care providers accredited by one of the recognized gold seal accrediting agencies as referenced in s. 402.281, F.S., shall notify the department or local licensing agency within 30 days of receipt of their accreditation. Gold Seal providers shall post the current Gold Seal certificate in a conspicuous location at the home.

Specific Authority 402.313, 402.281 FS. Law Implemented 402.313, 402.281 FS. History—New 7-2-98, Amended _____.

65C-20.009 Staffing Requirements.

(1) Personnel.

(a) The family day care home license shall be issued in the name of the operator who must be at least 18 years of age and a resident of the family home. The operator of a family day care may not work out of the home during the hours when the family day care is operating. In the event of rental or leased property the operator shall be the individual who occupies the residence.

(b) Substitutes Arrangements. There shall be a written plan to provide at least one other competent adult, who must be at least 18 years of age, to be available to substitute for the operator on a temporary or emergency basis. This plan shall include the name, address and telephone number of the designated substitute.

(c) Physical Exams. A physical exam completed by a health care provider, which includes physicians, nurse practitioners, and physician's assistants, must be completed within 30 days of licensure or employment and demonstrate that the health of the individual is such that they would be able to provide supervision and care for children. After the initial physical exam, staff shall have exams conducted by their health care provider at least every three years.

(2) Staff Training.

(a) ~~After October 1, 1999, Prior to licensure, all family day care home operators must successfully complete training in the department's 30-clock-hour Family Child Care Home Training course, as evidenced by passage of a competency based examination with a seventy (70) percent or better score. All family day care home operators who have successfully completed the mandatory 30-clock-hour Family Child Care Home training prior to the availability of the competency examinations will not be required to complete the competency based testing documented on the department's CF-FSP Form 5194, May 97, Family Child Care training certificate, which is incorporated by reference. The operator providing care to the children in the family day care home must have a valid training certificate attesting to completion of the Family Child Care Training course.~~

(b) Documentation. The 30-clock-hour Family Child Care Home training must be documented on the department's CF-FSP Form 5194, July 2002, Family Child Care Home Training certificate. Training certificates shall be issued by training coordinating agencies upon successful completion of training.

(c) ~~Family day care home substitutes who work 40 hours or more a month must successfully complete the 30-clock-hour Family Child Care Home training, as evidenced by passage of a competency based examination with a seventy (70) percent or better score, documented on the department's CF-FSP Form 5194, July 2002. All family day care home substitutes who have completed the 30-clock-hour Family Child Care Home training prior to the availability of the competency examination will not be required to complete the competency based testing. Family day care home substitutes who work less than 40 hours a month shall complete the department's 3-clock-hour Fundamentals of Child Care training as course, documented on the department's CF-FSP Form 5155, July 2002 Jan. 98, Fundamentals of Child Care Training certificate, which is incorporated by reference, and must complete infant and child cardiopulmonary resuscitation and first aid training prior to taking care of children. Family day care substitutes who have successfully completed the 30-clock-hour Family Child Care Home training will not be required to complete the 3-clock-hour Fundamentals of Child Care training. The operator of the family day care home must sign a statement attesting to the number of hours the substitute works in their home, which shall be placed in their file.~~

2. Family day care substitutes who work 40 hours or more a month must complete the 30 clock hour Family Child Care Training course, documented on the department's CF-FSP Form 5194, May 97, Family Child Care training certificate, which is incorporated by reference and must complete infant and child cardiopulmonary resuscitation and first aid training prior to taking care of children.

3. The operator of the family day care home must sign a statement attesting to the number of hours that the substitute works in their home which will be placed in their file.

~~(d)~~(b) Prior to initial licensure, family day care home operators must have a valid certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training. The substitute, prior to caring for person providing care to the children in the family day care home, must have a valid certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training. Certificates of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years. On-line CPR courses are not acceptable to meet this standard. CPR training must be done by classroom instruction.

(3) Supervision ~~by Staff.~~

(a) At all times, which includes when the children are sleeping, the operator shall remain responsible for the supervision of the children in care and capable of responding to the emergencies and needs of the children. During the daytime hours of operation, children shall have adult supervision which means watching and directing children's activities, both indoors and outdoors, and responding to each child's needs.

(b) A child who has been placed in an isolation area due to illness must be within sight and hearing of the operator.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended 5-21-00, 7-1-02, _____.

65C-20.010 Health Related Requirements.

(1) General Requirements.

(a) Animals, pets or fowl must be properly immunized, if immunizations are available for the type of animal, pet or fowl, and free of disease.

(b) All areas and surfaces accessible to children shall be free of toxic substances and hazardous materials. All potentially harmful items including cleaning supplies, flammable products, poisonous and toxic materials must be labeled. These items as well as knives, and sharp tools and other potentially dangerous hazards shall be stored in locations inaccessible to the children in care.

(c) All family day care home operators shall inform parents in writing, if someone living in the home smokes. Pursuant to Chapter 386, Florida Statutes, while children are in care, smoking is prohibited within the family day care come and all outdoor play areas. There shall be no smoking in a room where children are present.

(d) At all times when children are in care, ~~f~~Firearms shall be stored in a location inaccessible to children and in accordance with s. 790.174, F.S.

(e) Play areas shall be clean, free of litter, nails, glass and other hazards.

~~(f) Family day care homes caring only for infants under 12 months of age, shall not be required to have an outdoor play area; however, infants in care shall be provided opportunities for outdoor time each day that weather permits. For all other family day care homes, including those providing evening care, t~~The outdoor space shall be fenced, a minimum of 4 feet in height, if the family day care home property borders any of the following:

1. Laned road or laned street open to travel by the public;

2. Road or street open to travel by the public divided by a median;

3. Road or street open to travel by the public where the posted or unposted speed limit is equal to or greater than 25 miles per hour; by municipal or county ordinance, pursuant to s. 316.189, F.S.

~~4. Road or street open to travel by the public where the speed limit, although unposted, is limited to no more than 25 miles per hour by municipal or county ordinance, pursuant to s. 316.189, F.S.; or~~

~~4.5. Lake, ditch, pond, brook, canal or other water hazard. All in-ground swimming pools and above-ground sSwimming pools, more than one foot deep, shall have either a fence or barrier on all four sides be fenced, a minimum of 4 feet in height, separating the home from the swimming pool. The exterior wall of the home does not constitute a fence or barrier. All doors or gates in the fence or barrier shall be locked at all times when children are in care. In the absence of a fence or barrier, swimming pools must be equipped with a pool alarm that is operable at all times when children are in care. In addition to the fence, barrier or pool alarm, the family day care home operator shall ensure that all exterior doors leading to the pool area remain locked at all times while children are in care, and locked to keep the water hazard inaccessible to children, except during the time water related activities are being conducted as a program function. Barriers may be temporary in nature but must meet all the above requirements and be in place during all times when children are in care.~~

(g) If a family day care home uses a swimming pool, it shall be maintained by using chlorine or other suitable chemicals. If the family day care home uses a swimming pool, which exceeds three (3) feet in depth at the family day care home site, one person who has completed a basic water safety course such as one offered by the American Red Cross, YMCA or other organization, must be present when children have access to the swimming area. If the family day care home uses swimming pools not at the site of the family day care home, or takes the children to beach or lake areas for swimming activities, the family day care home operator must provide one person with a certified lifeguard certificate or equivalent, who must be present when children are in the swimming area, unless a certified lifeguard is on duty.

(h) A family day care home must include a designated area where each child can sit quietly or lie down to rest or nap.

(i) When napping, each child in care must be provided safe and sanitary bedding. Bedding means a cot, bed, crib, mattress, playpen or floor mat. Mats must be at least one inch thick and covered with an impermeable surface.

(j) Children one year of age or older may sleep on beds used by the family provided individual linens are provided for each child. Each child shall have a separate bed, cot, crib, playpen, mattress or floor mat, except that two (2) sibling preschool children may share a double bed. When children remain overnight, playpens and mats are not acceptable.

(k) Children up to one (1) year of age must be in their own crib, portacrib or playpen with sides. When napping or sleeping, young infants that are not capable of rolling over on their own shall be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternative position is authorized in writing by a physician. The documentation shall be maintained in the child's record.

(l) A minimum distance of eighteen (18) inches must be maintained between individual napping space.

(m) Potable drinking water shall be available to children of all ages at all times. If disposable cups are used, they must be discarded after each use.

(n) Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

(o) All parts of the home, both indoors and outdoors, including the furnishings, equipment, and plumbing, and the premises shall be kept clean and sanitary, free of hazards, in an orderly condition and in good repair at all times. The family day care home shall have an operable smoke detector and fire extinguisher in compliance with the state fire code, a working telephone, and lighting that allows for safe movement and egress for children in care. At all times, lighting in family day care homes must be sufficient enough to allow the operator to visually observe and supervise children in care. Lighting at a minimum of 20 foot candles for supervision and entering and exiting. The home must have proper ventilation, and the temperature must be maintained between 65 and 82 degrees Fahrenheit.

(p) If the operator chooses to supply food, the operator shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA Food Guide Pyramid for Young Children, March 1999, which is incorporated by reference, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children one year of age and older. The fats and sweets category within the USDA Food Guide Pyramid for Young Children cannot be counted as a food group. Copies of the USDA Food Guide Pyramid for Young Children may be obtained from the district child care licensing office or local licensing agency. Using the USDA Food Guide Pyramid for Young Children; breakfast shall consist of at least three different food groups; lunch and dinner

shall consist of at least four different food groups and snacks shall consist of at least two different food groups. If a special diet is required for a child by a physician, appropriate documentation shall be maintained in the child's file to include the physician's order, a copy of a diet and sample meal plan for the special diet. If the parent or legal guardian notifies the family day care home of any known food allergies, written documentation from a physician must be maintained in the child's file.

(2) Hygiene and Sanitation.

(a) Operators, substitutes, and children shall wash their hands with soap and running water, drying thoroughly, following personal hygiene procedures for themselves, or when assisting others.

(b) Soiled items shall be placed in plastic lined, securely covered containers which are not accessible to children. The container shall be emptied, cleaned and disinfected daily. Children's wet or soiled clothing and crib sheets shall be changed promptly.

(c) Potty chairs, if used, shall be cleaned and sanitized after each use.

(d) Each child shall have his own individually labeled towel and wash cloth. If disposable towels are used they shall be discarded after each use.

(e) When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned with a sanitizing solution after each use. Children must be attended at all times when being diapered or when changing clothes.

(3) First Aid Kit and Emergency Procedures.

(a) The home shall contain a first aid kit that shall be accessible to the operator and kept out of the reach of children. The kit must be clearly labeled "First Aid" and must, at a minimum, include:

1. Soap,
2. Band-Aids or equivalent,
3. Disposable non-porous gloves,
4. Cotton balls or applicators,
5. Sterile gauze pads and rolls,
6. Adhesive tape,
7. Thermometer,
8. Tweezers,
9. In date syrup of ipecac, labeled "DO NOT INDUCE VOMITING UNLESS DIRECTED TO DO SO BY A PHYSICIAN OR POISON CONTROL" 1-800-222282-12223474,
10. Pre-moistened wipes,
11. Scissors, and
12. A current resource guide on first aid and CPR procedures.

(b) Emergency Procedures and Notification

1. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, county public health unit, and the address of and directions to the home, must be posted on or near all telephones and shall be used to protect the health, safety and well-being of any child in care. To meet the immediate needs of the child, family day care home operators shall call 911 or other emergency numbers in the event of an emergency.

2. Custodial parents or legal guardian's shall be notified immediately in the event of any serious illness, accident, injury or emergency to their child and their specific instructions regarding action to be taken under such circumstances shall be obtained. If the custodial parent or legal guardian cannot be reached, the family day care home operator will contact those persons designated by the custodial parent or legal guardian to be contacted under these circumstances, and shall follow the written instructions provided by the custodial parent or legal guardian.

3. All accidents, incidents, and observed health related signs and symptoms which occur at a family day care home must be documented and shared with the custodial parent or legal guardian on the day they occur. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken, and signature of operator and custodial parent or legal guardian. Records of accidents, incidents, and observed health related signs and symptoms must be maintained for one year.

4. Fire drills shall be conducted monthly and shall be conducted at various times when children are in care. A written record shall be maintained showing the date, time, number of children in attendance and time taken to evacuate the home. This record shall be maintained for six months.

5. After a fire or natural disaster, the operator must notify the licensing agency, within 24 hours, in order for the department or local licensing agency to ensure health standards are being met for continued operation as a family day care home.

~~(4) Tuberculosis:~~

~~(a) All family day care home operators, household members over twelve (12) years of age, and substitutes must have the results of a negative tuberculosis test administered within the past two years prior to the issuance or re-issuance of the license, or if positive, must provide written medical authorization to work around children.~~

~~(b) Documentation of the tuberculosis results must be maintained in the family day care home file.~~

~~(4)(5) Communicable Disease Control.~~

(a) The family day care home shall have an isolation area for a child who becomes ill. The child's condition shall be closely observed. Any child who is suspected of having a communicable disease or who has a fever, of 101 degrees Fahrenheit or higher, in conjunction with any other signs of or develops other signs and symptoms which include any of the

following: diarrhea, rash, pink eye, vomiting, or skin infection, shall be placed in the isolation area. Linens and disposables shall be changed after each use. The condition shall be reported to the parent or legal guardian and the child shall be removed from the family day care home. Such children shall not return to the home without medical authorization, or until the signs and symptoms of the disease are no longer present.

(b) A child who has head lice will not be permitted to return until treatment has occurred ~~been accomplished~~. The treatment shall include the removal of all lice, lice eggs and egg cases.

(c) An operator or household member who develops signs and symptoms of a communicable disease which include any of the following: fever (of 101 degrees Fahrenheit or higher), in conjunction with any of the other following signs, diarrhea, rash, pink eye, or skin infection shall leave the areas of the home occupied by the children and shall not return without medical authorization, or until the signs and symptoms are no longer present. If it is the operator who is ill, the substitute must assume the operator's responsibilities.

~~(5)(6) Medication.~~ Family day care homes are not required to give medication, however, if they choose to do so, the following shall apply:

(a) Prescription and non-prescription medication brought to the family day care home by the custodial parent or legal guardian must be in the original container. Prescription medication must have the label stating the name of the physician, child's name, medication and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label. If the parent or legal guardian notifies the family day care home of any known allergies to medication, written documentation from a physician must be maintained in the child's file.

(b) Medicines shall be kept out of the reach of children.

(c) Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian.

(d) A written record documenting the child's name, the name of the medication, date, time and amount of dosage to be given, and the signature of the custodial parent or legal guardian shall be maintained by the family child care provider. This record shall be initialed or signed by the adult who gave the medication.

(e) This record shall be maintained for six months.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended 1-4-01, _____.

65C-20.011 Health Records.

(1) Immunizations. Within 30 days of enrollment, each child must have on file and keep up to date ~~current~~ a completed DH Form 680, Florida Certification of Immunization, Part A-1, B, and or C, (July 2001 ~~Aug. 1998 or Aug. 2000~~), or, DH

Form 681, Religious Exemption from Immunization (May 1999), which is incorporated by reference in subsection 64D-3.011(5), F.A.C., DH Forms 680 and 681 can be obtained from the local county health department. The DH Form 680, Florida Certification of Immunization Parts A-1, Certification of Immunization for K-12 Excluding 7th Grade Requirements or Part B, Temporary Medical Exemption, shall be signed by a physician or authorized personnel licensed under the provisions of Chapter 458, 459, or 460, Florida Statutes and shall document vaccination for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, Haemophilus influenzae type B (HIB), and effective July 1, 2001, completion of the varicella vaccination. The DH Form 680, Florida Certification of Immunization Part C, Permanent Medical Exemptions, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, Florida Statutes.

(2) Children’s Student Health Examination.

(a) Within 30 days of enrollment, each child must have on file a completed DH Form 3040, (June 02 ~~Oct. 96~~), Student Health Examination, which is incorporated by reference, and copies of which are available from the local county health department or the child’s pediatrician. The student health examination shall be completed by a person given statutory authority to perform health examinations. Certification that a health examination has been completed may be documented on the State of Florida, Department of Health, DH Form 3040, June 02, OR a signed statement by an authorized professional that indicates the results of the components included in the health examination.

(b) This Student Health Examination is valid for two (2) years from the date the physical was performed.

(3) Immunization and Health Records.

(a) Immunization and student health examination records are the property of the custodial parent or legal guardian when the child withdraws from care and are transferable to another child care arrangement.

(b) School-age children attending public or nonpublic schools are not required to have student health examination (DH Form 3040) and immunization records (DH 680 or 681) on file at the family day care home as such records are on file at the school where the child is enrolled.

(4) Enrollment and Medical Authorization.

(a) The operator shall obtain enrollment information from the child’s custodial parent or legal guardian, prior to accepting the child in care. This information shall be documented on CF-FSP Form 5219, Dec. 02 ~~Dec 97~~, Child Care Application for Enrollment, which can be obtained from the local Department of Children and Families district service center or the local licensing agency, and is incorporated by reference, or an equivalent that contains all the information required by the department’s form.

(b) Enrollment information shall be kept current and on file for each child in care.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History–New 7-2-98, Amended 5-21-00, _____.

65C-20.012 Enforcement.

(1) Pursuant to section 402.313, F.S., family day care homes may be fined a maximum of \$100 per violation, per day ~~per violation~~ for noncompliance with any of the applicable provisions of sections 402.301-319, F.S.

(2) The operation of a family day care home is prohibited unless registered, or licensed, as required by county ordinance or resolution. The department or local licensing agency shall have the authority to seek an injunction in the circuit court where the home is located to stop the continued operation of a family day care home which is not licensed or registered. For licensed family day care homes, the department or local licensing agency shall also have the authority to seek an injunction in the circuit court where the home is located to stop the continued operation if the family day care home is in violation of the minimum standards.

(3) The family day care operator must allow access to the entire premises of the family day care home to inspect for compliance with family day care minimum standards.

Specific Authority 402.313 FS. Law Implemented 402.313, 402.319(5) FS. History–New 7-2-98, Amended _____.

65C-20.013 Large Family Child Care Homes.

(1) Large Family Child Care Homes. Large family child care homes shall meet all of the requirements in Rules 65C-20.008-.012, F.A.C., in addition to the requirements listed below.

(2) Definitions:

(a) “Full Time Employee,” means one additional staff person at least 18 years of age, who is on the premises of a home operating as a large family child care home.

(b) “Hours of Operation,” means the hours of the day or night that a large family child care home has enough children in care to meet the definition of a large family child care home.

(c) “Large Family Child Care Home,” is defined by s. 402.3131, F.S., and for the purpose of this rule means a home which must have been licensed in the State of Florida as a family day care home for two consecutive years, with an operator who has had a child development associate credential or its equivalent for 1 year, and meet all the requirements of this rule. Large family child care homes must meet and comply with all standards of this rule at all times unless there are insufficient numbers of children in care to meet the definition of a large family child care home, in which case an additional employee is not required.

(d) “Operator,” means the occupant and licensee of the large family child care home who is at least 21 years of age and responsible for the overall operation of the home.

(e) "Substitute," means a competent adult, at least 18 years of age, who is available to substitute for the operator or employee on a temporary or emergency basis.

(3) License.

(a) Application for a license or for renewal of a license to operate a large family child care home shall be made on CF-FSP Form 5238, Jan 2003 Dec. 1999, Application for a License to Operate a Large Family Child Care Home, which is incorporated by reference and can be obtained at the Department of Children and Families local district service center or the local licensing agency. A license to operate a Large Family Child Care Home may be used to operate a Family Day Care Home, when the number of children in care meets the definition of a Family Day Care Home. A license to operate a Family Day Care Home cannot be used to operate a Large Family Child Care Home.

(b) A copy of the annual license shall be posted in a conspicuous location within the large family child care home.

(4) Personnel:

(a) The large family child care home license shall be issued in the name of the operator who must be at least 21 years of age and the occupant of the large family child care home. In the event of rental or leased property the operator shall be the individual who occupies the residence.

(b) The operator of the large family child care home may not work outside of the home during hours when the large family child care home is operating.

(5) Staff Training:

(a) In addition to the successful completion of the 30-clock-hour Family Child Care Home training completed prior to caring for children, large family child care home operators must successfully complete training in Within 90 days of licensure, all large family child care home operators shall begin training in the department's 40-clock-hour introductory course in group child care and shall complete such training within 1 year of the date that the training began. The training shall consist of the 30-clock-hour Family Child Care Training course, documented on the department's CF-FSP Form 5194, May 97 and one of the following 10-clock-hour specialized training modules within six (6) months of licensure:

1. Infant and Toddler Developmentally Appropriate Practices for infants and toddlers.

2. Preschool Developmentally Appropriate Practices for young children.

3. School-Age Developmentally Appropriate Practices for school-age children.

4. Special Needs Developmentally Appropriate Practices for children with special needs.

(b) Documentation. Training certificates are issued by training coordinating agencies upon the successful completion of training. The 10-hour specialized training must be

documented on CF-FSP Form 5166, July 2002 Jan. 98, the Department's Specialized Training Module Certificates, which are incorporated by reference.

(c) Large family child care homes must have one person on the premises during all hours of operation who has a valid certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training.

(d) Employees in a large family child care home shall be at least 18 years of age and within 90 days of employment within the child care field, shall begin the 30-clock-hour Family Child Care Home tTraining course. The training shall be completed within one year of the date on which the training began. The Family Child Care Home tTraining Course must be documented on the department's CF-FSP Form 5194, July 2002 May 97, Family Child Care Home tTraining certificate, which is incorporated by reference.

(e) Substitutes for the operator of large family child care homes shall be at least 18 years of age and shall have successfully completed the 30-clock-hour Family Child Care Home tTraining course, as demonstrated through passage of a competency examination with a seventy (70) percent or higher score. Completion of the 30 hour Family Child Care Home training shall be documented on the department's CF-FSP Form 5194, July 2002 May 97, Family Child Care Training certificate, which is incorporated by reference prior to taking care of children. Substitutes for an employee at a large family child care home less than 40 hours a month shall complete the department's 3-clock-hour Fundamentals of Child Care tTraining course. Substitutes for an employee at a large family child care home who work more than 40 hours a month shall successfully complete the 30-clock-hour Family Child Care Home tTraining course, as demonstrated through passage of a competency examination with a seventy (70) percent or higher score, documented on the form referenced above prior to taking care of children. All large family child care home substitutes who have completed the 30-clock-hour Family Child Care Home training prior to the availability of the competency examination will not be required to complete the competency based testing.

(6) Supervision.

(a) In a large family child care home direct supervision must be maintained at all times during the hours of operation. Direct supervision means watching and directing children's activities within the area designated as usable indoor floor space or outdoor play space and responding to each child's need.

(b) Additional Supervision Requirements.

1. In addition to the number of staff required to meet staff to child ratios, if there are more than 6 preschoolers participating on field trips away from the large family child care home, there must be one additional adult present, per each 6 preschoolers, to provide direct supervision to the children. If

~~there are more than 6 preschoolers participating on field trips away from the large family child care home an additional adult must be present during the field trip for the purpose of safety and to assist in providing direct supervision.~~ Where some children remain in the home the adult supervision as required in s. 402.302(8), F.S., shall be maintained. At no time shall the total number of children exceed the capacity as defined in s. 402.3131, F.S.

1. An additional adult must be present during all water activities, for the purpose of safety, to assist in providing direct supervision. If a large family child care home uses a swimming pool which exceeds 3 feet in depth or uses beach or lake areas for water activities, the large family child care home must provide one person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty and present when children are in the swimming area.

(7) Transportation.

(a) When any vehicle is regularly used by a large family child care home to provide transportation, the driver shall have a current Florida driver's license in accordance with ss. 322.01-.70, Florida Statutes.

(b) All large family child care homes must maintain current insurance coverage on all vehicles used to transport children in care, and documentation thereof ~~comply with the inspection responsibilities and insurance requirements found in s. 316.615, F.S.~~

(c) The maximum number of individuals transported in a vehicle may not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

(d) Each child, when transported, must be in an individual factory installed seat belt or federally approved child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute.

(e) An adult must remain within sight and sound of children being transported in a vehicle so as to be able to respond to the needs of the children at all times.

(f) Prior to transporting children and upon the vehicle(s) arrival at its destination the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:

1. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of six months. The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify driver's log and the fact that all children have left the vehicle.

2. Upon arrival at the destination the driver of the vehicle shall:

a. Mark each child off the log as the child departs the vehicle,

b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

c. Sign the log verifying that all children were all accounted for and that the visual sweep was conducted.

3. Upon arrival at the destination a second staff member shall:

a. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

b. Sign the log verifying that all children were accounted for and drivers log is complete.

(g) Smoking is prohibited in all vehicles being used to transport children.

(8) Planned and Unplanned Activities.

Each age group or class must have a written and followed plan of scheduled activities posted in a place accessible to the parents. The written plan must meet the needs of the children being served and include scheduled activities which:

1. Promote emotional, social, intellectual and physical growth.

2. Include quiet and active play, both indoors and outdoors.

3. Include meals, snacks, and nap times, if appropriate for the age and the times the children are in care.

(b) A permission and transportation release form signed by the parent or legal guardian of the children in care must be on file for planned and unplanned activities.

1. A telephone or other means of instant communication shall be available to the operator, employee or other adult responsible for children during all field trips.

2. Emergency medical forms signed by the parent or legal guardian and emergency contact numbers must accompany the children on all field trips.

(9) Child Discipline.

(a) Large family child care homes shall adopt a discipline policy consistent with s. 402.305(12), F.S.

(b) All child care personnel ~~Each staff member~~ of the large family child care home shall comply with the facility's written disciplinary policy. Such policies shall include standards that prohibit children from being subjected to discipline which is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited by all child care personnel.

(b) Copy of the discipline policy must be available for review by the licensing authority, ~~in order to determine compliance with s. 402.305(12), F.S.~~

(10) General Requirements.

(a) Fire Safety. Large family child care homes shall conform to state standards adopted by the State Fire Marshal, Chapter 4A-36, Florida Administrative Code, Uniform Fire Safety Standards for Child Care Facilities and shall be inspected annually.

(b) Indoor Floor Space and Indoor Equipment.

1. A large family child care home must have 35 square feet of usable indoor floor space per child which does not include bedrooms unless it can be demonstrated that these bedrooms are used as multipurpose activity rooms.

2. Usable indoor floor space refers to that space available for indoor play and activities. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

3. Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

4. Where infants are in care, they shall have open indoor floor space outside of cribs and playpens.

5. Large family child care homes shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity for each child to be involved in activities.

6. Toys, equipment and furnishings must be safe and maintained in a sanitary condition.

(c) Outdoor Play Space and Outdoor Equipment.

1. At all large family child care homes the outdoor play space shall be fenced, a minimum of 4 feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free from erosion or buildup, to prevent inside or outside access by children or animals.

2. All large family child care homes must have a minimum of 270 square feet of usable outdoor play space located on their property and which is exclusively used for the children attending or residing at the large family child care home. Large family child care homes caring only for infants under 12 months of age, shall not be required to have an outdoor play space; however, infants in care shall be provided opportunities for outdoor time each day that weather permits.

3. All large family child care homes shall provide equipment and play activities suitable to each child's age and development.

4. All play equipment shall be securely anchored, unless portable by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include ~~routine~~ checks at least every other month of all supports, above and below the ground, all connectors, and moving parts.

5. Permanent playground equipment must have a ground cover or other protective surface under the equipment which provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

6. All equipment, fences, and objects on the large family child care home's premises shall be free of sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one area.

7. All equipment used in the outdoor play area shall be constructed to allow for water drainage and maintained in a safe and sanitary condition.

(d) Emergency Procedures and Notification.

1. The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the operator, employee and children may exit each area of the home in the event of fire or other emergency requiring evacuation. This plan shall be posted or shared with the employees and parents.

2. In addition to conducting fire drills as specified in 65C-20.010(3)(b)4., F.A.C., the large family child care home shall maintain the fire drill record on the premises for twelve months.

(11) Enforcement. Pursuant to section 402.3131, F.S., the department or local licensing agency shall deny, suspend, revoke a license, or impose an administrative fine for the violation of any provision of ss. 402.301-402.319, F.S., or rules adopted thereunder.

Specific Authority 402.3131 FS. Law Implemented 402.3131, 402.302, 402.305 FS. History--New 5-21-00, Amended 1-4-01, 7-1-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vikki Griffin, Management Analyst, 1317 Winewood Blvd., Building 6, Room 387, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, 1317 Winewood Blvd., Building 6, Room 389-A, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2003

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
General Information	65C-22.001
Physical Environment	65C-22.002
Training	65C-22.003
Health Related Requirements	65C-22.004
Food and Nutrition	65C-22.005
Record Keeping	65C-22.006

PURPOSE, EFFECT AND SUMMARY: The rule modifications contained in this document will establish noticing requirements of gold seal accreditation; establish an exemption from licensure for programs providing child care for children in grades 6 and above; incorporate competency based testing standards; clarify health and safety requirements; incorporate safety standards for swimming pools and other potential water hazards; incorporate by reference updated documents including current Uniform Fire Safety Standards; delete the requirement for documentation of a negative tuberculosis test for child care personnel, clarify licensing

requirements; establish standards for training prior to providing child care; establish disciplinary standard guidelines; and incorporate standards for parental consent.

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: 402.305 FS.

LAW IMPLEMENTED 402.305 FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., April 2, 2003

PLACE: State Regional Service Center, Hurston South Tower, 1st Floor, Room D, 400 West Robinson Street, Orlando, Florida 32801

TIME AND DATE: 10:00 a.m., April 3, 2003

PLACE: Florida Department of Children and Family Services, District 4 Office, Auditorium 2nd Floor, 5920 Arlington Expressway, Jacksonville, Florida 32211

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vikki Griffin, Management Analyst, 1317 Winewood Blvd. Building 6, Room 387, Tallahassee, FL 32399, (850)921-0701

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-22.001 General Information.

(1) Application.

(a) Application must be made on CF-FSP Form 5017, Jan. 2003 Jan. 98, Application For A License To Operate A Child Care Facility, which is incorporated by reference.

(b) Each completed application must be submitted with the licensure fee.

(c) The completed application must be signed by the individual owner, or prospective owner, or the designated representative of a partnership, association, or corporation.

(d) A completed application for renewal of an annual license must be submitted to the department or local child care licensing agency at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. The renewal application and required forms may be obtained from the local child care licensing office.

~~(e)~~ In order to operate as an urban child care facility, the child care facility must provide documentation at the time of application that the outdoor play space requirement cannot be met, and must receive approval from the licensing authority. An urban child care facility will not be approved if outdoor space is found by the department or local licensing agency to be available.

(2) License.

(a) A child care facility license is issued in the name of the owner, partnership, association, or corporation.

(b) In compliance with Section 402.305(19), F.S., at least one week prior to changing ownership of a child care facility, one of the following methods of notification to parents or guardians must be observed:

1. Posting a notice in a conspicuous location at the facility.
2. Incorporating information in any existing newsletter.
3. Individual letters, or fliers.

(c) Child Care facilities accredited by one of the recognized gold seal accrediting agencies as referenced in s. 402.281, F.S., shall notify the department or local licensing agency within 30 days of receipt of their accreditation. Gold Seal providers shall post the current Gold Seal certificate in a conspicuous location at the facility.

(3) Minimum Age Requirements. In the absence of the operator, there must be a staff person at least 21 years of age in charge of the child care facility and on the premises at all times.

(4) Ratios.

(a) The staff-to-children ratio, as established in Section 402.305(4), F.S., is based on primary responsibility for the direct supervision of children and applies at all times while children are in care.

(b) Mixed Age Groups.

1. In groups of mixed age ranges, where children under 1 year of age are included, one staff member shall be responsible for no more than 4 children of any age group.

2. In groups of mixed age ranges, where children 1 year of age but under 2 years of age are included, one staff member shall be responsible for no more than 6 children of any age group.

(5) Supervision.

(a) Direct supervision means watching and directing children's activities within the same room or designated outdoor play area and responding to each child's need. Child care personnel at a facility must be assigned to provide direct supervision to a specific group of children and be present with that group of children at all times. When caring for school age children, child care personnel shall remain responsible for the supervision of the children in care and capable of responding to emergencies, and are accountable for children at all times, which includes when children are separated from their groups.

(b) During nap time, supervision means sufficient staff in close proximity, within sight and hearing of all the children. All other staff to meet the required staff-to-children ratio shall be within the same building on the same floor and be readily accessible and available to be summoned to ensure the safety of the children.

(c) No person who uses, or is under the influence of, narcotics, alcohol, or other impairing drugs, which affects their ability to provide supervision and safe child care, shall be an operator, owner, or employee in a child care facility.

(d) Additional Supervision Requirements.

1. In addition to the number of staff required to meet the staff to child ratio, one additional adult ~~An additional adult~~ must be present on all field trips away from the child care facility, for the purpose of safety, to assist in providing direct supervision.

2. An additional adult must be present during all water activities, for the purpose of safety, to assist in providing direct supervision. If a child care facility uses a swimming pool which exceeds 3 feet in depth or uses beach or lake areas for water activities, the child care facility must provide one person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty and present when any children are in the swimming area.

3. A telephone or other means of communication shall be available to staff responsible for children during all field trips. Cell phones, two-way radio devices, citizen band radios, and other means of instant communication are accepted.

(6) Transportation. For the purpose of this section, vehicles refer to those owned/operated or regularly used by the child care facility, and vehicles that provide transportation through a contract or agreement with an outside entity.

(a) When any vehicle is regularly used by a child care facility to provide transportation, the driver shall have a current Florida driver's license and an annual physical examination which grants medical approval to drive.

(b) All child care facilities must comply with the inspection responsibilities and insurance requirements found in Section 316.615, F.S.

(c) All vehicles regularly used to transport children shall be inspected annually, by a mechanic, to ensure proper working order. Documentation by the mechanic shall be maintained in the vehicle.

(d) The maximum number of individuals transported in a vehicle may not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

(e) Each child, when transported, must be in an individual factory installed seat belt or federally approved child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute.

(f) When transporting children, staff to child ratios must be maintained at all times. The driver may be included in the staff to child ratio. Prior to transporting children and upon the vehicle(s) arrival at its destination the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:

1. A log shall be maintained for all children being transported in the vehicle. The log shall include each child's name, date, time of departure and time of arrival, signature of

driver and signature of second staff member to verify driver's log and the fact that all children have left the vehicle. The log shall be retained for a minimum of four months.

2. Upon arrival at the destination the driver of the vehicle shall:

a. Mark each child off the log as the child departs the vehicle,

b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

c. Sign the log verifying that all children were all accounted for and that the visual sweep was conducted.

3. Upon arrival at the destination a second staff member shall:

a. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

b. Sign the log verifying that all children were accounted for and drivers log is complete.

(7) Planned Activities.

(a) Each age group or class must have a written and followed plan of scheduled activities posted in a place accessible to the parents. The written plan must meet the needs of the children being served and include scheduled activities which:

1. Promote emotional, social, intellectual and physical growth.

2. Include quiet and active play, both indoors and outdoors.

3. Include meals, snacks and nap times, if appropriate for the age and the times the children are in care.

(b) Parents must be advised in advance of each field trip activity. The date, time and location of the field trip must be posted in a conspicuous location at least 2 working days prior to each field trip. Written parental permission must be obtained, either in the form of a general permission slip, or prior to each field trip activity. If special circumstances arise where notification of an event cannot be posted for 2 working days then individual permission slips must be obtained from each parent.

(8) Child Discipline.

(a) Verification that the child care facility has provided, in writing, the disciplinary practices used by the facility shall be documented on the enrollment form, with the signature of the custodial parent or legal guardian.

(b) All child care personnel ~~Each staff member~~ of the child care facility must comply with the facility's written disciplinary practices. Such policies shall include standards that prohibit children from being subjected to discipline which is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited by all child care personnel.

(c) A copy of the facility's current written disciplinary practices must be available to the licensing authority to review for compliance with Section 402.305(12), F.S.

(9) Access. A child care facility must provide the custodial parent or legal guardian access, in person and by telephone, to the child care facility during the facility's normal hours of operation or during the time the child is in care.

Specific Authority 402.305, 402.281 FS. Law Implemented 402.305, 402.3055, 402.308, 402.281 FS. History—New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, _____.

65C-22.002 Physical Environment.

(1) General Requirements.

(a) Pursuant to Section 402.305(5), F.S., school age programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements ~~State Uniform Building Code~~ for Public Educational Facilities.

(b) All programs, regardless of the location, providing child care exclusively for children in grades 6 and above shall be exempt from licensure under this rule.

~~(c)~~^(b) All child care facilities must be in good repair, free from health and safety hazards, clean, and free from vermin infestation. During the hours that the facility is in operation, no portion of the building shall be used for any activity which endangers the health and safety of the children.

~~(d)~~^(e) All areas and surfaces accessible to children shall be free of toxic substances and hazardous materials.

~~(e)~~^(d) Animals must be properly immunized, free of disease, and clean.

~~(f)~~^(e) All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items as well as knives and sharp tools shall be stored in locations inaccessible to the children in care.

~~(g)~~^(f) No firearms shall be kept on the premises.

~~(h)~~^(g) No narcotics, alcohol, or other impairing drugs shall be present on the premises.

~~(i)~~^(h) Pursuant to Chapter 386, Florida Statutes, ~~s~~Smoking is prohibited within the child care facility, ~~and~~ all outdoor play areas, and in vehicles when being used to transport children.

(2) Rooms Occupied by Children.

(a) All rooms must have and maintain lighting the equivalent of 20 foot candles at three feet from the floor to allow for supervision and for safe methods of entering and exiting each room. At all times lighting must be sufficient enough to visually observe and supervise children, including during naptime.

(b) An inside temperature of 65° to 82° F. must be maintained at all times.

(c) All rooms shall be kept clean, adequately ventilated and in good repair. Cleaning shall not take place while rooms are occupied by children except for general clean-up activities which are a part of the daily routine.

(d) Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

(3) Indoor Floor Space.

(a) A child care facility that held a valid license on October 1, 1992, must have a minimum of 20 square feet of usable indoor floor space for each child. A child care facility that did not hold a valid license on October 1, 1992, and seeks regulatory approval to operate as a child care facility, must have a minimum of 35 square feet of usable indoor floor space for each child.

(b) Usable indoor floor space refers to that space available for indoor play, classroom, work area, or nap space. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

(c) Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

(d) Where infants are in care, they shall have open indoor floor space outside of cribs and playpens. The space used for play may be interchangeable with space used for cribs and play pens.

(4) Outdoor Play Area.

(a) There shall be a minimum of forty-five (45) square feet of usable, safe and sanitary outdoor play area per child, one (1) year of age and older. A minimum outside play area shall be provided for one-half (1/2) of this identified population.

(b) The outdoor play area shall be calculated at the rate of forty-five (45) square feet per child in any group using the play area at one time.

(c) The outdoor play area shall be clean, free of litter, nails, glass and other hazards.

1. The outdoor play area shall provide shade.

2. During outdoor play, personnel must situate themselves in the outdoor play area so that all children can be observed and direct supervision provided.

(d) The facility's outdoor play area shall be ~~adequately~~ fenced in accordance with accepted safety practices and local ordinances to prevent access by children to all water hazards, within or adjacent to outdoor play areas, such as pools, ditches, retention and fish ponds.

(e) The outdoor play area shall have and maintain safe and adequate fencing or walls a minimum of four (4) feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free

from erosion or build-up, to prevent inside or outside access by children or animals. A fence is not required if all the following conditions are met:

1. The children using the outdoor play area are in five-year-old kindergarten and grades one or above;

2. In addition to the established staff-to-children ratios, for the purpose of safety, an additional staff member is present, during all times of outdoor activities, to assist in providing direct supervision;

3. The outdoor play area is not located adjacent to a congested, heavily trafficked location or near any major intersections, crowded business areas, or water hazards; and

4. The department or local licensing agency has provided written authorization to the program to operate without a fence.

(f) For the purposes of a licensed urban child care facility, an additional minimum of 45 square feet of usable indoor play space for 25% of the licensed capacity shall be substituted for outdoor play space. The urban child care facility must provide this additional indoor space with equipment that provides physical activities appropriate for the age of the children.

(g) Infants in care shall be provided opportunities for outdoor time each day that weather permits.

(5) Napping and Sleeping Space. For the purposes of these standards, sleeping refers to the normal overnight sleep cycle while napping refers to a brief period of rest during daylight or early evening hours.

(a) Each facility must include a designated area where a child can sit quietly and lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably.

(b) When napping or sleeping, each child in care must be provided safe and sanitary bedding. Bedding means a cot, bed, crib, playpen, mattress or floor mat. Floor mats must be at least one inch thick and covered with an impermeable surface. Floor mats and playpens may not be used for care when children are sleeping. Bedding must be appropriate for the child's size. Bedding is not required for school age children, however, the program or facility shall provide an area as described in paragraph 65C-22.002(5)(a), F.A.C., for those children choosing to rest.

(c) Linens, if used, must be laundered at least once each week and more often if soiled or dirty. Linens, if used for more than one child shall be laundered between usage. Linens must be provided when children are sleeping and pillows and blankets must be available.

(d) Linens must be stored in a sanitary manner.

(e) A minimum distance of eighteen (18) inches must be maintained around individual napping and sleeping spaces. Exit areas must remain clear in accordance with fire safety regulations.

(f) Children up to one (1) year of age must be in their own crib, portacrib or playpen with sides. When napping or sleeping, young infants that are not capable of rolling over on

their own should be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternate position is authorized in writing by a physician. The documentation shall be maintained in the child's record. Crib sides must be raised and secured while an infant is in the crib. Cribs must meet the construction regulations as outlined in Title 16, Parts 1508 & 1509, Code of Federal Regulations.

(g) No double or multi-deck cribs, cots or beds may be used.

(6) Toilet and Bath Facilities.

(a) Each child care facility shall provide and maintain toilet and bath facilities, which are easily accessible and at a height usable by the children. Platforms are acceptable when safely constructed and easily cleaned and sanitized.

(b) For facilities having from one to fifteen children, there shall be one toilet and one wash basin. There shall be one additional toilet and basin for every thirty children thereafter.

1. If only diapered infants babies are cared for in the facility, there need be only one toilet plus two basins for each thirty infants.

2. Potty chairs, if used, shall be in addition to the toilet requirements and shall be cleaned and sanitized after each use.

(c) Toilet facilities shall not open directly into an area where food is prepared. A toilet facility may open directly into an area used by children where food is served.

(d) Children must receive supervision and care in accordance with their age and required needs and be accounted for at all times while bathing or toileting.

(e) At least one portable or permanent bath facility shall be provided and be available for bathing children, unless the program exclusively serves school age children.

(f) Running water, toilet paper, disposable towels or hand drying machines that are properly installed and maintained, soap and trash receptacles shall be available and within reach of children using the toileting facility.

(g) Each basin and toilet must be maintained in good operating condition and sanitized as needed, at least once per day.

(7) Fire Safety.

(a) Unless statutorily exempted, all child care facilities shall conform to state standards adopted by the State Fire Marshal, Chapter 4A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities and shall be inspected annually. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the department or local licensing agency.

(b) There shall be at least one operable corded telephone in the child care facility which is neither locked nor located at a pay station and is available to all staff during the hours of operation, ~~even in the event of a power outage.~~

(c) Fire drills shall be conducted monthly and shall be conducted when children are in care. A current attendance record must accompany staff out of the building during a drill or actual evacuation and be used to account for all children.

(8) Health and Sanitation.

(a) General Requirements.

1. All buildings, when the windows or doors are open, must ~~have and maintain~~ be screened to prevent entrance of any insect or rodent. Screens are not required for open air classrooms and picnic areas.

2. Following personal hygiene procedures for themselves or when assisting others, employees, volunteers, and children shall wash their hands with soap and running water, drying thoroughly.

3. Safe drinking water shall be available to all children. If disposable cups are used, they must be discarded after each use.

4. If the children are sleeping overnight in the facility, child care staff must ensure accepted bedtime routines, such as brushing teeth and face and hand washing. Toothbrushes, towels and wash cloths may not be shared.

(b) Diapering Requirements.

1. Hand washing facilities which include a basin with running water, disposable towels or hand drying machines that are properly installed and maintained, soap, and trash receptacle shall be maintained available in the infant room or in an adjoining room which opens into the room where infants or children with special needs in diapers are in care. Hands shall be washed and dried thoroughly after each diapering or toileting procedure. Handwashing sinks shall not be used for food service preparation or food clean up.

2. When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned with a sanitizing solution after each use. Children must be attended at all times when being diapered or when changing clothes.

3. Diaper changing shall be in a separate area from the feeding or food service area.

4. There shall be a supply of clean diapers, clothing and linens at all times, which shall be changed or removed promptly when soiled or wet.

5. Soiled disposable diapers shall be disposed of in a plastic lined, securely covered container, which is not accessible to children. The container shall be emptied and sanitized at least daily.

6. Soiled cloth diapers shall be emptied of feces in the toilet and placed in a securely covered container which is not accessible to children. The container shall be emptied and sanitized daily.

(9) Equipment and Furnishings.

(a) Indoor Equipment.

1. A child care facility shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity for each child to be involved in activities.

2. Toys, equipment and furnishings must be safe and maintained in a sanitary condition.

(b) Outdoor Equipment.

1. A child care facility shall provide and maintain equipment and play activities suitable to each child's age and development.

2. All play equipment shall be securely anchored, unless portable by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include ~~routine~~ checks at least every other month, of all supports, above and below the ground, all connectors, and moving parts.

3. Permanent playground equipment must have a ground cover or other protective surface under the equipment which provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

4. All equipment, fences, and objects on the facility's premises shall be free of sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one area.

5. All equipment used in the outdoor play area shall be constructed and maintained to allow for water drainage and maintained in a safe and sanitary condition.

Specific Authority 402.301, 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, _____.

65C-22.003 Training.

(1) Definitions.

(a) "Training Coordinating Agencies" are authorized contract providers, designated by the department and responsible for the coordination of child care personnel training at the district/regional level.

(b) "CDA," Child Development Associate is a national credential, recognized throughout the United States and the world, issued by the Council for Early Childhood Professional Recognition in Washington, DC.

(c) "State Approved CDA Equivalency," is a training program that has been approved by the department as meeting or exceeding the criteria established for an equivalency program.

(d) "Director," for the purpose of this section and consistent with the statutory definition of operator, refers to the onsite administrator or individual of a child care facility who has the primary responsibility for the day-to-day operation, supervision and administration of the child care facility.

(e) "Director Credential," also referred to as "Florida Child Care and Education Program Administrator Credential," means a comprehensive credentialing program consisting of two levels of education and experiential requirements as outlined in subsection 65C-22.003(7), F.A.C.

(f) "Before-school and after-school sites," for the purposes of this section means, programs, no matter their location, providing child care for children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, during the school district's calendar year. This is limited to programs providing care before and after the school day only, teacher planning days, holidays, and intercessions that occur during the school district's official calendar year.

(g) "Begin training for child care personnel," means to commence coursework or complete a competency examination for one of the statutorily mandated child care training modules. The begin date for training is the initial date an individual commences training in the child care field.

(2) Training Requirements.

(a) The 40 hour Introductory Child Care Training requirement is divided into two parts. Part I is outlined in Section 402.305(2)(d), F.S., and is comprised of 30 hours of training, consisting of the department's training modules, identified below:

1. State & Local Rules and Regulations.
2. Health, Safety, and Nutrition.
3. Identifying and Reporting Child Abuse & Neglect.
4. Child Growth & Development.
5. Behavioral Observation and Screening.

Part II is comprised of 10 hours of training, consisting of a selection of one of the department's specialized training modules, identified below. Part II consists of five specialized training modules any of which child care personnel can choose to attend and together with Part I will complete the 40 hour training requirement

1. Infant and Toddler Developmentally Appropriate Practices for infants and toddlers;
2. Preschool Developmentally Appropriate Practices for young children;
3. School-Age Developmentally Appropriate Practices for school-age children;
4. Special Needs Developmentally Appropriate Practices for children with special needs.
5. Owners/Operators of child care programs.

(b) Child care personnel hired on or after October 1, 1992, must successfully complete Part I and Part II of the department's 40 hour Introductory Child Care Training course requirement. Successful completion of the 40 hour training requirement is evidenced by passage of competency examinations with a seventy (70) percent or better score. Child care personnel who have completed the mandatory 40

hour Introductory Child Care Training prior to the availability of the competency examinations will not be required to complete the competency based testing.

(c) Documentation. Training certificates are issued by training coordinating agencies upon the successful completion of training.

1. Part I, Modules I through IV, must be documented on CF-FSP Form 5154, July 2002 Oct. 96, Part I, Module V, must be documented on CF-FSP 5243, July 2002 Sept. 2000, and Part II must be documented on CF-FSP Form 5166, July 2002 Oct. 96, the Department's Specialized Training Module Certificates (Part II), which are incorporated by reference.

2. The original certificate of completion is the property of the individual and a copy of the certificate must be included in the child care personnel record and maintained at each facility.

(3) Exemptions from Part I of the Introductory Child Care Training Course.

(a) Examination Exemptions.

(a) Child care personnel can be exempt from any of the 40 hour five (5) Introductory Child Care Training modules by successfully completing competency examinations module exemption tests with a seventy (70) percent or better score. Competency examinations Exemption tests will be offered by the training coordinating agency, or its designee.

(b) Educational Exemptions.

1. (b) Training coordinating agencies shall exempt child care personnel with one of the following educational qualifications, from the Health, Safety and Nutrition, module and the Child Growth and Development and Behavioral Observation and Screening Modules: module:

- a. 1. Two year degree or higher with 6 college credit hours in early childhood/child growth and development.
- b. 2. Child Development Associate credential, state-approved Florida CDA Equivalency course, or CDA Exemption Waiver certificate.

2. Training coordinating agencies shall exempt child care personnel with a B.A., B.S. or advanced degree in Early Childhood Education from the Infant and Toddler Appropriate Practices module or Preschool Appropriate Practices module.

3. Training coordinating agencies shall exempt child care personnel with a B.A., B.S. or advanced degree in Elementary Education from the School-Age Appropriate Practices module.

4. Training coordinating agencies shall exempt child care personnel with a B.A., B.S. or advanced degree in Exceptional Student Education from the Special Needs Appropriate Practices module.

(4) Trainer Qualifications. Qualified child care professionals approved eligible to teach the department's child care training modules introductory child care training course (Part I), the specialized training modules (Part II), 30-clock-hour Family Child Care Training course and the 3-Hour Fundamentals of Child Care training course; at a minimum must meet the following qualifications:

(a) Be at least 21 years old.

(b) Complete the 6-clock-hour Train-the-Trainer child care trainer course developed by the department.

~~(c) Complete each of the training modules (Part I and Part II).~~

~~(c)~~ Meet one of the following educational experiential credentials verified by the training coordinating agency:

1. Four year college degree or higher with 6 college credit hours in early childhood/child growth and development, plus, 480 hours experience in a child care setting serving children ages birth through eight years of age or a teaching certificate.

2. A.S. or A.A. degree in child development, plus 480 hours experience in a child care setting serving children ages birth through eight years of age.

3. Associate degree with 6 college credit hours in early childhood/child growth and development, plus 960 hours experience in a child care setting serving children ages birth through eight years of age.

(5) Annual In-service Training.

(a) All child care facility personnel, must complete a minimum of 8-clock-hours of in-service training annually during the state's fiscal year beginning July 1 and ending June 30.

(b) The annual 8-clock-hour in-service training must be completed in one or more of the following areas:

1. Health and safety; including universal precautions;
2. CPR/first aid;
3. Nutrition;
4. Child development – typical and atypical;
5. Child transportation and safety;
6. Behavior management;
7. Working with families;
8. Design and use of child oriented space;
9. Community, health and social service resources;
10. Child abuse;
11. Child care for multilingual children;
12. Working with children with disabilities in child care;
13. Owner or operator training program;
14. Playground safety; ~~or~~
15. Literacy; or

~~16.~~ Other course areas relating to child care or child care management.

(c) Documentation of the in-service training must be recorded on CF-FSP Form 5130, Apr. 97, Child Care In-service Training Record, which is incorporated by reference, and included in the child care facilities' personnel records.

(6) Staff Credentials.

(a) Every licensed child care facility must have one member of its child care personnel for every 20 children with one of the following qualifications:

1. National Child Development Associate Credential.

2. Formal Educational Qualifications. Procedures for individuals with an associate level (2 year) degree or higher seeking the credentialing requirement are outlined on CF-FSP Form 5211, Oct. 01, Child Care Personnel Education/Employment History Verification Form, which is incorporated by reference.

3. Graduate of a state approved Florida CDA equivalency training program.

a. Early Childhood Education Training Programs seeking equivalency to the CDA should submit a completed CF-FSP Form 5191, July 02 ~~Sept. 98~~, Application for CDA Equivalency for Training Programs, which is incorporated by reference, to the department for approval.

b. The criterion for programs wishing to be recognized as a state approved CDA equivalency is determined by the department and is outlined on the Application for CDA Equivalency for Training Programs.

4. Employment History Recognition Exemption.

a. In addition to the requirements and time frames established in statute, employment history experience must include a minimum of 15 hours per week per year or 540 hours per year working with children in a licensed, registered or exempt child care program as defined in Section 402.301, F.S., or teaching experience in a public or private school.

b. Documentation of employment history recognition must include notarized letters indicating previous employment or other forms of documentation such as W-2 forms, licensing records, or income tax return forms for each place of employment.

5. Graduate of the approved Florida School-Age Certification Training Program.

a. Early Childhood Education Training organizations seeking to provide the Florida School-Age Certification Training Program, must utilize the Florida School-Age Certification Training Program as approved by the department. Organizations seeking to provide the Florida School-Age Certification Training Program, must apply for approval on CF-FSP Form 5257, July 02 ~~Oct. 01~~, Application to Provide the Florida School-Age Certification Training Program, which is incorporated by reference.

b. In order to receive the Florida School-Age Certification, a candidate must have completed the department's Florida School-Age Certification Training Program, which consists of the following:

(I) A total of 120 hours of training consisting of Part I of the Introductory Child Care Training Course, the department approved School-Age Developmentally Appropriate Practices For School-Age Children training module, and a minimum of 80-clock-hours of training using departmentally approved curriculum which focuses on the following six competency areas:

(A) Establishment and maintenance of a safe and healthy learning environment.

(B) The advancement of physical and intellectual competence.

(C) The support of social and emotional development and provision of positive guidance.

(D) The establishment of positive and productive relationships with families.

(E) Ensuring a well-run, purposeful program responsive to participant's needs.

(F) The maintenance of a commitment to professionalism.

(II) A portfolio containing an autobiographical statement, written examples demonstrating mastery of each of the school-age competency subject areas, and a collection of resource materials as identified in the department's Florida School-Age Certification Training Portfolio and Resource Materials Checklist, CF-FSP Form 5258, Oct. 01, which is incorporated by reference.

(III) Formal observation working with children in a school-age setting during the course of the program by a qualified observer.

(IV) 480 hours of direct contact with children in a school-age setting within the past five years,

c. Individuals who are enrolled in an existing school-age certification training program in Florida, prior to January 1, 2002, and who graduate from this training program by January 1, 2003, will be recognized as having met the Florida School-Age Certification requirement.

d. Individuals who successfully complete a school age training program offered by the U.S. Military will be recognized as having met the Florida School-Age Certification requirement.

~~e.~~ Early Childhood Education Training organizations that provide the Florida School-Age Certification Training Program must complete a CF-FSP Form 5259, Oct. 01, Confirmation of Completion of the Florida School-Age Certification Training Program, which is incorporated by reference, for each graduate. The Early Childhood Education Training Organizations must submit the completed CF-FSP Form 5259 for each graduate, to the local training coordinating agency for processing upon completion of all components of the Florida School-Age Certification Training Program.

~~f.~~ The training coordinating agency must issue CF-FSP Form 5256, July 02 Oct. 01, Florida School-Age Certification Training Program Certificate, which is incorporated by reference, to all graduates of the Florida School-Age Certification Training Program.

~~g.~~ To maintain a valid Florida School-Age Certification, candidates must complete and document the satisfactory completion of 4.5 Continuing Education Units (CEUs) or one three-hour college-credit course in any school-age child care curriculum area, every five years. Coursework completed to renew a State of Florida Teaching Certificate satisfies the

coursework requirement for renewal of the Florida School-Age Certification. This documentation must be submitted to the local training coordinating agency to verify completion of the required coursework. The local training coordinating agency will issue a new Florida School-Age Certification Training Program Certificate upon verification of the documentation.

(b) Periods of Transition. Child care personnel meeting the credentialing requirement in (a)1.-5. of this section, must work at the facility during normal periods of time excluding opening, closing, nap time, lunch and free time. A credentialed person must be on-site a minimum of 75% of the facility's operating hours per week ~~20 hours per week~~.

(c) Verification of Education and Employment History.

1. Child care personnel seeking satisfaction of the staff credentialing requirement, in (a)1.-5. of this section, ~~must submit all documentation to the child care owner or operator for whom they are presently employed. Child care owners or operators~~ are responsible for completing and submitting to their local Training Coordinating Agency, verifying and having notarized CF-FSP Form 5211, Oct. 01, Child Care Personnel Education and Employment History Verification Form, including education and employment history documentation. ~~Child care owners and operators seeking satisfaction of the credentialing requirement must submit all documentation to their local training coordinating agency for processing.~~

2. Upon receipt of the completed forms, the training coordinating agency will issue CF-FSP Form 5206, July 02 Oct. 01, Child Care Personnel Professional Development Confirmation Form, which is incorporated by reference, to the child care personnel, owner or operator who submitted the application.

3. A copy of the Child Care Personnel Professional Development Confirmation Form must be maintained on-site at the facility, in the employee personnel file, for review by child care licensing staff. The original is the property of the child care personnel.

(d) Calculation of Number of Personnel Necessary.

1. Child care facilities with 19 or less children or which operate less than (8) hours per week are not subject to the credentialing requirement.

2. For every 20 children, a child care facility must have one child care personnel who meets the credentialing requirement. Based on this formula, child care facilities with 20-39 children must have one credentialed staff member, facilities with 40-59 children must have 2 credentialed staff members, and so on.

3. Volunteers who meet the credentialing requirement will be included in calculating the credentialing ratio.

4. The department will calculate the number of credentialed personnel required based on daily attendance.

5. In addition to CF-FSP Form 5206, ~~July 02~~ ~~Oct. 01~~, Child Care Personnel Professional Development Confirmation Form, child care facilities must have available written documentation of credentialed personnel's work schedules. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.

6. Children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, are excluded from the calculation for purposes of determining the number of personnel necessary to meet the credentialing ratio.

(7) Director Credential.

(a) Pursuant to Section 402.305(2)(g)(f), F.S., every child care facility director must have a director credential by January 1, 2004~~3~~, which consists of the foundational level or the advanced level. As of January 1, 2004~~3~~, every applicant for a license to operate a child care facility or a license for a change of ownership of a child care facility, must document that the facility director has a director credential, prior to issuance of the license to operate the facility. As it relates to the director credential, the following exceptions apply:

1. A credentialed director is not required during evening hours as defined in section 402.302(6), F.S. for facilities offering child care during the evening hours as defined in Section 402.302(6), F.S.

2. Pursuant to ~~s~~Section 402.305(1)(c), F.S., a credentialed director holding a foundational or advanced level Florida director credential may supervise multiple before-school and after-school sites. As of January 1, 2004~~3~~, every applicant for a license to operate a child care facility must document that the facility director has a director credential, prior to issuance of the license to operate the facility.

(b) The foundational level applicants must meet the following educational and experiential requirements:

1. High school diploma or GED; and

2. The ~~department's~~ Department of Children and Family Services 30-clock-hour ~~I~~ntroductory ~~C~~ehild ~~C~~eaure ~~T~~training course (Part I); and

3. The ~~department's~~ ~~departmental~~ ~~module~~ Special Needs Developmentally Appropriate Practices module or a minimum of for Children with Special Needs, one 8-hours of in-service training or course in serving children with disabilities or accumulation of 8 hours of in-service training in serving children with disabilities that meets the statutory requirement for licensing; and

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; ~~an~~ state-approved Florida CDA Equivalency; the ~~approved~~ Florida School-Age Certification; a formal education exemption qualification (~~waiver~~); or a documented employment history recognition exemption; and

5. One course in the curriculum content area "Overview of Child Care Center Management," which must be met by one approved three-hour college level course, offered for credit or 4.5 Continuing Education Units (CEUs) through continuing education or one approved Post Secondary Adult Vocational course offered through a vocational-technical institution in Florida; and

6. One year experience on-site as a child care director. For those candidates who have met the educational requirements of this level but have not completed the one year experiential requirement a temporary credential, ~~not to exceed one year,~~ will be granted.

(c) The advanced level applicants must meet the following educational and experiential requirements:

1. High school diploma or GED; and

2. The Department of Children and Family Services 30-clock-hour ~~I~~ntroductory ~~C~~ehild ~~C~~eaure ~~T~~training course (Part I); and

3. The ~~department's~~ ~~departmental~~ ~~module~~ Special Needs Developmentally Appropriate Practices module or a minimum of for Children with Special Needs, one 8-hours of in-service training or course in serving children with disabilities, or accumulation of 8 hours of in-service training in serving children with disabilities that meets the statutory requirement for licensing; and

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; ~~a state-an~~ approved Florida CDA Equivalency; the approved Florida School-Age Certification; a formal education exemption qualification (~~waiver~~); or a documented employment history recognition exemption; and

5. Three approved courses in child care education program administration. The coursework requirement must be taken for college credit and must be from the following curriculum areas: Overview of Child Care Center Management, Child Care and Education Organizational Leadership and Management, Child Care and Education Financial and Legal Issues, Child Care and Education Programming; and

6. Two years of experience on-site as a child care director. For those candidates who have met all the educational requirements of this level but have not completed the two year experiential requirement a temporary credential, ~~not to exceed two years,~~ will be granted.

(d) All applications and documentation will be verified and credentials issued through the Florida Children's Forum. Applications may be obtained from:

~~Director Administrator~~ Credential Coordinator
Florida Children's Forum
2807 Remington Green Circle
Tallahassee, Florida 32308

(e) Exceptions: For the foundational level, Directors who have attained another state's approved Director Credential shall receive credit towards the, "Overview of Child Care

Management”, educational component of the credential. For the advanced level credential only, an educational exception will be granted to individuals who meet subparagraphs 65C-22.003(7)(c)1.-4. and 6., F.A.C., and any of the following:

1. An A.S. degree in child care center management, or
2. An A.S., B.A., B.S. or advanced degree in early childhood education/child development, family and consumer sciences (formerly home economics/child development), school-age child care or elementary education with at least three credit hours in child care management/administration, business administration or educational administration, or
3. A B.A., B.S. or advanced degree other than those degree areas in number 2. above, with three credit hours in early childhood/child development or school-age child care and three credit hours in child care management/administration, business administration or educational administration, or
4. Five or more years of experience as an administrator or director in a licensed child care facility, or a facility that is legally exempt pursuant to Sections 402.3025 and 402.316, F.S., and with three college credit hours in early childhood/child development or school-age child care and three college credit hours in child care management/administration, business administration or educational administration. All coursework for this exception must have been completed within the last ten years.

(f) Testing. For the advanced level credential only, individuals who meet the requirements for the educational exception but do not have coursework in early childhood education or administration may opt to take a competency-based test to meet the three credit hour course requirement in early childhood education/child development or the three credit hour course requirement in administration, or both. This process will require the candidate to complete a written test at a local community college with a minimum score of 70 percent.

(g) Renewal.

1. To maintain a valid temporary Director Credential or Director Credential at either level, every 5 years, candidates must complete and document 4.5 Continuing Education Units (CEUs) or one three-hour college credit course in any one of the curriculum areas listed in subparagraph 65C-22.003(7)(c)5., F.A.C. Coursework completed to renew a State of Florida Teaching Certificate also satisfies this coursework requirement for renewal of a Director Credential. Candidates must also demonstrate professional contributions in the field through any one of the following.

- a. Serve in a professional organization related to the field of early childhood or school age programs;
- b. Make presentation or provide training in the field of early childhood or school age programs;

c. Serve as a validator or advisor for a Florida-recognized accreditation program, ~~or as a CDA advisor, or as a school-age certification representative for the Florida School-Age Certification Training Program;~~

- d. Advocate for an issue in the field of early childhood or school age programs;
- e. Publish an item related to the field of early childhood or school-age program;
- f. Document program improvements by completing a Florida-recognized accreditation program;
- g. Serve as a consultant or mentor to another early childhood or school age program;
- h. Participate in an educational research or innovation project related to early childhood or school age programs; or
- i. Participate in a creative production that relates to the field of early childhood or school programs.

2. A ~~Director Credential~~ issued prior to January 1, 2004~~3~~, will have an initial renewal date of January 1, 2009~~8~~, and every 5 years thereafter. A ~~Director Credential~~ issued after January 1, 2004~~3~~, will have an initial renewal date after 5 years and every 5 years thereafter.

(h) Coursework Recognition and Approval.

1. The department is responsible for reviewing existing and developing coursework, offered through vocational-technical schools, community colleges and universities, to determine if it meets the requirements for the Florida’s Director Credential. Vocational-technical schools, community colleges and universities shall submit CF/FSP Form 5247 for course review and approval, hereby incorporated by reference. Course work will be reviewed and approved according to the guidelines found in “Florida Child Care and Education Program Director Administrator Credential, Curriculum Areas,” hereby incorporated by reference, and copies of which can be obtained from the Florida Children’s Forum.

~~2. The department is responsible for reviewing out of state adopted director credentials to determine if they meet the requirements for Florida’s credential found in paragraph 65C-22.003(7)(a)-(e), F.A.C.~~

~~2.3. A list of approved courses and approved out of state credentials must be maintained and will be available through the Florida Children’s Forum.~~

(i) Before-school and after-school sites.

1. A director holding a foundational or advanced ~~level Florida Director Credential~~ may supervise multiple before-school and after-school sites as follows:

- a. Three sites regardless of the number of children enrolled, or

b. More than three sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the total number of children enrolled, the number of children in the before-and after-school program shall be calculated and viewed as separate programs.

c. In counties where the public school district has included 4-year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts which serve 4-year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in subparagraph 65C-22.003(6)(a), F.A.C., in order to accommodate the 4-year old's.

2. When a Florida credentialed director is supervising multiple sites, the person ~~individual~~ left in charge of the site during the director's absence must meet the following requirements:

- a. Be at least 21 years of age;
- b. Have completed the department-approved 40-clock-hour Introductory Child Care Training Course (Parts I and II), and;

c. Have completed the department's basic training in serving children with special needs, by completing the either as part of the Introductory Child Care Course, Part II, specialized training module, Special Needs Developmentally Appropriate Practices for Children with Special Needs, or through completion of a minimum of the annual 8 hours of inservice training in serving children with disabilities, or

d. Have completed the department's School Age Developmentally Appropriate Practices for School-Age Children, specialized training module, separately, or as part of the Introductory Child Care Course, Part II.

Specific Authority 402.305 FS. Law Implemented 402.305, 402.302 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02,

65C-22.004 Health Related Requirements.

(1) Communicable Disease Control.

(a) Any child, child care personnel or other person in the child care facility suspected of having a communicable disease shall be removed from the facility or placed in an isolation area until removed. Such person may not return without medical authorization, or until the signs and symptoms of the disease are no longer present. With a child, the condition shall be reported to the custodial parent or legal guardian. Signs and symptoms of a suspected communicable disease include the following:

- 1. Severe coughing, causing the child to become red or blue in the face or make a whooping sound,
- 2. Difficult or rapid breathing,
- 3. Stiff neck,
- 4. Diarrhea (more than one abnormally loose stool within a 24 hour period),

5. Temperature of 101 degrees Fahrenheit or higher when in conjunction with any other signs of illness,

- 6. Conjunctivitis (pink eye),
- 7. Exposed, open skin lesions,
- 8. Unusually dark urine and/or gray or white stool,
- 9. Yellowish skin or eyes, or
- 10. Any other unusual sign or symptom of illness.

(b) A child who has head lice shall not be permitted to return until treatment has occurred. Treatment shall include the removal of all lice, lice eggs, and egg cases.

(c)(b) Isolation Area. Each facility shall have a designated isolation area for a child who becomes ill at the facility. Such space shall be adequately ventilated, heated, and equipped with a bed, mat, or cot and materials that can be sanitized easily. Linens and disposables shall be changed after each use. Until cleaned or disposed, the used linens and disposables shall be kept in a closed container in the isolation area. The isolated child must be within sight and hearing of a staff person at all times. The child must be carefully observed for worsening conditions.

(d)(e) Outbreaks. Operators are required to notify the local county health department immediately upon any suspected outbreak of communicable disease in accordance with Chapter 64D-3, F.A.C., Communicable Disease Control. A suspected outbreak occurs when two or more children or employees have the onset of similar signs or symptoms, as outlined in (2)(a)1.-10., within a 72-hour period or when a case of a serious or reportable communicable disease is diagnosed or suspected on a child or employee.

(2) First Aid, Cardiopulmonary Resuscitation and Emergency Procedures.

(a) Each child care facility must have at least one staff member with a valid certificate of course completion for first aid training and infant and child cardiopulmonary resuscitation procedures. One staff member satisfying these training requirements shall be present at all times that children are in the care of the facility, both on-site and on field trips. A field trip includes all activities away from the facility excluding regular transportation to and from the facility, i.e., pick-up and drop-off.

(b) Certificates of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years. On-line CPR courses are not acceptable to meet this standard. CPR training must be done by classroom instruction.

(c) At least one first aid kit containing materials to administer first aid must be maintained on the premises of all child care facilities at all times. A first aid kit must also accompany child care staff when children are participating on field trips. Each kit shall be in a closed container and labeled "First Aid". The kits shall be accessible to the child care staff at all times and kept out of the reach of children. Each kit must include:

1. Soap,
2. Band-aids or equivalent,
3. Disposable latex gloves,
4. Cotton balls or applicators,
5. Sterile gauze pads and rolls,
6. Adhesive tape,
7. Thermometer,
8. Tweezers,
9. In date syrup of ipecac, labeled "DO NOT INDUCE VOMITING UNLESS DIRECTED TO DO SO BY A PHYSICIAN OR POISON CONTROL" 1(800)222282-12223174,
10. Pre-moistened wipes,
11. Scissors, and
12. A current resource guide on first aid and CPR procedures.

(d) Emergency Procedures and Notification.

1. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, and the address of and directions to the facility, must be posted on or near all facility telephones and shall be used as necessary to protect the health, safety and well-being of any child in day care.

2. Custodial parents or legal guardians shall be notified immediately in the event of any serious illness, accident, injury or emergency to their child and their specific instructions regarding action to be taken under such circumstances shall be obtained and followed. If the custodial parent or legal guardian cannot be reached, the facility owner will contact those persons designated by the custodial parent or legal guardian to be contacted under these circumstances, and shall follow any written instructions provided by the custodial parent or legal guardian on the enrollment form.

3. All accidents and incidents which occur at a facility must be documented and shared with the custodial parent or legal guardian on the day they occur.

4. After a fire or natural disaster, the operator must notify the licensing agency within 24 hours, in order for the department or local licensing agency to ensure health standards are being met for continued operation.

(3) Medication. Child care facilities are not required to give medication, however, if they choose to do so, the following shall apply:

(a) Prescription and non-prescription medication brought to the child care facility by the custodial parent or legal guardian must be in the original container. Prescription medication must have a label stating the name of the physician, child's name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label. If the parent or legal guardian notifies the child care facility of any known

allergies to medication, written documentation from a physician must be maintained in the child's file. Special restrictions to medication must be shared with staff and must be posted in the classroom.

(b) Medicines shall be stored separately and locked or placed out of a child's reach.

(c) Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History--New 6-1-97, Amended 3-17-99, 7-26-00, 4-2-02,_____.

65C-22.005 Food and Nutrition.

(1) Nutrition.

(a) If a facility chooses to supply food, they shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA Food Guide Pyramid for Young Children, March 1999, incorporated by reference, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children one year of age and older. The fats and sweets category within the USDA Food Guide Pyramid for Young Children cannot be counted as a food group. Copies of the USDA Food Guide Pyramid for Young Children may be obtained from the district child care licensing office or local licensing agency. Using the USDA Food Guide Pyramid for Young Children; breakfast shall consist of at least three different food groups; lunch and dinner shall consist of at least four different food groups and snacks shall consist of at least two different food groups.

(b) If a facility chooses not to provide meals and snacks, arrangements must be made with the custodial parent or legal guardian to provide nutritional food for the child.

(c) If a special diet is required for a child by a physician, a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child's facility file. If the parent or legal guardian notifies the child care facility of any known food allergies, written documentation from a physician must be maintained in the child's file. Special food restrictions must be shared with staff and must be posted in the classroom.

(d) Meal and snack menus shall be planned, written, and posted at the beginning of each week. Menus shall be dated and posted in the food service area and in a conspicuous place accessible to parents. Any menu substitution shall be noted on the menu.

(2) Food Preparation Area. All licensed child care facilities approved by the Environmental Health Section, to prepare food shall meet the applicable requirements as specified in Chapter 64E-11, F.A.C., Food Hygiene.

(3) Food Service.

(a) Children shall be individually fed or supervised at feeding and offered foods appropriate for their ages.

(b) There shall be no propped bottles. There shall be no automatic feeding devices unless medically prescribed. Formula shall be refrigerated and handled in a sanitary manner before and after use. All bottles shall be individually labeled.

(c) Heated foods and bottles must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.

~~(d)(e)~~ Facilities shall provide sufficient seating so that children are seated at tables for meals.

~~(e)(d)~~ Single service paper or plastic plates, utensils, and cups shall not be reused.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, _____.

65C-22.006 Record Keeping.

(1) All required records shall be maintained pursuant to Section 402.305(9), F.S., and available at the facility during the hours of operation for the licensing authority to review.

(2) Children's Health Requirements.

(a) Within 30 days of enrollment, unless statutorily exempted, each child shall have on file at the facility a completed DH Form 3040, June 2002 Oct. 96, Student Health Examination, which is incorporated by reference. Certification that a health examination has been completed may be documented on the State of Florida, Department of Health, DH Form 3040, OR a signed statement by authorized professionals that indicates the results of the components included in the health examination. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.

(b) The Student Health Examination is valid for two (2) years from the date the physical was performed.

(c) Within 30 days of enrollment, each child shall have on file and keep current a completed DH Form 680, Florida Certification of Immunization Part A-1, B, or C (July 2001 Aug. 1998), or DH Form 681, Religious Exemption from Immunization (May 1999). ~~Effective August 2000, within 30 days of enrollment, each child shall have on file and keep current a completed DH Form 680, Florida Certification of Immunization Part A-1, B or C (Aug. 2000), or DH Form 681, Religious Exemption from Immunization (May 1999).~~ DH forms 680 and 681 can be obtained from the local county health department. The DH Form 680, Florida Certification of Immunization Parts A-1, Certificate of Immunization for K-12 Excluding 7th Grade Requirements or Part B Temporary Medical Exemption, shall be signed by a physician or authorized personnel licensed under the provisions of Chapter 458, 459, or 460, F.S., and shall document vaccination for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, and Haemophilus influenza type B (HIB), and effective July 1, 2001, completion of the varicella vaccination. The DH Form 680, Florida Certification of Immunization Part C, Permanent Medical Exemption, shall be

dated and signed by a physician licensed under the provisions of Chapter 458 or 459, F.S. Immunizations received out of state are acceptable, however, immunizations must be documented on DH Form 680 and signed by a practicing physician in the State of Florida.

(d) School-aged children attending public or non-public schools are not required to have student health examination and immunization records on file at the child care facility as such records are on file at the school where the child is enrolled.

(e) Medical records are the property of the custodial parent or legal guardian when the child withdraws from the facility and are transferable if the child attends another facility.

(3) Medication Records.

(a) A written record documenting the child's name, the name of the medication, date, time and amount of dosage to be given, and signature of the custodial parent or legal guardian shall be maintained by the facility. This record shall be initialed or signed by the facility personnel who gave the medication.

(b) This record shall be maintained for a minimum of four months after the last day the child received the medication.

(4) Enrollment Information. The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting a child in care. This information shall be documented on CF-FSP Form 5219, Dec. 02 Dec. 97, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent form that contains all the information required by the department's form.

(a) Enrollment information shall be kept current and on file.

(b) The child shall not be released to any person other than the person(s) authorized, or in the manner authorized in writing, by the custodial parent or legal guardians.

(c) There shall be signed statements that the child care facility has provided the following information to parents:

1. The department's child care facility brochure, CF/PI 175-24, March 2002 7/97, Know Your Child Care Center, which is incorporated by reference. Local licensing agencies may use an equivalent brochure approved by the department's district licensing office containing all the information required by the department.

2. The child care facility's written disciplinary practices.

(5) Personnel Records. Records shall be maintained and kept current on all child care personnel, as defined by Section 402.302(3), F.S., and household members if the facility is located in a private residence. These shall include:

(a) An employment application with the required statement pursuant to Section 402.3055(1)(b), F.S.

~~(b) Results of TB test.~~

(b)(e) Position and date of employment.

(c)(d) Signed statement that the employee understands the statutory requirements for professionals' reporting of child abuse and neglect.

(d)(e) Level 2 screening information documented on CF-FSP Form 5131, Oct. 02 Apr. 97, Background Screening and Personnel File Requirements. An employment history check for the previous two years or last three jobs is required as part of background screening.

(e)(f) Copies of training information and credentials.

(f)(g) Driver's license and driver physical examination documentation. The physician certification, or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle must also be maintained in the driver's personnel file.

(g) Physical Exams. A physical exam completed by a health care provider, which includes physicians, nurse practitioners, and physician's assistants, must be completed within 30 days of licensure or employment and demonstrate that the health of the individual is such that they would be able to provide supervision and care for children. After the initial physical exam, staff shall have exams conducted by their health care provider at least every three years.

(6) Other Records.

(a) Daily attendance of children shall be taken and recorded by the child care facility personnel, documenting when each child enters and departs a child care facility or program. Such records shall be maintained for a minimum of four months.

(b) Record of accidents and incidents shall be documented daily and maintained for one year. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate signatures of facility staff and custodial parent or legal guardian.

(c) The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the personnel and children may exit each area of the facility in the event of fire or other emergency requiring evacuation of the facility and post a copy of the plan in each room of the facility.

(d) The operator shall maintain a written record of monthly fire drills showing the date, number of children in attendance, and time taken to evacuate the premises. Each monthly record shall be maintained for a minimum of four months from the date of the fire drill.

(e) Documentation that identified staff members have met the first aid and infant and child cardiopulmonary resuscitation training requirement shall be kept on file at the child care facility.

(f) Documentation of parental permission for field trips shall be maintained for a minimum of four months from the date of each field trip.

(g) Daily meal and snack menus shall be maintained for a minimum of one month.

(h) Current specialized diet documentation shall be retained for each child requiring such specialized diet for as long as such child is in care.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 1-4-01, _____.

65C-22.007 Evening Child Care.

(1) Hours of Care. Evening Child Care, as defined in Section 402.302(6), F.S., means child care provided during the evening hours and may encompass the hours of 6:00 p.m. to 7:00 a.m.

(2) Supervision. During evening child care hours, staff must remain awake at all times. While children are awake, direct supervision as described in paragraph 65C-22.001(5)(a), F.A.C., must be provided. When children are sleeping, supervision, as defined in paragraph 65C-22.001(5)(b), F.A.C., is required.

(3) Exemptions. Child care standards, as outlined in Sections 402.301 through 402.305, F.S., and Rules 65C-22.001 through 65C-22.006, F.A.C., apply to Evening Child Care with the following exceptions:

(a) Outdoor Play Area. For centers which only provide evening child care, outdoor play space is not required. An open area within the existing indoor floor space designated for play that promotes the development of gross motor skills must be available.

(b) Child Development Associate or credentialed staff is not required for Evening Child Care staff.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History--New 7-2-98, Repromulgated _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vikki Griffin, Management Analyst, 1317 Winewood Blvd. Building 6, Room 387, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, 1317 Winewood Blvd. Building 6, Room 389-A, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2003

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
Definitions	65C-25.001
General Information	65C-25.003
Physical Environment	65C-25.004
Health and Safety	65C-25.006
Food and Nutrition	65C-25.007
Record Keeping	65C-25.008

PURPOSE AND EFFECT: The rule modifications contained in this document will establish a definition of Specialized Child Care Facilities for the Care of Mildly Ill Children, establish requirements governing discipline, establish requirements for napping, delete the requirement for documentation of a negative tuberculosis test for child care personnel, establish requirements for food and nutrition, food service, background screening and health appraisals for child care personnel.

SUMMARY: The rule modifications contained in this document will establish a definition of Specialized Child Care Facilities for the Care of Mildly Ill Children, establish requirements governing discipline, establish requirements for napping, delete the requirement for documentation of a negative tuberculosis test for child care personnel, establish requirements for food and nutrition, food service, background screening and health appraisals for child care personnel.

SPECIFIC AUTHORITY: 402.305(2) FS.

LAW IMPLEMENTED: 402.305(2) FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., April 2, 2003

PLACE: State Regional Service Center, Hurston South Tower, 1st Floor, Room D, 400 West Robinson Street, Orlando, Florida 32801

TIME AND DATE: 10:00 a.m., April 3, 2003

PLACE: Florida Department of Children and Family Services, District 4 Office, Auditorium 2nd Floor, 5920 Arlington Expressway, Jacksonville, Florida 32211

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vikki Griffin, Management Analyst, 1317 Winewood Blvd., Building 6, Room 387, Tallahassee, FL 32399, (850)921-0701

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-25.001 Definitions.

(1) "Child Care for Mildly Ill Children" – means the care of children with short term illness or symptoms of illness or disability, provided either as an exclusive service in a center specialized for this purpose, or as a component of other child care services offered in a distinct part of a regularly licensed child care facility, for a period of less than 24 hours per day.

(2) "Specialized Child Care Facilities for the Care of Mildly Ill Children" – Any child care facility, which provides child care for more than five mildly ill children unrelated to the operator and, which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit, for a period of less than 24 hours per day. Specialized child care facilities may provide care for mildly ill children in a facility specialized for this purpose, or as a component of other child care services offered in a distinct and separate part of a regularly licensed child care facility.

(3)(2) "Contagious disease" – for the purpose of this rule, refers to a type of infectious disease caused by receiving living germs directly from the person afflicted with the disease, or by contact with a secretion of the afflicted person, or by some object handled or used by an afflicted person.

(4)(3) "Health Provider Consultant" – for the purpose of this rule, means a Florida licensed pediatric physician; a Florida licensed family practitioner; a physician's assistant; an advanced registered nurse practitioner (ARNP) with appropriate pediatric experience; or a registered nurse with experience in pediatric nursing, who supervises or provides direction to the licensed health caregiver, and is available for consultation.

(5)(4) "Isolation area" – refers to a room or a series of rooms within the child care facility for mildly ill children, which provides separate airflow, and physical separation, from the rest of the facility. The isolation area must include a separate toilet, handwashing facility and diaper changing area. This area shall be utilized when caring for children with contagious diseases.

(6)(5) "Licensed Health Caregiver" – for the purpose of this rule, shall mean at a minimum a licensed practical nurse who has knowledge and experience in the routine medical needs of mildly ill children, is trained to perform the written physical assessment, and is under the direction of a health provider consultant.

(7)(6) "Mildly Ill children" – refers to children exhibiting illnesses or symptoms of illnesses which have caused or would cause them to be excluded from regular child care settings, as defined in subparagraph 65C-22.004(2)(a)1.-10., F.A.C., and who need special attention and supervision, and meet the admission criteria for mildly ill programs as described in Rule 65C-25.002, F.A.C., of this rule.

(8)(7) "Sanitize" – for the purpose of this rule, and as it refers to linen, shall mean adding one quarter cup of bleach per gallon of water, to the final rinse cycle of the wash, in an effort to eliminate children's exposure to disease microorganisms.

(9)(8) "Single-service articles" – any cups, containers, closures, plates, straws, place mats, napkins, doilies, spoons, stirrers, paddles, knives, forks, wrapping materials and all similar materials which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic or any other readily destructible material, and are intended by the manufacturer to be for one-time, one-person use, and then to be discarded.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History—New 5-21-00, Amended _____.

65C-25.002 Admission and Assessment.

(1) General Requirements.

(a) A child care facility for mildly ill children shall have at a minimum an ongoing agreement with a Health Provider Consultant, as defined in subsection 65C-25.001(3), F.A.C., for continuing medical or nursing consultation. The health provider consultant shall perform the following services:

1. Oversee the development of written policies and procedures.
2. Review, approve, and update annually, such policies and procedures.
3. Provide at least quarterly on-site monitoring of the implementation of such policies and procedures.
4. Provide ongoing consultation to the facility in its overall operation and management.

(b) A child care facility for mildly ill children shall have at a minimum one licensed health caregiver, as defined in subsection 65C-25.001(5), F.A.C. The licensed health caregiver shall be responsible for performing the written physical assessment, and periodic child evaluations, per paragraphs 65C-25.002(2)(b),(c), and (d), F.A.C.; provide ongoing daily oversight; make decisions as to the exclusion of any child; and be present at the facility at all times during the hours of operation.

(2) Admission.

(a) No child shall be accepted to a child care facility for mildly ill children without written parental or guardian permission. However, permission may be obtained by telephone if a child in attendance at a regular child care facility becomes mildly ill and is admitted to that same facility's program for mildly ill children. Where the child is in care under telephone permission, written parental permission must be obtained prior to the child's admittance to the program for mildly ill children the following day.

(b) The program director or licensed health caregiver shall have the authority to require a written medical evaluation for a child to include diagnosis, treatment and prognosis, if such evaluation is necessary to determine the appropriateness of a child's attendance prior to admission and upon worsening of the child's symptoms.

(c) Prior to admission, the child care facility for mildly ill children shall require a written description, signed by the parent, of the child's current and recent illnesses; immunization history, habits, special diets, allergies, medication needs; symptoms requiring notification of parent or health care provider, and where and how the parent or health care provider is to be notified.

(d) An initial written physical assessment on each child shall be completed by the licensed health caregiver, as defined in subsection 65C-25.001(5), F.A.C., based on the inclusion and exclusion criteria outlined in subsections 65C-25.002(3)

and (4), F.A.C., to determine appropriateness of admission to the facility. A parent must remain on the premises until admission has been determined.

(e) The written physical assessment shall at a minimum include vital signs and observation of the child's general appearance, head, eyes, nose, mouth, ears, skin, abdomen, arms and legs, and breathing pattern for symptoms of illness.

(f) Once admitted, children shall be periodically monitored by the licensed health caregiver and evaluated according to policies and procedures established and approved by the facility operator and the health provider consultant. Evaluations on each child's condition shall be documented, and shall include the following plus additional information that the facility operator and the health provider consultant may add if they deem it is necessary to evaluate the children:

1. Temperature,
2. Respiration,
3. Pulse,
4. Amount of food or fluid intake,
5. Color, consistency and number of stools,
6. Color of urine and frequency of urination,
7. Skin color and alertness,
8. Activities such as amount of sleep, rest, and play.

(g) The condition evaluations must be maintained in each child's record and retained by the facility for a minimum of four months. Copies shall be provided to parents daily.

(h) Children with communicable illnesses (e.g., chicken pox) may be accepted in a child care facility for mildly ill children, only if there is an isolation area as defined in subsection 65C-25.001(4), F.A.C., of this rule, and provided the isolation area has a separate outside entrance from the rest of the child care facility.

(3) Inclusions. A child care facility for mildly ill children may consider for admission, and accept children exhibiting illnesses or symptoms for which they can be excluded from child care provided for well children, but who do not meet exclusion criteria as outlined in subsection 65C-25.002(4), F.A.C., of this rule. Children exhibiting the following symptoms or illnesses, or disabilities, shall be deemed eligible to participate in child care facilities for mildly-ill children:

(a) Not feeling well, unable to participate in regular child care activities, or has other activity restrictions;

(b) Recovering from prior day surgical procedure or hospital admission;

(c) Controlled fever of 102° orally; 101° axillary, or 103° rectally, or below. If the child's temperature is higher than the temperatures listed above a physician must give written approval for admission; or verbal approval with written follow up for admission;

(d) Respiratory infections such as cold or flu, virus;

(e) Vomiting less than three times without dehydration;

(f) Diarrhea (more than one abnormally loose stool within a 24 hour period) without signs of dehydration, and without blood or mucus in the stool;

(g) Gastroenteritis without signs of severe dehydration;

(h) Diagnosed asthma;

(i) Urinary tract infections;

(j) Ear infections;

(k) Orthopedic injuries;

(l) Diagnosed rash;

(m) Tonsillitis; or

(n) Strep throat or conjunctivitis after 24 hours of appropriate medication, if isolation is unavailable. Strep throat or conjunctivitis prior to 24 hours of appropriate medication is included only if isolation area is available.

(4) Exclusions. Any child exhibiting the following symptoms or combination of symptoms, shall be excluded from child care facilities for mildly ill children;

(a) Unresponsive temperature of 104^o orally;

(b) Undiagnosed or unidentified rash;

(c) Respiratory distress;

(d) Major change in condition requiring further care;

(e) Contagious diseases, if no isolation room is available;

1. Strep throat or Conjunctivitis prior to 24 hours of treatment,

2. Diarrhea due to diagnosed shigella, salmonella, rota virus, giardia, or campylobacter,

3. Chicken pox, mumps, measles, rubella, pertussis, diphtheria,

4. Head lice, scabies prior to 24 hours of treatment, or

5. Other conditions as determined by the director or health provider consultant.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 5-21-00, Repromulgated _____.

65C-25.003 General Information.

(1) Application.

(a) Application must be made on CF-FSP Form 5237, Dec. 99, Application For A License To Operate a Specialized Child Care Facility for Mildly Ill Children, which is incorporated by reference.

(b) Each completed application must be submitted to the licensing authority, with the statutory licensing fee pursuant to Section 402.315(3), F.S.

(c) The completed application must be signed by the individual owner, prospective owner, or the designated representative of a partnership, association, or corporation.

(d) A completed application for renewal of an annual license must be submitted to the department or local child care licensing agency at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. The renewal application and required forms may be obtained from the local child care licensing office.

(2) License.

(a) A license to operate a child care facility for mildly ill children is issued in the name of the owner, partnership, association, or corporation.

(b) Facilities providing both regular child care for well children and child care for mildly ill children must procure and maintain two separate licenses.

(c) Hospitals maintaining current Joint Commission for the Accreditation of Healthcare Organizations (JCAHO) accreditation, operating hospital based child care for mildly ill children, shall be exempt from licensure under this rule.

(d) In compliance with Section 402.305(18)(19), F.S., at least one week prior to changing ownership of a child care facility, one or more of the following methods of notification to parents or guardians must be observed:

1. Posting a notice in a conspicuous location at the facility.

2. Incorporating information in any existing newsletter.

3. Individual letters, or fliers.

(e) The license must be posted in a conspicuous location at the facility.

(3) Ratios.

(a) The following staff to child ratios are based on primary responsibility for the supervision of children and applies at all times, when mildly ill children are in care:

1. For children from birth up to 1 year of age, there must be one child care personnel for every three children.

2. For children 1 year of age up to 4 years of age, there must be one child care personnel for every four children.

3. For children 4 years of age and older, there must be one child care personnel for every six children.

(b) Mixed Age Groups.

1. In groups of mixed age ranges, where one or more children under 1 year of age are in care, one child care personnel shall be responsible for a maximum of three children of any age group.

2. In groups of mixed age ranges, where one or more children 1 year of age and older are in care, the staff to child ratio shall be based on the age of the largest numbers of children within the group. When equal numbers of children in each group are in care, the most restrictive staff to child ratio shall apply.

(4) Supervision.

(a) Direct supervision means watching and directing children's activities within the same room or designated outdoor play area and responding to each child's need. Child care personnel at a child care facility for mildly ill children must be assigned to provide direct supervision to a specific group of children and be present with that group of children at all times.

(b) No operator, owner or employee of a child care facility for mildly ill children shall be under the influence of narcotics, alcohol, or other impairing drugs, which affects their ability to provide supervision and safe child care.

(5) Schedule of Activities.

(a) The facility shall include a daily schedule tailored to each child's symptoms, energy level, and parent's instructions.

(b) The daily schedule shall be flexible and provide age appropriate activities without over stressing the children.

(6) Access.

(a) Child care facilities for mildly ill children, shall provide the custodial parent or legal guardian access to the facility in person and by telephone, during hours of operation and at all times that the child is in care.

(b) Access to the facility shall be provided to the licensing authority, pursuant to Section 402.311, F.S.

(7) Child Discipline.

(a) Child care facilities for mildly ill children shall adopt a discipline policy consistent with Section 402.305(12), F.S.

(b) All child care personnel. Each staff member of the child care facility for mildly ill children must comply with the facility's written discipline policy. Such policies shall include standards that prohibit children from being subjected to discipline which is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited by all child care personnel.

(c) A copy of the discipline policy must be available for review by the licensing authority, ~~in order to determine compliance with Section 402.305(12), F.S.~~

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 5-21-00, Amended _____.

65C-25.004 Physical Environment.

(1) Sanitation and Safety.

(a) A child care facility for mildly ill children, if located in a regular licensed child care facility, shall utilize rooms or areas which are physically separated by floor to ceiling walls, from all other components of the regular licensed child care facility.

(b) The physical indoor and outdoor space, and equipment designated for use by the mildly ill children, shall not be used by children and child care staff from any other component of the regular licensed child care facility.

(c) Child care facilities for mildly ill children, which serve children with contagious diseases as defined in Rule 65C-25.002, F.A.C., shall have separate isolation areas, ventilation systems, and entrances.

(d) Child care programs for mildly ill children shall make provisions to prevent the participating mildly ill children from coming in contact with all other areas and components of the child care facility where well children are in care.

(e) Child care facilities for mildly ill children must be in good repair, free from health and safety hazards, and clean and free from vermin infestation. During the hours the facility is in operation, no portion of the building shall be used for any activity which could endanger the health and safety of the children.

(f) All areas and surfaces accessible to children shall be free of toxic substances and hazardous materials.

(g) No animals shall be allowed on the premises of programs caring for mildly ill children.

(h) All potentially harmful items including cleaning supplies, flammable products, and poisonous, toxic, and hazardous materials must be labeled. These items as well as knives and sharp tools must be stored in locations inaccessible to the children in care.

(i) No firearms shall be kept on the premises.

(j) No narcotics, alcohol, or other impairing drugs shall be present or allowed on the premises, unless prescribed for any of the children in care.

(k) Pursuant to Chapter 386, Florida Statutes, ~~s~~Smoking is prohibited within the child care facility and all outdoor play areas.

(2) Rooms Occupied by Children.

(a) All rooms must have lighting the equivalent of 20 foot candles at three feet from the floor to allow for supervision and for safe methods of entering and exiting each room. At all times lighting must be sufficient enough to visually observe and supervise children, including during naptime.

(b) An inside temperature of 65° to 82° F must be maintained at all times.

(c) All rooms shall be kept clean, adequately ventilated and in good repair. Cleaning shall not take place while rooms are occupied by children except for general clean-up activities which are a part of the daily routine.

(d) Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

(3) Indoor Floor Space.

(a) There shall be a minimum of 35 square feet of usable indoor floor space per child.

(b) Usable indoor floor space refers to that space available for indoor play, classroom, work area, or nap space. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, and other areas not used by children in normal day-to-day operations are not included when calculating usable indoor floor space.

(c) Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

(4) Outdoor play space.

(a) Child care facilities for mildly ill children are not required to provide outdoor play space.

(b) Should a facility choose to provide outdoor play space, it shall be physically separated from that space provided for well children, and all equipment shall meet all safety requirements as outlined in paragraph 65C-25.006(3)(b), F.A.C.

(5) Napping and Sleeping Space. For the purpose of these standards, sleeping refers to the normal overnight sleep cycle while napping refers to a brief period of rest during daylight or early evening hours.

(a) Each child care facility for mildly ill children must include a designated area where a child can sit quietly and lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably.

(b) When napping or sleeping, each child in care must be provided safe and sanitary bedding. Bedding means a cot, bed, crib, or playpen. Playpens may not be used for care when children are sleeping. Bedding must be appropriate for the child's size.

(c) Linens, if provided by the facility, must be sanitized daily, per subsection 65C-25.001(7), F.A.C., and more often if soiled or dirty. Linens and blankets must be provided when children are napping or sleeping. Pillows must be available except for infants under 24 months of age. When napping or sleeping, young infants that are not capable of rolling over on their own should be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternate position is authorized in writing by a physician. The documentation shall be maintained in the child's record.

(d) Linens must be stored in a sanitary manner.

(e) A minimum of 3 feet separation between bedding must be maintained at all times bedding is in use. Exit areas must remain clear in accordance with fire safety regulations.

(f) Children up to one (1) year of age must be in their own crib, port-a-crib or playpen with sides. Crib sides must be raised and secured while an infant is in the crib. Cribs must meet the construction regulations as outlined in Title 16 code of Federal Regulations, Parts 1508 & 1509.

(g) No double or multi-deck cribs, cots or beds may be used.

(6) Toilet and Bath Facilities.

(a) Child care facilities for mildly ill children shall provide toilet and bath facilities, which are easily accessible and at a height usable by the children. Platforms are acceptable when safely constructed and easily cleaned and sanitized.

(b) The facility shall provide a minimum of one toilet and one wash basin for every ten children.

(c) Toilet and bath facilities shall be designated for the exclusive use of the mildly ill children in care and their caregivers, and shall be accessible from within the room where care is being provided. If the specialized child care facility for

mildly ill children is located within a child care facility, the toilet and bath facilities used by the mildly ill children and their caregivers shall be separate from those utilized by children and caregivers from other components of the child care facility.

(d) Toilet and bath facilities shall provide privacy to all users.

(e) Toilet facilities shall not open directly into an area where food is prepared. A toilet facility may open directly into an area used by children where food is served.

(f) Children must receive supervision and care in accordance with their age and required needs and be accounted for at all times while bathing or using the toilet facilities.

(g) At least one portable or permanent bath facility shall be provided and be available for bathing children.

(h) Running water, toilet paper, disposable towels, liquid soap and trash receptacles shall be available to and within reach of children using the toilet facility.

(i) Each basin and toilet must be maintained in good operating condition and sanitized after each use.

(j) Hand washing sinks shall not be used for food service preparation or food clean up.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History—New 5-21-00, Amended _____.

65C-25.005 Personnel Requirements.

(1) Minimum Requirements. All child care personnel in facilities for mildly ill children shall meet the requirements outlined in Section 402.305(2), F.S., and the following additional requirements.

(2) Minimum Age Requirements.

(a) Operators or Directors of a child care facility for mildly ill children shall be at least 21 years of age.

(b) In the absence of the operator or director, there must be a staff person in charge of the facility, who is at least 21 years of age and remains on the premises at all times during the hours of operation.

(c) No person under the age of 18 shall be allowed to provide care for mildly ill children.

(3) Minimum Training Requirements.

(a) All child care personnel caring for mildly ill children shall have current certification in child cardiopulmonary resuscitation and first aid prior to caring for the children at the facility.

(b) In addition to the required training outlined in Section 402.305(2)(d), F.S., and Rule 65C-22.003, F.A.C., all child care personnel caring for mildly ill children shall complete 8 hours of annual in-service training relating to care of sick children and the prevention of communicable diseases. Operators or Directors shall complete at least 2 hours of training relating to sick children as part of their 8 hours annual in-service training.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History—New 5-21-00, Repromulgated _____.

65C-25.006 Health and Safety.

(1) General Requirements.

(a) When window or doors of the child care facility for mildly ill children are left opened, they must be screened to prevent entrance of any insect or rodent. Screens are not required for open air classrooms and picnic areas.

(b) Following personal hygiene procedures for themselves or when assisting others, employees, volunteers, and children shall wash their hands with soap and running water, drying thoroughly with disposable towels. Only soap from a liquid soap dispenser shall be used for hand washing.

(c) A child care facility for mildly ill children shall ensure that safe drinking water and other fluids consistent with the child's physical condition are available at all times to all children in care. Drinking fountains shall not be used.

(d) Only single-service articles, per subsection 65C-25.001(8), F.A.C., may be used for eating and drinking. Children may bring labeled items for their exclusive use, which must be returned to the parent or legal guardian on a daily basis.

(e) If the children are sleeping overnight in the facility, child care staff must ensure accepted bedtime routines are maintained, such as brushing teeth and face and hand washing. Toothbrushes, towels and wash cloths may not be shared.

(2) Diapering Requirements.

(a) Hand washing facilities, which include a basin with running water, disposable towels, disposable gloves, liquid soap, and trash receptacle, shall be available in the infant room or in the room where children with special needs in diapers are in care. Hands shall be washed and dried thoroughly after each diapering or toileting procedure to prevent the transmission of diseases or illnesses to other children in the facility's care.

(b) When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned with a sanitizing solution after each use. Children must be attended at all times when being diapered or when changing clothes.

(c) Diaper changing shall be in a separate area from the feeding or food service area.

(d) There shall be a supply of clean disposable diapers, clothing and sanitized linens at all times, which shall be changed or removed promptly when soiled or wet.

(e) Soiled disposable diapers shall be disposed of in a plastic lined, securely covered container, which is not accessible to children. The container shall be emptied and sanitized at least daily.

(f) When children require cloth diapers, only those brought from the child's home may be used, and must be returned to the parent at the end of the day.

(g) Soiled cloth diapers shall be emptied of feces in the toilet and placed in a securely covered container which is not accessible to children. The container shall be emptied and sanitized daily.

(h) Disposable gloves shall be used during all diaper changing activities. Gloves shall be discarded after use on each child, following disposal of disposable diapers or rinsing and sanitizing of cloth diapers. After gloves are discarded, personnel shall wash their hands and the hands of the child prior to sanitizing the diaper changing station.

(3) Equipment and Furnishings.

(a) Indoor Equipment.

1. A child care facility for mildly ill children shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity for each child to be involved in activities.

2. Toys, equipment and furnishings must be safe and maintained in a sanitary condition.

3. All washable toys, equipment and furniture used for one group of children with similar diagnosis in a child care facility for mildly ill children shall be washed and disinfected before being used by another group of children.

4. Non-washable toys brought from home may not be shared, and shall be sent home daily.

(b) Outdoor Equipment.

1. If the facility chooses to provide outdoor play space, equipment shall be securely anchored, unless portable by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include ~~routine~~ checks at least every other month of all supports, above and below the ground, all connectors, and moving parts.

2. Permanent playground equipment must have a ground cover or other protective surface under the equipment which provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

3. All equipment, fences, and objects on the facility's premises shall be free of sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one area. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free from erosion or build-up, to prevent inside or outside access by children or animals.

4. All equipment used in the outdoor play area shall be constructed to allow for water drainage and maintained in a safe and sanitary condition.

(4) Fire Safety.

(a) Unless statutorily exempted, all child care facilities for mildly ill children shall conform to state standards adopted by the State Fire Marshal, Chapter 4A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities and shall be inspected annually. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the department or local licensing agency.

(b) There shall be at least one operable, corded telephone readily accessible telephone in the child care facility which is neither locked nor located at a pay station and is available to all staff during the hours of operation, even in the event of a power outage.

(c) Child care facilities for mildly ill children shall conduct monthly fire drills when children are in care. Subject to local fire authority's approval, evacuation of the premises shall not be required, however, facilities shall ensure that the children are taken at least to the point of exit. A current attendance record must accompany staff during a drill or actual evacuation and be used to account for all children.

(5) Emergency Procedures.

(a) At least one first aid kit containing materials to administer first aid must be maintained on the premises of all child care facilities for mildly ill children, at all times. Each kit shall be in a closed container and labeled "First Aid". The kit(s) shall be accessible to the child care staff at all times and kept out of the reach of children. Each kit must include:

1. Soap,
2. Band-aids or equivalent,
3. Disposable latex gloves,
4. Cotton balls or applicators,
5. Sterile gauze pads and rolls,
6. Adhesive tape,
7. Thermometer,
8. Tweezers,
9. In date syrup of ipecac, labeled "DO NOT INDUCE VOMITING UNLESS DIRECTED TO DO SO BY A PHYSICIAN OR POISON CONTROL 1-800-222282-12223474",
10. Pre-moistened wipes,
11. Scissors, and
12. A current resource guide on first aid and CPR procedures.

(b) Procedures and Notification.

1. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, and the address of and directions to the facility, must be posted on or near all facility telephones and shall be used as necessary to protect the health, safety and well-being of any child in care.

2. Custodial parents or legal guardians shall be notified immediately in the event of any significant change in a child's illness or symptoms, accident or injuries sustained at the facility, which are more serious than minor cuts and scratches, and their specific instructions regarding action to be taken under such circumstances shall be obtained and followed. If the custodial parent or legal guardian cannot be reached, the facility operator will contact those persons designated by the custodial parent or legal guardian to be contacted under these

circumstances, and shall follow any written instructions provided by the custodial parent or legal guardian on the enrollment or registration form.

3. Child care facilities for mildly ill children shall make arrangements with the parent or legal guardian for obtaining medical evaluation or treatment for a child, if necessary as determined by the licensed health caregiver and program policies.

4. Child care facilities for mildly ill children shall obtain emergency medical treatment without specific parental instruction when the parent or legal guardian cannot be reached, and the nature of the illness or symptoms or injury is such that there should be no delay in obtaining medical treatment, as determined by the licensed health caregiver or other qualified health professional.

5. Child care facilities for mildly ill children shall call the parent or legal guardian immediately when a child's illness or symptoms worsen to the degree that the child meets criteria for exclusion from the program, as outlined in subsection 65C-25.002(4), F.A.C.

6. All accidents and incidents which occur at a facility must be documented and shared with the custodial parent or legal guardian on the day they occur.

(6) Dispensing of Medication.

(a) Prescription and non-prescription medication brought to the child care facility for mildly ill children by the custodial parent or legal guardian must be in the original container. Prescription medication must have a label stating the name of the physician or ARNP, child's name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label. If the parent or legal guardian notifies the family day care home of any known allergies to medication, written documentation from a physician must be maintained in the child's file. Special restrictions to medication must be shared with staff and must be posted in the classroom.

(b) Medicines shall be stored separately and locked or placed out of a child's reach.

(c) Medication shall be returned to the parent or legal guardian at the end of each day.

~~(7) Minimum Health Requirements—Tuberculosis.~~

~~(a) Upon hire, each employee of a child care facility for mildly ill children, must provide documentation of a tuberculosis test administered within the past two years and this documentation must be in the employee's personnel file within 10 days of employment. If results are positive, the employee must provide written medical authorization to work in a child care facility.~~

~~(b) All personnel in child care facilities for mildly ill children with previous negative tuberculosis test, must be re-tested for tuberculosis at least every two years and provide~~

documentation for their personnel file. If results are positive, the employee must provide written medical authorization to work in a child care facility.

~~(e) All personnel in child care facilities for mildly ill children with previous positive tuberculosis test, must be evaluated every two years for symptoms of tuberculosis, and provide written medical authorization to work in a child care facility.~~

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 5-21-00, Amended _____.

65C-25.007 Food and Nutrition.

(1) Nutrition.

(a) If a child care facility for mildly ill children chooses to supply food, it shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA Food Guide Pyramid for Young Children, March 1999, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children one year of age or older, if tolerated by the medical condition. The fats and sweets category within the USDA Food Guide Pyramid for Young Children cannot be counted as a food group. Copies of the USDA Food Guide Pyramid for Young Children may be obtained from the district child care licensing office or local licensing agency. Using the USDA Food Guide Pyramid for Young Children, breakfast shall consist of at least three different food groups; lunch and dinner shall consist of at least four different food groups and snacks shall consist of at least two different food groups.

(b) If a facility chooses not to provide meals and snacks, arrangements must be made with the custodial parent or legal guardian to provide nutritional food for the child.

(c) Child care facilities for mildly ill children shall ensure that menus for children can be modified to meet the individual needs of each child in care. If a special diet is required for a child by a physician, a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child's facility file. If the parent notifies the child care facility of any known food allergies, written documentation from a physician must be maintained in the child's file. Special food restrictions must be shared with staff and must be posted in the classroom.

(d) Food Preparation Area.

(a) All licensed child care facilities for mildly ill children, approved by the Environmental Health Section to prepare food, shall meet the applicable requirements as specified in Chapter 64E-11, F.A.C., Food Hygiene.

(b) A kitchen area may be shared with other components of the facility, however, staff providing child care for the mildly ill children shall not be involved in food preparation.

(2) Food Service.

(a) Children shall be individually fed or supervised at feeding and offered foods appropriate for their ages and physical condition.

(b) There shall be no propped bottles. There shall be no automatic feeding devices unless medically prescribed. Formula shall be refrigerated and handled in a sanitary manner before and after use. All bottles shall be individually labeled.

(c) Heated foods and bottles must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.

~~(d)(e)~~ All meals and snacks provided for children participating in child care facilities for mildly ill children must be served on single-service articles, per subsection 65C-25.001(8), F.A.C.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 5-21-00, Amended _____.

65C-25.008 Record Keeping.

(1) All required records in child care facilities for mildly ill children shall be maintained pursuant to Section 402.305(9), F.S., and available at the facility for the licensing authority to review during hours of operation.

(2) Children's Records.

(a) Each child's record shall contain a signed statement from the parent, attesting to the child's immunization status, either current or religiously exempt from immunization, as required by Chapter 64D-3, F.A.C.

(b) Enrollment/Registration Information. The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting a child in care. This information shall be documented on CF-FSP Form 5241 Dec. 99, Application for Enrollment in Specialized Child Care Facilities for Mildly Ill Children, which is incorporated by reference, or an equivalent from that contains all the following information required by the department's form:

1. Child's name, age, date of birth, sex.
2. Parent or legal guardian's name.
3. Employer name.
4. Home, work and beeper telephone numbers.
5. Person and telephone number to call in case parent cannot be reached.
6. Child's physician and telephone number.
7. Allergies and type of reaction and specific interventions in case of allergic reaction.
8. Present and past prescriptions and childhood diseases.
9. Current Diet.
10. Special areas of concern and special needs of assistance.
11. Diapering requirements.

(c) The child shall not be released to any person other than the person(s) authorized, or in the manner authorized in writing by the custodial parent or legal guardians.

(d) Children’s files shall contain signed statements that the child care facility for mildly ill children has provided the following information to parents:

- 1. Admission policy.
- 2. The program’s infection control procedures.
- 3. Methods for the daily care of children, including the child’s progress.
- 4. Procedures for the care and referral for a medical evaluation for children who exhibit worsening symptoms, including a listing of those symptoms.
- 5. Policy and procedure for staff communication with parents and health care providers.
- 6. Discipline policy.

(3) Medication Records.

(a) A written record documenting the child’s name, the name of the medication, date, time, dosage to be given, and signature of the custodial parent or legal guardian, shall be maintained at the facility. This record shall be initialed or signed by and at the time the facility personnel dispenses the medication.

(b) This record shall be maintained for a minimum of four months after the last day the child received the medication.

(4) Personnel Records. Records shall be maintained and kept current on all child care personnel, as defined by Section 402.302(3)(8), F.S., and household members if the facility is located in a private residence. These shall include:

(a) An employment application with the required statement pursuant to Section 402.3055(1)(b), F.S.

~~(b) Results of TB test.~~

~~(b)(e) Position and date of employment.~~

~~(c)(d) Signed statement that the employee understands the statutory requirements for professionals’ reporting of child abuse and neglect.~~

~~(d)(e) Level 2 screening information documented on CF-FSP Form 5131, Oct. 02 Apr. 97, Background Screening and Personnel File Requirements. An employment history check for the previous two years or last three jobs is required as part of background screening.~~

~~(e)(f) Copies of all required training information or certificates and credentials.~~

~~(f) Physical Exams. A physical exam completed by a health care provider, which includes physicians, nurse practitioners, and physician’s assistants, must be completed within 30 days of licensure or employment and demonstrate that the health of the individual is such that they would be able to provide supervision and care for children. After the initial physical exam, staff shall have exams conducted by their health care provider at least every three years.~~

(5) Other Records.

(a) Daily attendance of children shall be taken and recorded by the child care facility’s personnel, documenting when each child enters and departs a child care facility for mildly ill children. Such records shall be maintained for a minimum of four months.

(b) Record of accidents and incidents shall be documented daily and maintained for four months. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and required signatures of facility staff and custodial parent or legal guardian.

(c) The operator shall prepare an emergency evacuation plan, including a diagram of safe routes by which the personnel and children may exit each area of the facility in the event of fire or other emergency requiring evacuation of the facility, and shall post a copy of the plan in each room of the facility.

(d) The operator shall maintain a written record of monthly fire drills showing the date, number of children in attendance, and time taken to evacuate or simulate evacuation of the premises. Each monthly record shall be maintained for a minimum of a year from the date of the fire drill.

Specific Authority 402.305 FS. Law Implemented 402.305, 402.3055, 402.302 FS. History–New 5-21-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vikki Griffin, Management Analyst, 1317 Winewood Blvd. Building 6, Room 387, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, 1317 Winewood Blvd. Building 6, Room 389-A, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2003

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Children’s Mental Health

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Behavioral Health Services	65E-11
RULE TITLES:	RULE NOS.:
Definitions	65E-11.002
Scope of Behavioral Health Services	65E-11.003
Clinical Guidelines for Referral	65E-11.004
Practice Guidelines for Behavioral Health Services To Ensure Cost-Effective Treatment and to Prevent Unnecessary Expenditures	65E-11.007

PURPOSE AND EFFECT: Notice is hereby given that additional changes are being considered to the promulgated Rule 65E-11 F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. These additional revisions are in response

to updates in required forms, program name change, refined program operations since the original rule publication, and technical rule citations changes as a result of these revisions.

SUMMARY: This rule was originally published in the Florida Administrative Weekly, Vol. 26, No. 36, September 8, 2000, and in Vol. 26, No. 47, November 22, 2000, as the first Notice of Change. The effective date of this rule was January 17, 2001.

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: 409.8135(6) FS.

LAW IMPLEMENTED: 409.8135 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Sorrell, Medical/Health Care Program Analyst, 1317 Winewood Blvd., Bld. 6, Room 297, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65E-11.002 Definitions.

Definitions as used in Chapter 65E-11, F.A.C.

(1) through (4) No change.

(5) “Behavioral Health Network” means the statewide network of Providers of Behavioral Health Services who serve non-Medicaid eligible children with mental or substance-related disorders who are determined eligible for the Title XXI part of the KidCare Program. This network includes providers who are managed behavioral health organizations, private and state funded mental health and substance-related disorders providers, and Lead Agencies. The Behavioral Health Network is administered by the Department of Children and Families, Children’s Mental Health State Program Office to provide a comprehensive behavioral health benefits package for children with serious mental or substance-related disorders. ~~“Behavioral Health Specialty Care Network” means the single entity or local alliance of Providers of Behavioral Health Services, who provide behavioral health services to children enrolled in the Behavioral Health Specialty Care Network.~~

(6) “Behavioral Health Services” means those services, contingent on the child’s presenting condition, that are provided to enrolled children in the Behavioral Health Network Behavioral Health Specialty Care Network for the treatment of mental or substance-related disorders.

(7) “Behavioral Health Network Coordinator” “Behavioral Health Specialty Care Coordinator” means the department’s designated representative for overseeing the enrollment and provision of care by a single entity or local alliance of Providers of Behavioral Health services who comprise a behavioral health care network.

~~(8) “Behavioral Health Specialty Care Network” means the statewide network of Providers of Behavioral Health Services who serve non-Medicaid eligible children with mental or substance related disorders who are determined eligible for the Title XXI part of the KidCare Program that includes providers who are managed behavioral health organizations, private and state funded mental health and substance related disorders providers, and Lead Agencies. The Behavioral Health Specialty Care Network is administered by the Department of Children and Families, Children’s Mental Health State Program Office to provide a comprehensive behavioral health benefits package for children with serious mental or substance related disorders.~~

~~(8)(9) “Benefits Package” means the required benefits and Alternative Services described in Rule 65E-11.003, F.A.C., that are made available to each child upon enrollment into the Behavioral Health Network Behavioral Health Specialty Care Network described in section 65E-11.003.~~

~~(9)(10) “Child” means any individual five (5) years of age and not yet (19) years of age who is enrolled in the Behavioral Health Network Behavioral Health Specialty Care Network.~~

(10)(11) No change.

(11)(12) “Eligible” means a child that has been screened by the behavioral health liaison as meeting the Behavioral Health Network Behavioral Health Specialty Care Network clinical and treatability criteria and by the department for Title XXI financial eligibility criteria but is not yet enrolled in the program to receive Behavioral Health Network Behavioral Health Specialty Care Network services.

(12)(13) No change.

(13)(14) “Enrollment” means a child is eligible for and receiving services in the Behavioral Health Network Behavioral Health Specialty Care Network after an official acceptance into the Behavioral Health Network Behavioral Health Specialty Care Network based on separate determinations of financial eligibility by the department that the child is eligible for the Title XXI component of KidCare and that the child is clinically eligible for enrollment.

(15) through (20) renumbered (14) through (19) No change.

~~(20)(21) “Reverification” means the redetermination of a child’s eligibility based on the criteria described in Rule 65E-11.004, F.A.C. the clinical eligibility criteria described in Section 65E-11.005, F.A.C., for the purpose of reverification of eligibility for the Behavioral Health Specialty Care Network.~~

(22) through (25) renumbered (21) through (24) No change.

~~(25)(26)~~ “Targeted Outreach” means the planned and coordinated efforts to communicate information about the Behavioral Health Network Behavioral Health Specialty Care Network with an overall intent to increase awareness, participation, and enrollment in the program.

~~(26)(27)~~ “Treatment Plan” means that identifiable section of the medical record that depicts goals and objectives for the provision of services with specific treatment environments. The treatment plan shall be developed by a team consisting of individuals with experiences and competencies in the provision of behavioral health services to children as described in subsection Section 65E-11.002(10)(17), F.A.C.; including, if deemed appropriate by the family, the child and family or family representatives; and other agencies, providers or other persons.

~~(27)(28)~~ No change.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History—New 1-17-01, Amended _____.

65E-11.003 Scope of Behavioral Health Services.

(1) through (6) No change.

(a) Alternative Services shall be approved so long as they are related to the child’s treatment services plan. Documentation of approved Alternative Services shall include the name of the district Behavioral Health Network Behavioral Health Specialty Care Coordinator with signature and shall contain the following elements:

1. through (11)(n) No change.

(o) Complete the Behavioral Health Network Screening and Eligibility Tracking form, March 1, 2002, version and the Behavioral Health Network Reverification and Request for Disenrollment form, March 1, 2002, version Behavioral Health Specialty Care Network Screening and Eligibility Tracking form, September 2000 version July 1, 1999 version hereby incorporated by reference as if fully set out here. The Behavioral Health Network Screening and Eligibility Tracking form and the Behavioral Health Network Reverification and Request for Disenrollment Behavioral Health Specialty Care Network Screening and Eligibility Tracking form may be obtained from the district Alcohol, Drug Abuse, and Mental Health Program Office. Upon completion, the Behavioral Health Liaison shall submit a copy of the Behavioral Health Network Screening and Eligibility Tracking form and the Behavioral Health Network Reverification and Request for Disenrollment form(s) Behavioral Health Specialty Care Network Screening and Eligibility Tracking form to the Children’s Medical Services area office and the district Alcohol, Drug Abuse, and Mental Health Program Office.

(12) through (13) No change.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History—New 1-17-01, Amended _____.

65E-11.004 Clinical Guidelines for Referral.

(1) Every child referred to the Behavioral Health Network a Behavioral Health Specialty Care Network shall be screened as a first step in determining the child’s ~~clinical~~ eligibility for services. If the screening indicates the child has the potential to meet the Behavioral Health Network Behavioral Health Specialty Care Network clinical eligibility criteria described in this section, ~~and there is available capacity within the network to enroll the child,~~ an assessment shall be conducted.

(2) A child shall be considered eligible for behavioral health services from the Behavioral Health Network Behavioral Health Specialty Care Network when the child is determined to be Title XXI eligible for the Florida KidCare Program, be at least five (5) years of age and not yet nineteen (19) years of age, and

(a) through (e) No change.

~~1. Criteria Set 1:~~

~~1.a. No change.~~

~~2.b. A child diagnosed with Attention-Deficit/Hyper Activity Disorder as the primary DSM-IV-R Axis I diagnosis does not qualify for Behavioral Health Network services, and Attention-Deficit and Disruptive Behavior disorders shall be excluded as DSM-IV Axis I mental disorders in determining clinical eligibility for the Behavioral Health Specialty Care Network, and~~

~~3.e. The child demonstrates a significant level of functional impairment as measured by the Children’s Global Assessment Scale (C-GAS), with a score of fifty or below. The child is experiencing significant functional impairment as a result of his or her condition, or~~

~~2. Criteria Set 2: The child is in a school-based program for children with serious emotional disturbance, or~~

~~3. Criteria Set 3: The child has been committed for the treatment of substance-related disorders under the Hal S. Marchman Act of 1993, Section 397.01, Florida Statutes, at least once within the last six months.~~

(3) Disenrollment Criteria. A child shall be considered disenrolled from the Behavioral Health Network at midnight of the last day of the current enrollment month if one of the following occurs: Ineligibility Criteria. A child shall be considered ineligible for Title XXI Behavioral Health Specialty Care Network behavioral health services if any one of the following criteria is met:

(a) The parent has neglected to pay the premium; The child does not meet the Title XXI eligibility criteria with regard to age, income, premium payment, and other insurance coverage or the child does not meet the following Behavioral Health Network criteria: Behavioral Health Specialty Care Network eligibility criteria described in Section 65E-11.004, F.A.C., above;

(b) The child turns 19 years old; The child is placed in long-term residential care exceeding 30 days;

(c) The child becomes Medicaid eligible or obtains other insurance coverage; The child moves out of the state of Florida;

(d) The child moves out of state;

(e) The child is placed in residential treatment exceeding thirty days;

(f) The child becomes an inmate of a public institution; or

(g) The child no longer meets the Behavioral Health Network's treatability or clinical eligibility criteria.

(4) When determining or reviewing a child's eligibility under the program, the applicant shall be provided with notice of changes in eligibility. When a transition from the Behavioral Health Network to another program is appropriate, the Behavioral Health Liaison shall notify the Children's Medical Services case manager in writing and shall ensure the affected family is afforded a transition which promotes continuity of behavioral health care coverage.

(5)(4) The department shall be the final authority on all admissions, transfers, and discharges of children into and from the Behavioral Health Network Behavioral Health Specialty Care Network and retains the right to override any decision of a Lead Agency with regard to a child's admission, transfer, and discharge.

(6)(5) In the case of any dispute between the department and a Lead Agency, an enrolled child shall remain in the Behavioral Health Network Behavioral Health Specialty Care Network and continue to receive care at the expense of the Lead Agency for the duration of the resolution of the dispute.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History--New 1-17-01, Amended _____.

65E-11.007 Practice Guidelines for Behavioral Health Services to Ensure Cost-effective Treatment and To Prevent Unnecessary Expenditures.

(1) Treatment Plan. A written treatment service plan shall be developed within 10 working days of enrollment into the Behavioral Health Network Behavioral Health Specialty Care Network for each enrolled child. At a minimum, the plan shall include clear time-limited treatment objectives, related interventions, clinical criteria for discharge, and evidence that the child and family, consistent with the statutes and rules of the department for family involvement, have been included in the development of the treatment plan.

(a) A board certified child psychiatrist or a Licensed Practitioner of the Healing Arts with experience treating children who have mental or substance-related disorders shall serve as the authorizing authority for necessary services. The Lead Agency shall communicate the details of the plan to the local Children's Medical Services Area Office. The plan shall be reviewed and updated no later than ninety (90) days apart.

(b) Notwithstanding paragraph 65E-11.007(1)(a), F.A.C., above, if the provider can demonstrate that a board certified child psychiatrist or a Licensed Practitioner of the Healing Arts

with experience treating children who have mental or substance-related disorders is not available for participation due to the lack of availability, a psychiatrist with experience treating children who have mental disorders or a medical doctor with experience treating children for substance-related disorders shall serve as the authorizing authority for necessary services.

(2) Behavioral health services financed through the Behavioral Health Network Behavioral Health Specialty Care Network shall not begin until after the child's enrollment as defined in Rule 65E-11.003, F.A.C.

(3) through (4)(c) No change.

(d) Collection of data to review the criteria and process used to evaluate services for medical necessity as described in subsection 65E-11.002(18)(19), F.A.C.,

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

(8)(b)1. The claim documents psychiatric admission for the treatment of Emergency Behavioral Health Care as defined in subsection 65E-11.002(12)(14), F.A.C., and includes the date of admission, reason for admission, location of the treatment facility, duration of service noted, and any Behavioral Health Services authorized by the referring Lead Agency.

2. through 3. No change.

(9) through (11) no change.

(12) Exceptions to the drive-time provision shall be made by the Behavioral Health Network Behavioral Health Specialty Care Coordinator to address the lack of specialty providers or other service constraints existing in rural areas.

(13) No change.

(a) No change.

(b) Urgent Care as defined in subsection Section 65E-11.002 (27)(29), F.A.C., shall be evaluated and delivered within twenty-four (24) hours.

(c) No change.

(14) No change.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History--New 1-17-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Sorrell, Medical Health Care Program Analyst,
Mental Health

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Sue Ross, Chief, Mental Health

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 27, 2001

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Children’s Mental Health

RULE TITLE: Integrated Children’s Crisis Stabilization Unit and Addictions Receiving Facility Demonstration Models
 RULE NO.: 65E-12.110

PURPOSE AND EFFECT: Amends Rule 65E-12, F.A.C., Public Mental Health Crisis Stabilization Units and Short-term Residential Treatment Facilities, to create demonstration models for integrated children’s crisis units and standards to run these units.

SUMMARY: This rule adds additional requirements with regard to Licensure and Designation, Unit Operating Policies and Procedures, Staffing Requirements, Case Records, Content of Records, Signatures and Entries, Facility Admissions, Provider Discharge Requirements, and Provider Universal Infection Control.

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: 394.499 FS.

LAW IMPLEMENTED: 394.499 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Sorrell, Medical/Health Care Program Analyst, 1317 Winewood Blvd., Bldg. 6, Room 297, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65E-12.110 Integrated Children’s Crisis Stabilization Unit and Addictions Receiving Facility Demonstration Models.

(1) All the requirements for licensure and operation as a Crisis Stabilization Unit (CSU) that are otherwise required by Chapter 65E-12, F.A.C., and Chapter 65E-5, F.A.C., shall apply, except as provided for in section 394.499, Florida Statutes, and this rule section. This section applies to integrated children’s crisis stabilization unit (CSU) and addictions receiving facility (ARF) services, hereafter referred to as “CSU/ARF.” The facilities will serve minors under the age of 18 years of age who present with a serious and acute mental illness or substance abuse impairment. These facilities shall provide integrated CSU/ARF services within the same facility, and shall provide services to each person based upon their

individual needs. This may include an emphasis on services that are typically provided in either an ARF or a CSU, as determined from the initial screening and assessment.

(2) Licensure and Designation. The facility shall be licensed as a Children’s CSU under Chapter 394, F.S., and Chapter 65E-12, F.A.C., by the Agency for Health Care Administration hereafter referred to as the “Agency.” The facility shall also be designated as a Children’s CSU and an ARF by the Department of Children and Families, hereafter referred to as the “department”. Proof of ARF designation must be submitted to the Agency prior to the CSU receiving substance abuse patients and upon renewal of an ARF designation. The facility shall be in compliance with CSU licensing requirements at all times. Patients may be admitted under the involuntary admission procedures of the Baker Act or Marchman Act and on a voluntary basis. Complaints received by the Department of Children and Families or by the Agency shall be jointly investigated whenever possible and passed on to the local Advocacy Councils within 24 hours of the complaint. Within 26 months from the date of approval by the department, the department shall make a determination to extend or not to extend the demonstration model.

(3) Special Provisions and Requirements.

(a) Unit Operating Policies and Procedures. Uniform policies and procedures and forms that provide for the integrated operation of CSU/ARF services shall be utilized. This shall include policies and procedures regarding admission, assessment, examination, physical health care, treatment, informed consent, referral, discharge planning, and aftercare that conform with national standards, rules and regulations, and best practices. These procedures shall include provisions that address use of the Baker Act and the Marchman Act in accordance with the person’s diagnosis. The unit’s operating policies and procedures shall be subject to the approval of the organization’s Medical Director and the advisory governing board.

(b) Staff Orientation and Training. Staff shall meet the training requirements of Rule 65E-5.330, F.A.C., and Rule 65D-30.004, F.A.C., as a prerequisite to providing services. In addition, staff shall receive training from qualified professionals in substance abuse, as defined in Section 397.311, F.S., that includes the etiology and characteristics of substance abuse, common street drugs and means of use, motivational stages, and principles of recovery and relapse.

(c) Staffing Requirements.

1. The CSU/ARF shall have a Medical Director licensed under Chapters 458 or 459, F.S., who is responsible for overseeing all medical services delivered at the facility. A Medical Director licensed under Chapters 458 or 459, F.S., who has been designated to oversee all medical services of the facility and has been given authority and responsibility for medical services delivered by the facility meets this requirement.

2. A registered nurse shall ensure that emergency medical services are provided immediately in accordance with the medical protocols established by the Medical Director. Such protocols shall include provisions to ensure that new arrivals are promptly assessed for symptoms of substance abuse intoxication, and are given prompt medical care and attention. In addition, protocols shall ensure that monitoring of psychiatric medication is provided and general health care needs are met.

3. In addition to the requirements of Rule 65E-12.105, F.A.C., minimum staffing for the facility shall include a qualified professional specializing in substance abuse. The qualified professional must be a physician licensed under Chapters 458 or 459, F.S., or a practitioner licensed under Chapters 490 or 491, F.S., or certified through a department recognized certification process as provided in Section 397.311, F.S., and Section 397.416, F.S. Individuals who are certified are permitted to serve in the capacity of a qualified professional, but only within the scope of their certification. This person shall be available on-call 24 hours per day, seven days per week. This person shall be on-site daily for at least 15 hours per week within the first six months of operation and at least eight hours per week thereafter. The provider's operating procedures shall include a description of those circumstances requiring the qualified professional to be on-site.

(d) In those cases where a child needs to be transported to other services, the provider shall arrange for such transportation.

(4) Case Records.

(a) Confidential Information. Each CSU/ARF shall ensure that information in case records and any other identifying information for children reflecting a substance abuse diagnosis be maintained in accordance with 42 Code of Federal Regulations, Part 2. The department and the Agency shall have access to confidential records, as needed, to conduct monitoring visits, surveys, complaint investigations, and other required site visits.

(b) Signatures and Entries. In those instances where case records are maintained electronically, a staff identifier code will be acceptable in lieu of a signature. Documentation within case records shall not be deleted. Amendments or marked through changes shall be initialed and dated by the individual making such changes.

(c) Content of Records. The CSU/ARF shall develop a uniform case record system regarding the content and format of case records pursuant to subsection 65D-30.004(13), F.A.C. and paragraph 65E-12.106(5)(c), F.A.C.

(5) Facility Admission. Each child determined to be in need of services shall provide a blood sample for laboratory testing pursuant to Rule 65D-30.004, F.A.C., or in accordance with the medical protocol developed by the medical director. The Medical Director shall develop medical protocols

including the circumstances under which the test on blood shall not be performed. In addition, a drug screen shall be required for each child determined to need services.

(6) Provider Discharge Requirements.

(a) Development of a discharge and aftercare plan shall commence upon admission. The plan shall include information on the need for continuation of prescribed psychotropic medications and other prescribed medications, such as methadone or other substance abuse maintenance medications, aftercare appointments for medication and case management, and shall be based upon the individualized needs of the child or adolescent. If the discharge is delayed, the CSU/ARF will notify the aftercare provider. The local Advocacy Council shall be notified if a child remains in the CSU/ARF beyond seven days. The CSU/ARF shall coordinate with the aftercare service provider and shall document the after care planning.

(b) Prescriptions for psychotropic medications shall be provided to a discharged child's legal guardian to cover the intervening days until the first scheduled aftercare appointment. Discharge planning shall address the availability of and access to prescription medication in the community.

(7) Provider Universal Infection Control.

(a) A written Universal Infection Control plan shall be developed which shall apply to all staff, volunteers, and children receiving services and shall be reviewed and approved by the Medical Director and medical staff.

(b) The CSU/ARF shall conduct a risk assessment and screening for each child who is determined to be substance abuse impaired, as required by Rule 65D-30.004, F.A.C.

(c) All infection control activities shall be documented.

Specific Authority 394.499 FS. Law Implemented 394.499 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Sorrell, Medical Health Care Program Analyst,
Mental Health

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Sue Ross, Chief, Mental Health

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: April 5, 2002

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Marine Fisheries

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Billfish and Swordfish	68B-33
RULE TITLES:	RULE NOS.:
Swordfish: Recreational Bag and Possession Limits	68B-33.0034
Size Limits	68B-33.004
Billfish and Swordfish: Recreational Catch Reporting	68B-33.005

PURPOSE AND EFFECT: The limited purpose of this rulemaking is to conform state rules regarding swordfish and billfish to recent changes in federal regulations. Recent amendments to 50 C.F.R. §635.5 and 50 C.F.R. §635.22 impose reporting requirements on non-tournament recreationally-harvested billfish and swordfish and recreational bag and possession limits for swordfish. The proposed amendments to Rule Chapter 68B-33, F.A.C., conform the chapter to these requirements and also require that recreationally-harvested billfish be landed in a whole condition. The latter requirement is also a part of the current federal regulations, in 50 C.F.R. §635.30(b). The effect of this rulemaking will be to make federal and state regulations identical to provide for effective law enforcement in both jurisdictions.

SUMMARY: Proposed new Rule 68B-33.0034, F.A.C., establishes a recreational bag limit of one swordfish per day from state waters, with a maximum of three swordfish in possession aboard a vessel to which the rule applies. A new subsection (5) is added to Rule 68B-33.004, F.A.C., to require that all billfish be landed in a whole condition. Proposed new Rule 68B-33.005 requires the reporting of all non-tournament, recreationally-caught swordfish and billfish pursuant to federal regulations.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), FLORIDA STATUTES.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

Substantially affected persons may, within 14 days of the date of this notice, file an objection to this rulemaking with the agency. The objection shall specify the portions of the proposed rule to which the person objects and the specific reasons for the objection.

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-33.0034 Swordfish: Recreational Bag and Possession Limits.

(1) Except as provided in subsection (2), no person shall harvest more than one swordfish per day or possess more than one swordfish while in or on the waters of the state; provided, however, that the possession of more than three swordfish aboard any vessel with three or more persons is prohibited.

(2) This rule shall not apply to persons fishing pursuant to a saltwater products license and a federal Limited Access Permit (LAP) for swordfish issued pursuant to 50 C.F.R. § 635.4(f).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68B-33.004 Size Limits.

(1) No person shall harvest, possess in or on the waters of the state, or land, any blue marlin with a lower jaw fork length less than 99 inches.

(2) No person shall harvest, possess in or on the waters of the state, or land, any white marlin with a lower jaw fork length less than 66 inches.

(3) No person shall harvest, possess in or on the waters of the state, or land, any sailfish with a lower jaw fork length less than 63 inches.

(4) No person shall harvest, possess in or on the waters of the state, or land, any swordfish that is less than 47 inches lower jaw fork length, 29 inches cleithrum to keel length, or 33 pounds dressed weight. A swordfish that is damaged by shark bites may be retained only if the remainder of the carcass is at least 47 inches lower jaw fork length, 29 inches cleithrum to keel length, or 33 pounds dressed weight.

(5) All billfish shall be landed in a whole condition. The possession, while in or on state waters, or landing, of any billfish that has been deheaded, sliced, divided, filleted, ground, skinned, scaled or deboned, is prohibited. Mere evisceration or “gutting” of such fish, or mere removal of gills, before landing is not prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-26-99, Amended 10-1-02, _____.

68B-33.005 Billfish and Swordfish: Recreational Catch Reporting.

Any person harvesting a billfish in state waters pursuant to subsection 68B-33.003(1), F.A.C., or a swordfish pursuant to subsection 68B-33.0034(1), F.A.C., shall report each non-tournament landing of such fish as required by 50 C.F.R. § 635.5(c)(2). For purposes of this rule, the term “non-tournament landing” means any billfish or swordfish brought ashore that was harvested other than in a fishing competition in which participants must register or otherwise enter or in which a prize or award is offered for catching or landing such fish.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.: RULE CHAPTER TITLE:

9B-3

Florida Building Commission –
Operational Procedures

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

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 46, November 15, 2002, issue of the Florida Administrative Weekly.

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code as revised by the Florida Building Commission on ~~November 6, 2001~~, is hereby adopted and incorporated by reference as the building code for the State of Florida.

Proposed effective date is June 30, 2003.

Specific Authority 553.73(1),(2),(7), ~~553.842~~ FS. Law Implemented 553.72, 553.73(2),(3),(7),(9), ~~553.842~~ FS. History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, ~~6-30-03~~.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.022
 RULE TITLE: Federal Excise Taxes, Gross Receipts Tax, and Other Fees
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rule 12A-1.022, F.A.C., as published in the November 15, 2002 edition of the Florida Administrative Weekly (Vol. 28, No. 46, pp. 4980-4982). These changes are in accordance with s. 120.54(3)(d)1., F.S., and are in response to written comments received by the Department from the Joint Administrative Procedures Committee. The proposed amendments to paragraph (b) of subsection (2) of Rule 12A-1.022, F.A.C., have been changed and paragraph (c) has been added, so that, when adopted, those paragraphs will read:

(b) The following fees levied by the State of Florida are included in the sales price upon which sales and use tax is computed when the fee is separately itemized on the customer's bill, invoice, statement, or other evidence of sale:

1. New tire fee levied under s. 403.718, F.S.;
2. Lead-acid battery fee levied under s. 403.7185, F.S.;
- and
3. Rental car surcharge levied under s. 212.0606, F.S.

(c) The motor vehicle warranty fee levied under s. 681.117, F.S., is NOT included in the sales price upon which sales and use tax is computed when the fee is separately itemized on the customer's bill, invoice, statement, or other evidence of sale.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.: 12A-19.020
 RULE TITLES: Tax Due at Time of Sale; Tax Returns and Regulations
 12A-19.100
 Public Use Forms
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rules 12A-19.020 and 12A-19.100, F.A.C., as published in the November 15, 2002 edition of the Florida Administrative Weekly (Vol. 28, No. 46, pp. 4982-4989). These changes are in accordance with s. 120.54(3)(d)1., F.S., and are in response to written comments received by the Department from the Joint Administrative Procedures Committee.

The proposed amendments to subsection (3) of Rule 12A-19.020, F.A.C., have been changed, so that, when adopted, that subsection will read:

(3)(a) Form DR-700016, Florida Communications Services Tax Return (~~12/01~~, hereby incorporated by reference in Rule 12A-19.100, F.A.C.), accompanied by the applicable payment, is due on the first day of the month subsequent to the sale of communications services. A return is required to be filed with the Department even when no tax is due with the return.

(b) No change.

(c) Form DR-700016, Florida Communications Services Tax Return, contains current tax rates for each local taxing jurisdiction. These rates are also contained on the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor/taxes/local_tax_rates.html). The Department's Internet site and form DR-700016 are revised when the tax rate in any local jurisdiction changes.

(d) The following versions of form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

<u>01/03</u>	<u>January 2003 – February 2003</u>	<u>January 1, 2003 – February 28, 2003</u>
<u>12/02</u>	<u>December 2002</u>	<u>December 1, 2002 – December 31, 2002</u>
<u>11/02</u>	<u>November 2002</u>	<u>November 1, 2002 – November 30, 2002</u>
<u>10/02</u>	<u>October 2002</u>	<u>October 1, 2002 – October 31, 2002</u>
<u>01/02</u>	<u>January 2002 – September 2002</u>	<u>January 1, 2002 – September 30, 2002</u>
<u>12/01</u>	<u>October 2001 – December 2001</u>	<u>October 1, 2001 – December 31, 2001</u>

The proposed amendments to subsection (3) of Rule 12A-19.100, F.A.C., have been changed, so that, when adopted, that subsection will read:

Form Number	Title	Effective Date
<u>(3)(a) DR-700016</u>	<u>Florida Communications Services Tax Return (R. 01/03)</u>	_____
<u>(b) DR-700016</u>	<u>Florida Communications Services Tax Return (R. 12/02)</u>	_____
<u>(c) DR-700016</u>	<u>Florida Communications Services Tax Return (R. 11/02)</u>	=====
<u>(d) DR-700016</u>	<u>Florida Communications Services Tax Return (R. 10/02)</u>	_____
<u>(e) DR-700016</u>	<u>Florida Communications Services Tax Return (R. 01/02)</u>	_____
<u>(f) DR-700016</u>	<u>Florida Communications Services Tax Return (R. 12/01)</u>	_____

The proposed amendments to subsection (6) of Rule 12A-19.100, F.A.C., which adopt by reference form DR-700022 (Local Communications Services Tax Notification of Jurisdiction Changes), have been withdrawn.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE NO.:	RULE TITLE:
12D-10.0044	Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent with s. 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to this proposed rule, as published in Vol. 28, No. 40, pp. 5351-5352, November 27, 2002, and Vol. 29, No. 3, p. 191, January 17, 2003 issues of the Florida Administrative Weekly. These changes are in accordance with s. 120.54(3)(d)1., F.S. Subsection (3) and paragraph (c) of subsection (5) of Rule 12D-10.0044, F.A.C., will be changed so that, when adopted, these subsections will read:

(3) No later than 5 days after the property appraiser receives the petitioner's documentation, the property appraiser shall provide the petitioner with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing. The evidence list must contain the property record card if provided by the clerk. In computing the 5 day period prescribed in this subsection, intermediate

Saturdays, Sundays, and legal holidays shall be excluded in the computation. See Rule 1.090(a), Florida Rules of Civil Procedure, entitled Time.

(5)(c) In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. ~~When the period of time prescribed or allowed in subsection (3) is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. See Rule 1.090(a), Florida Rules of Civil Procedure, entitled Time.~~ If the tenth day before a hearing is a Saturday, Sunday, or legal holiday, the information under subsection (2) shall be provided no later than the previous business day.

DEPARTMENT OF TRANSPORTATION

Florida Seaport Transportation and Economic Development Council

RULE NOS.:	RULE TITLES:
14B-1.001	Definitions
14B-1.002	Port Project funding Application Procedures and Requirements
14B-1.003	Measuring Economic Benefits
14B-1.004	Determination of Funding; Council/Agency Review
14B-1.005	Council Procedures
14B-1.006	Eligible Port Funding Requirements
14B-1.007	Reporting Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 27, No. 32, August 10, 2001, Florida Administrative Weekly is hereby withdrawn.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference
40E-4.101	Content of Permit Applications
40E-4.361	Conversion from Construction Phase to Operation Phase
40E-4.381	General Conditions

NOTICE OF CHANGE

Notice is hereby given that the following changes were made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., which proposed rules were published in Vol. 28, No. 48, pages 5301-5310 of the November 27, 2002, issue of the Florida Administrative Weekly and adopted, with

these changes, by the South Florida Water Management District's Governing Board at a public hearing on February 13, 2003.

In response to written material received from the regulated community before the date of the final public hearing concerning the definition of "professional engineer", and to be consistent with Section 471.005, F.S., and Chapters 61G15-18 through 61G15-36, F.A.C., changes have been made to subsection (4) of Rule 40E-4.101; subsections (2), (2)(a), (2)(b), and (2)(b)2. of Rule 40E-4.361; subsection (1)(f) of Rule 40E-4.381; and subsections 10.1(a), 10.1(b) and 10.2(b) of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – June, 2002", incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C., as follows:

40E-4.101 Content of Permit Applications.

(4) Applications are advised that Chapter 471, F.S., sets forth certification requirements for engineering activities. Where required by law or District rule, surface water management system design plans must be signed and sealed by a professional engineer or other individual authorized by law ~~Florida Registered Professional Engineer or other appropriate professional~~. Chapter 471, F.S., sets forth exemptions to engineer certification.

Specific Authority 373.016, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.117, 373.413, 373.416, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.03(2), 16K-4.07(2), 16K-4.09(2), Amended 7-1-86, 11-21-89, 4-20-94, 10-3-95, 5-28-00, _____.

40E-4.361 Conversion from Construction Phase to Operation Phase.

(1) No change.

(2) The operation phase of a surface water management system which was required to be designed by a ~~registered~~ professional engineer or other individual authorized by law does not become effective until all of the following criteria have occurred:

(a) Within 30 days after completion of construction of the system, the permittee shall submit a signed and sealed certification by an appropriate ~~registered~~ professional engineer or other individual authorized by law indicating that the system has been constructed and that the system is ready for inspection by the District;

(b) The ~~registered~~ professional engineer or other individual authorized by law shall certify that:

2. Any deviations from the approved plans and specifications will not prevent the system from functioning in compliance with the requirements of this rule and Section 10.0 of the "Basis of Review for Environmental Resource Permit Applications" within the South Florida Water Management District – _____. The ~~registered~~ professional engineer or other individual authorized by law shall note and explain

substantial deviations from the approved plans and specifications and provide two copies of as-built drawings to the District; and

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416 FS. History—New 10-3-95, Amended 1-7-97, _____.

40E-4.381 General Conditions.

(1)(f) Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a ~~registered~~ professional engineer or other ~~appropriate~~ individual as authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification Form No. 0881, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.

Specific Authority 373.044, 373.113, ~~373.171~~ FS. Law Implemented 373.116, 373.229, 373.413, 373.416, 373.421, 373.422, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(3), 16K-4.38, Amended 7-1-86, 4-20-94, 10-3-95, 1-7-97, _____.

(The following represents the proposed changes to sections 10.1(a), 10.1(b) and 10.2(b) of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – June, 2002.")

CHAPTER 10.0 SURFACE WATER MANAGEMENT SYSTEM CERTIFICATION AND OPERATION

10.1 Construction Completion/Construction Certification

(a) Within 30 days of the completion of the surface water management system construction, a ~~registered~~ professional engineer or other individual authorized by law shall certify that the construction was completed and that the system was constructed in substantial conformance with the plans and specifications approved by the District. The above requirement shall be met by submittal of a completed and executed Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification Form No. # 0881, incorporated by reference in Rule 40E-1.659, F.A.C., or equivalent.

(b) The District recognizes that Form No. #0881, incorporated by reference in Rule 40E-1.659, F.A.C., does not apply to all water management systems. If Form #0881 does

not apply to a particular system, for example, exfiltration trench, then a certification confirming the appropriate elements and dimensions of that system, such as lengths, diameters and elevations of the exfiltration system must be provided. The following certification statement must also appear on the certification report. Note that if no deviations are detected by the certifying professional engineer or other individual authorized by law, then the District is not requiring that a copy of the approved permit drawings be submitted.

10.2 Construction Completion/Construction Certification for Phased Projects

(b) The professional engineer or other individual authorized by law has provided documentary evidence that the certified phase can function satisfactorily and permanently independent of the backbone system.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-400.315	Subpart B No Notice General Environmental Resource Permits No Notice General Permit for Activities in Uplands

NOTICE OF CHANGE

Notice is hereby given that the following changes were made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., which proposed rule was published in Vol. 28, No. 48, pages 5301-5310 of the November 27, 2002, issue of the Florida Administrative Weekly and adopted, with these changes, by the South Florida Water Management District's Governing Board at a public hearing on February 13, 2003.

In response to written material received from the regulated community before the date of the final public hearing concerning the definition of "professional engineer", and to be consistent with Section 471.005, F.S., and Chapters 61G15-18 through 61G15-36, F.A.C., changes have been made to subsection (2)(a)1. of Rule 40E-400.315, F.A.C., as follows:

40E-400.315 No Notice General Permit for Activities in Uplands.

(2)(a) General Conditions.

1. The surface water management system design plans must be signed and sealed by a ~~registered~~ professional engineer or other individual authorized by law;

Specific Authority 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended _____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60BB-4	Florida Partnership for School Readiness

RULE NOS.:
60BB-4.100
60BB-4.200
60BB-4.201

60BB-4.202

60BB-4.203

60BB-4.204

60BB-4.205

60BB-4.206

60BB-4.207

60BB-4.208

60BB-4.209

60BB-4.210

60BB-4.300

RULE TITLES:
Definitions
General Eligibility Provisions
Eligibility for Children at Risk of Abuse or Neglect
Eligibility for Children at Risk of Welfare Dependency
Eligibility for Children in Working Families Whose Income Does Not Exceed 150 Percent of the Federal Poverty Level
Eligibility for Three-And Four-Year-Old Children Who may not be Economically Disadvantaged But Who Have Been Served in a Specific Part-Time or Combination of Part-Time Exceptional Education Programs With Required Special Services, Aids, or Equipment, and Were Previously Reported for Funding Part Time With The Florida Education Finance Program as Exceptional Students
Economically Disadvantaged Children, Children with Disabilities, and Children at Risk of Future School Failure, From Birth to Four (4) Years of Age, Who are Served at Home Through Home Visitor Programs and Intensive Parent Education Programs Such as the Florida First Start Program
Eligibility For Children Who Meet Federal and State Requirements for Eligibility for the Migrant Preschool Program but Who do not Meet The Criteria of Economically Disadvantaged Eligibility For Children in the Relative Caregiver Program
Verification of Employment and Income
Redetermination of Eligibility for Financial Assistance
Maintaining Eligibility for Financial Assistance; Breaks in Employment
Waiting List Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 34, August 23, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

The rule shall now read as follows:

60BB-4.100 Definitions.

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

(2) Age Appropriate. “Age appropriate” means actions, non-direct services, and settings which meet a child’s need at each developmental stage.

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

(4) Children At-risk of Abuse, Neglect, and Exploitation – includes the following children referred by the Department of Children and Families:

(a) Children who are in families under investigation by the Department of Children and Families or a designated local sheriff’s office for abuse, neglect, abandonment or exploitation.

(b) Children who are in families under the supervision of the Department of Children and Families or its contracted provider for abuse, neglect, abandonment or exploitation.

(c) Children in the court ordered long-term custody or under the guardianship of a relative or non-relative following the termination of supervision by the Department of Children and Families or its contracted provider.

(d) Children in court ordered long-term licensed custody.

(5)(3) Educational activities. ~~For purposes of fulfilling any work requirement related to eligibility,~~ “Educational activities”, shall include vocational education, GED preparation, compulsory education, on-the-job training, job readiness training or postsecondary education.

(6)(4) Extended-day. ~~For purposes of fulfilling the statutory requirement that a coalition, on a systemwide basis, provide extended day and extended year services,~~

“Extended-day” shall mean eleven (11) or more than ten (10) hours of service per day. Such requirement may be fulfilled through interagency agreement with an adjoining school readiness coalition.

~~(7)(5) Extended-year. For purposes of fulfilling the statutory requirement that a coalition, on a systemwide basis, provide extended day and extended year services, “Extended-year” shall be synonymous with full-year and shall mean the period during which a provider regularly provides services for 245 full days or more. Such requirement may be fulfilled through interagency agreement with an adjoining school readiness coalition.~~

~~(8)(6) Family income. For purposes of determining eligibility for school readiness services and assessing parent fees, “Family income” means the combined gross income, from all sources, of all members of the family unit who are eighteen (18) years of age or older, including earned and unearned income, and excluding the following:~~

~~(a) Food stamp benefits;~~

~~(b) Documented child support payments made pursuant to a court order;~~

~~(c) Documented alimony paid pursuant to a court order; and~~

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

~~(9)(7) Family unit. “Family unit” means parent(s) living together, their minor children, and any other children for whom they are legally responsible. A family unit shall also include any additional related adult who resides with the family, and who is financially supported by that family.~~

~~(10)(8) Full-choice. For purposes of fulfilling the statutory requirement that each coalition provide school readiness services on a full-day, full-year, full-choice basis, to the maximum extent possible, “Full-choice” shall mean a full range of school readiness child care settings and payment options, including:~~

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

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

~~(11)(9) Full-day. For purposes of fulfilling the statutory requirement that each coalition provide school readiness services on a full-day, full-year, full-choice basis, to the maximum extent possible, “Full-day” shall mean availability of a minimum of ten (10) hours of school readiness services child care per day, including day, night, weekend, and odd~~

hour care. Such requirement may be fulfilled through interagency agreement with an adjoining school readiness coalition.

~~(12)(10)~~ Full-time. For purposes of establishing reimbursement rates and assessing parent fees, "Full-time" (FT) means at least six (6) hours or greater and up to and including eleven (11) ~~ten~~ (10) hours of care in a twenty-four (24) hour period.

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

~~(13)(12)~~ Initial registration. "Initial registration" means the point at which a child is determined eligible for services through a full eligibility determination.

~~(14)(13)~~ In loco parentis. "In loco parentis" means acting as the temporary legal guardian of a child.

~~(15)(14)~~ Maximum extent possible. For purposes of fulfilling the statutory requirement that each coalition provide school readiness services on a full day, full year, full choice basis and extended day, to the maximum extent possible, "Maximum extent possible" means reasonable efforts to accommodate the school readiness needs of children birth to kindergarten and families in greater than fifty (50%) percent of a coalition's school readiness programs.

~~(16)(15)~~ Migrant farmworker. "Migrant farmworker" means:

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

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

(17) Non-direct services. Examples of "non-direct services" are those activities delineated by the Florida Partnership for School Readiness, Form #SR-200; title: "Activity/Services Code Description Matrix", with an effective date of November 7, 2002 that can be obtained from the Florida Partnership for School Readiness, whose address, telephone number and website address are: 600 South Calhoun Street, Tallahassee, Florida 32399-0240, (850)922-4200, www.schoolreadiness.org, and is hereby incorporated by reference and made a part of this rule.

~~(18)(16)~~ Parent. "Parent" means a parent by blood, marriage or adoption and also means a legal guardian or a person standing in loco parentis.

~~(19)(17)~~ Part-time. For purposes of establishing reimbursement rates and assessing parent fees, "Part-time" (PT) means less than six (6) hours of care in a twenty-four (24) hour period.

~~(20)(18)~~ Purchase-of-service subcontract (POS). Payment through "Purchase-of-service subcontract" or "POS" means payment for school readiness child care services by transfer of funds to a legally operating licensed school readiness child care provider that has entered into a negotiated service agreement with a coalition or its designee.

~~(21)(19)~~ Quality enhancement. Example of "quality enhancement" activities initiatives include, but are not limited to, those activities delineated by the Florida Partnership for School Readiness document entitled "Activity/Service Code Description Matrix," which is as referenced in 60BB-4.100(17), F.A.C., hereby incorporated by reference and made a part of this rule.

~~(22)(20)~~ Working family. "Working family" means:

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

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

(c) A two parent family in which one parent with whom the child resides in employed or engaged in eligible education activities a minimum of twenty (20) hours per week.

~~(d)(e)~~ A family in which the parents are exempt from work requirements due to age or disability and are unable to care for the child, as determined and documented by a physician licensed under Chapters 458 or 459, Florida Statutes.

Eligible educational activities, as defined herein, may be substituted for required hours of employment on an hourly basis. Hours of financially assisted child care shall be commensurate with hours worked, plus reasonable time for travel.

~~(23)(21)~~ Unearned income. "Unearned income" shall include:

(a) Documented child support received pursuant to a court order.

(b) Documented alimony received pursuant to a court order.

(c) Social Security benefits.

(d) Supplemental security income (SSI).

(e) Worker's Compensation benefits.

(f) Unemployment Compensation benefits.

(g) Veteran's benefits.

(h) Retirement benefits.

(i) TANF cash assistance.

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

(k) Military FSSA housing assistance.

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

60BB-4.200 General Eligibility Provisions.

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

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

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

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

~~(1)(2)~~ Pursuant to section 411.01(5)(d)8., Florida Statutes, the provisions of this rule are not intended to limit the authority of a coalition to serve children eligible for any federal subsidized child care program from which the coalition receives funds, such as the following children eligible to be served pursuant to 45 CFR 98.20:

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

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

~~(2)(3)~~ In order to meet community needs, after giving priority for service to any priority eligibility categories established by the Legislature, a coalition's plan may include a prioritization of the remaining eligibility categories included in s. 411.01(6), Florida Statutes.

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

(4) Upon determination of eligibility, a parent shall be given a choice of a certificate voucher or purchase-of-service subcontract.

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

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

(1) Initial eligibility.

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

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

(2) Maintaining eligibility. A child may continue to maintain eligibility under this category if there is a current and valid referral from the Department of Children and Families or its contracted provider ~~and the provision of school readiness services is part of a continuing protective services plan.~~

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

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

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

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

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

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

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

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

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

(2) Maintaining eligibility.

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

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

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

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

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

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

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

(1) Initial eligibility.

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

(b) "Working families," as defined by Rule 60BB-4.100(22), F.A.C., rule, will be given priority for enrollment under this eligibility category. A coalition may also serve additional children who are determined to be at high risk of school failure; ~~to the extent possible~~; however, such families must meet the statutory definition of "economically disadvantaged."

(2) Maintaining eligibility.

(a) Pursuant to s. 411.01, F.S., once determined eligible for school readiness services a child shall remain eligible until he or she reaches kindergarten age. However, eligibility for financially-assisted school readiness services under this category may only continue provided the family's income is at or below 200% of the Federal Poverty Level (FPL) as the upper level of the program subsidy support as stated in section 3.3- "Eligibility Criteria for Child Care" of the State of Florida's Child Care and Development Services Plan ~~eighty-five (85%) percent of the state median income for a family of the same size as required by 45 CFR 98.20.~~

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

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

60BB-4.204 Eligibility for Three and Four-year-old Children who may not be Economically Disadvantaged but who have been Served in a Specific Part-Time or Combination of Part-time Exceptional Education Programs with Required Special Services, Aids, or Equipment, and were Previously Reported for Funding Part Time with the Florida Education Finance Program as Exceptional Students.

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

(a) The child has been determined eligible as a child with a disability in accordance with Chapter 6A-6, Florida Administrative Code, and is participating in a part-time exceptional student education program for children with disabilities provided by the school district under part B of the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. § 1401-1420, and

(b) The child has an individualized educational plan (IEP) or family support plan (FSP).

(2) School readiness services will be reimbursed only for during that portion of the day during which the child is not receiving special education or related services from the school district, with the exception that school readiness services may be reimbursed when special education and related services are provided by the school district on consultative or itinerant basis within the school readiness programs. ~~Department of Education.~~

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

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

(1) Initial eligibility.

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

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

(2) Maintaining eligibility.

(a) Pursuant to s. 411.01, F.S., once determined eligible for school readiness services a child shall remain eligible until he or she reaches kindergarten age. However, eligibility for financially-assisted school readiness services under this category may only continue provided the family's income is at or below 200% of the Federal Poverty Level (FPL) as the upper level of the program subsidy support as stated in section 3.3- "Eligibility Criteria for Child Care" of the State of Florida's Child Care and Development Services Plan ~~eighty-five (85%) percent of the state median income for a family of the same size as required by 45 CFR 98.20.~~

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

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

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

(1) Initial eligibility. Eligibility under this category is not dependent on family income or work requirements, but instead be based on a documented referral from the Local Education Agency (LEA) certifying that the parent(s) meets the federal definition of a migrant agricultural worker or a migrant fisher as defined in 34 CFR § 200.40(c) and (e).

(2) Maintaining eligibility. Once determined eligible under this category, a child will be provided school readiness services as the family moves from location to location for as

long as the family meets the federal criteria and until the child reaches kindergarten age, and shall be served in the order of priority established in the coalition's school readiness plan.

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

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

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

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

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

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

60BB-4.208 Verification of Employment and Income.

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

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

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

1. Six (6) weekly, three (3) biweekly, or two (2) monthly pay stubs that are current and consecutive, or
2. A signed statement by the employer, or-
3. A signed contract for employment.

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

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

- (a) An award letter or verification statement.

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

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

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

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

60BB-4.209 Redetermination of Eligibility for Financial Assistance.

(1) At a minimum, redetermination must:

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

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

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

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

60BB-4.210 Maintaining Eligibility for Financial Assistance; Breaks in Employment.

A family shall maintain eligibility for financially assisted school readiness services:

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

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

(3) During an interruption in employment, with an option to return to that employment, including such circumstances as seasonal employment or school system-related employment. The child client shall not be placed on the waiting list and

services will be considered suspended, and not reimbursed, until employment resumes. Care may be re-established upon resumption of employment.

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

60BB-4.300 Waiting List Procedures.

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

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

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

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

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

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

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

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE NO.: 61G6-7.001 RULE TITLE: Specialty Electrical Contractors

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. 48, November 27, 2002, issue of the Florida Administrative Weekly and as amended in the Notice of Change published on December 20,

2002. The changes are in response to comments from the Joint Administrative Procedures Committee and from comments from the Board meeting held on January 24, 2003.

1. Section (4) shall now read: Limited Energy Systems Specialty. The scope of certification of a limited energy systems specialty contractor includes the installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, and fiber optics (transmission of light over stranded glass) or any part thereof not to exceed 77 volts, when those items are for the purpose of transmitting data, proprietary video (satellite systems which are not part of a community antenna television, cable television, or radio distribution system), radio frequency, central vacuum, or electric locks, data distribution networks, home theater systems, surround sound systems, public address systems or telephone systems.

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

DOCKET NO.: 02-52R

RULE CHAPTER NO.: 62-213 RULE CHAPTER TITLE: Operation Permits for Major Sources of Air Pollution

RULE NOS.: 62-213.300 RULE TITLES: Title V Air General Permits Forms and Instructions

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. 52, December 27, 2002, issue of the Florida Administrative Weekly. The change to rule section 62-213.900, F.A.C., is within the form being adopted by reference at subsection 62-213.900(9), F.A.C.

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 ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-11R

RULE CHAPTER NO.: 62-550 RULE CHAPTER TITLE: Drinking Water Standards, Monitoring, and Reporting

RULE NO.: 62-550.824 RULE TITLE: Consumer Confidence Reports

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Department's official notice Internet site at www.dep.state.fl.us, and a summary published in the Vol. 29, No. 3, January 17, 2003, issue of the Florida Administrative Weekly.

The full text of the notice of change is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices".

For more information call Greg Parker, (850)245-8570.

Section IV
Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 465, "PAYDAY"
 RULE NO.: 53ER03-12
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 465, "PAYDAY," 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, 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:

53ER03-12 Instant Game Number 465, "PAYDAY".

(1) Name of Game. Instant Game Number 465, "PAYDAY."

(2) Price. PAYDAY lottery tickets sell for \$2.00 per ticket.

(3) PAYDAY 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 PAYDAY 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 PAYDAY lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the prize shown for that number. A ticket may have up to ten sets of matching numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$1,000 and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a \$2.00 instant ticket, or any combination of on-line and instant tickets that totals \$2.00, except as follows. A person who submits by mail a PAYDAY lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.



(b) A ticket having a "WIN" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$50.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 465 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF
TICKET	\$2 TICKET	1 IN	WINNERS IN
			42 POOLS OF
			180,000 TICKETS
			PER POOL
\$2	\$2	18.75	403,200
\$2 x 2	\$4	21.43	504,000
\$1 + (\$2 x 2)	\$5	37.50	352,800
\$5	\$5	37.50	201,600
\$1 + (\$2 x 2) + \$5	\$10	75.00	201,600
(\$1 x 8) + \$2	\$10	75.00	100,800
\$10	\$10	150.00	50,400
\$5 x 5	\$25	150.00	50,400
(\$5 x 2) + (\$10 x 4)	\$50	1,800.00	4,200
\$10 x 5	\$50	1,800.00	4,200
\$50 (STACK OF MONEY)	\$50	450.00	16,800
\$10 x 10	\$100	45,000.00	168
(\$25 x 2) + \$50 (STACK OF MONEY)	\$100	45,000.00	168
\$100	\$100	45,000.00	168
(\$25 x 6) + \$50 (STACK OF MONEY)	\$200	302,400.00	25
\$100 x 10	\$1,000	756,000.00	10
\$1,000	\$1,000	1,512,000.00	5
\$1,000 x 10	\$10,000	2,520,000.00	8
\$10,000	\$10,000	3,780,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 465 are 1 in 3.80. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(11) For reorders of Instant Game Number 465, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for PAYDAY 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 2-14-03.

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

EFFECTIVE DATE: February 14, 2003

DEPARTMENT OF THE LOTTERY

RULE TITLE:

Instant Game Number 475,
"QUEEN OF HEARTS"

RULE NO.:

53ER03-13

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 475, "QUEEN OF HEARTS," 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, 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:

53ER03-13 Instant Game Number 475, "QUEEN OF HEARTS".

(1) Name of Game. Instant Game Number 475, "QUEEN OF HEARTS".

(2) Price. QUEEN OF HEARTS lottery tickets sell for \$1.00 per ticket.

(3) QUEEN OF HEARTS 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 QUEEN OF HEARTS 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 QUEEN OF HEARTS lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The prize symbols and prize symbol captions are as follows:


INSERT SYMBOLS

(6) The legend is as follows:


INSERT SYMBOLS

(7) Determination of Prizewinners.



A ticket having a "  " card in the play area shall entitle the claimant to the corresponding prize shown. A ticket having



a "  " card in the play area shall entitle the claimant to all five prizes shown. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$250, \$500 and

\$4,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a \$1.00 ticket, except as follows. A person who submits by mail a QUEEN OF HEARTS lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 475 are as follows:

<u>GAME PLAY</u>	<u>WIN</u>	<u>ODDS OF</u>	<u>NUMBERS 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	15.00	672,000
\$1 X 2	\$2	42.86	235,200
\$2	\$2	42.86	235,200
\$2 X 2	\$4	75.00	134,400
\$5	\$5	60.00	168,000
\$2 X 5 (QUEEN)	\$10	300.00	33,600
\$10	\$10	300.00	33,600
\$5 X 4	\$20	600.00	16,800
\$20	\$20	600.00	16,800
\$5 X 5 (QUEEN)	\$25	444.44	22,680
\$10 X 5 (QUEEN)	\$50	2,400.00	4,200
\$25 X 2	\$50	14,400.00	700
\$50	\$50	14,400.00	700
\$100	\$100	50,400.00	200
\$50 X 5 (QUEEN)	\$500	504,000.00	20
\$500	\$500	840,000.00	12
\$4,000	\$4,000	2,016,000.00	5

(9) The estimated overall odds of winning some prize in Instant Game Number 475 are 1 in 3.90. Some prizes, including the top prizes, may be sold out at time of ticket purchase.

(10) For reorders of Instant Game Number 475, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a QUEEN OF HEARTS lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(12) Payment of prizes for QUEEN OF HEARTS 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 2-14-03.

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

EFFECTIVE DATE: February 14, 2003

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Thomas Conroy. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 29, No. 3, January 17, 2003. No public comment was received. The petition requested a waiver of Rules 11B-30.006 and 11B-30.009, F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirements that an officer who is not granted an equivalency for out-of-state criminal justice employment retake Florida basic recruit training. On January 30, 2003, the Criminal Justice Standards and Training Commission denied the waiver to Thomas Conroy.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Russell Brown. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 28, No. 51, December 30, 2002. No public comment was received. The petition requested a waiver of paragraph 11B-27.0023(2)(f), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that an officer meet the requirements of subsection 11B-27.0023(2), F.A.C., or have the officer's certification remain inactive. On January 30, 2003, the Criminal Justice Standards and Training Commission granted in part the waiver to Russell Brown allowing him six months to complete retraining and requiring him to be re-employed by mid-2004.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from David Harding. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 28, No. 51, December 20, 2003. No public comment was received. The petition requested a waiver of subsection 11B-27.002(4), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that an officer retake basic recruit training if the officer is not employed as an officer within four years of

beginning basic recruit training. On January 30, 2003, the Criminal Justice Standards and Training Commission denied the waiver to David Harding.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, (850)410-7687.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration received four petitions for a waiver of the requirements of Ch. 59A-1, Florida Administrative Code. The waivers requested were:

Petitioner	Date Petition Received	Waiver of Rule Provision(s)
Alamo Tissue Services, Inc.	January 29, 2003	59A-1.003(38),(47), F.A.C. 59A-1.005(1)(a)3., F.A.C.
IOP, Inc.	February 3, 2003	59A-1.005(1)(a)3.,4., F.A.C.
Modern Surgical, Inc.	January 31, 2003	59A-1.005(1)(a)3., F.A.C.
Prince Medical, Inc.	January 31, 2003	59A-1.005(1)(a)3., F.A.C.

Each corporation intends to be certified by the Agency for Health Care Administration to operate as a tissue bank in Florida to store and distribute previously processed human tissues. Each corporation is requesting to be granted a permanent waiver of the requirement to have a medical director on staff or on contract. Alamo Tissue Services, Inc. is also requesting a permanent waiver of the definition of “procurement” and “tissue bank” as it applies to their Corporation. IOP, Inc. is also requesting a permanent waiver of the requirement to have a working relationship with the medical examiner offices located in their service area.

Interested persons may receive a copy of the petition by contacting: Jo Ann Linch, Hospital and Outpatient Services Unit, (850)487-2717.

Written comments on the petition will be accepted until 5:00 p.m. on the 14th day after the date this notice is published. Comments may be submitted to: Agency for Health Care Administration, Hospital and Outpatient Services Unit, Mail Stop 31, 2727 Mahan Drive, Tallahassee, FL 32308.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice is hereby given that the Florida Department of Environmental Protection intends to grant (renew) a variance under Section 403.201(1)(a), Florida Statutes, as requested in a petition received on November 29, 2000, from Mr. David Brown, Director of Utilities, Town of Jupiter. The variance is from the acute toxicity requirements of subparagraph 62-302.500(1)(a)4. and paragraph 62-4.244(3)(a), Florida Administrative Code, for potable water byproduct discharging from the Town of Jupiter Water System Reverse Osmosis water treatment plant to the C-18 Canal, a Class II Marine water.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

For more information call: Tim Powell, (561)626-6684.

DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice that it has received a petition, filed on January 30, 2003 from Luis Rosell, Psy D, seeking a waiver or variance of Rule 64B19-11.005, Florida Administrative Code, with respect to the requirements for an average of at least two (2) hours of clinical supervision each week with at least one (1) hour being face-to-face supervision and requiring at least 900 hours of activities related to direct client contact.

Comments on this petition should be filed with Board of Psychology/MQA, 2020 Capital Circle, S. E., 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.

The Board of Psychology hereby gives notice that it has received a petition, filed on February 14, 2003 on behalf of Mary T. Diaz Granados, seeking a waiver or variance of paragraph 64B19-11.001(4)(c), Florida Administrative Code, with respect to an extension of time over the 24 months in which to complete required examinations.

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 the above address or telephone (850)245-4373, Ext. 3481.

The Board of Psychology hereby gives notice that it has received a petition, filed on February 14, 2003 on behalf of Rosalinda Hasbun, seeking a waiver or variance of paragraph 64B19-11.001(4)(c), Florida Administrative Code, with respect to an extension of time over the 24 months in which to complete required examinations.

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 the above address or telephone (850)245-4373, Ext. 3480.

The Board of Psychology hereby gives notice that it has received a petition, filed on February 12, 2003 from Tanya Quille seeking a waiver or variance of paragraph 64B19-11.001(4)(c), Florida Administrative Code, with respect to an extension of time over the 24 months in order to complete the required examinations.

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 the above address or telephone (850)245-4373, Ext. 3480.

The Board of Psychology hereby gives notice that it has received a petition, filed on February 10, 2003 from Nancy L. Witt, Ph.D., seeking a waiver or variance of paragraph 64B19-11.001(4)(c), Florida Administrative Code, with respect to an extension of time over the 24 months in which to complete required examinations.

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 the above address or telephone (850)245-4373, Ext. 3480.

The Board of Psychology hereby gives notice that it has received a petition, filed on February 12, 2003 from Brenda I. Rivera, seeking a waiver or variance of paragraph 64B19-11.001(4)(c), Florida Administrative Code, with respect to an extension of time over the 24 months in which to complete required examinations.

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 the above address or telephone (850)245-4373, Ext. 3480.

NOTICE IS HEREBY GIVEN that on January 27 2003, the Department of Health received a Petition of Waiver from paragraph 64E-15.003(2)(b), subsections 64E-15.004(5) and 64E-15.005(2),(4), Florida Administrative Code. The Petition for Waiver was filed by Merritt Development, Inc., d/b/a/ Hitching Post Trailer Ranch. The Petition indicates that Hitching Post Trailer Ranch is a 100-lot mobile home park located in Cape Canaveral, Brevard County, Florida. The petitioner plans to rent up to 20 lots to owners of recreational vehicles for three to four month periods of time. Each lot is stated to include full utility hookups, including sanitary sewer

connection point and a water supply connection point meeting the standards for mobile home sites as described in subsections 64E-15.004(2) and 64E-15.003(2), F.A.C. The petitioner further states that lots are rented to owners with self-contained recreational vehicles that possess their own shower and restroom facilities and which are connected directly to the park's sewage and water systems. No other recreational vehicle types or camping is allowed.

Comments on this Petition should be filed with Sam Power, Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition may be obtained from Ken Widergren, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4444, Extension 2453.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on February 12, 2003, Florida Housing Finance Corporation received a Petition for Waiver of Chapter 67-21, F.A.C., subsection 67-21.002(32) and paragraph 67-21.004(14)(b), from Barclay Forge of Hernando Co., Ltd., requesting a waiver of restrictions on changing developers before construction of a project is completed.

A copy of the Petition can be obtained from Sherry Green, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on February 12, 2003, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-21.002(30) and paragraph 67-21.003(14)(b), F.A.C., from Bimini Bay of Lee Co., Ltd., requesting a waiver of restrictions on changing developers before construction of a project is completed.

A copy of the Petition can be obtained from Sherry Green, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.,

Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on February 12, 2003, Florida Housing Finance Corporation received a Petition for Waiver of Rule 67-21, F.A.C., subsection 67-21.002(32) and paragraph 67-21.004(14)(b), from Huntington Oaks of Hillsborough Co., Ltd., requesting a waiver of restrictions on changing developers before construction of a project is completed.

A copy of the Petition can be obtained from Sherry Green, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on February 12, 2003, Florida Housing Finance Corporation received a Petition for Waiver of Chapter 67-21, F.A.C., subsection 67-21.002(32) and paragraph 67-21.004(14)(b), from Stratford Mill of St. John's Co., Ltd., requesting a waiver of restrictions on changing developers before construction of a project is completed.

A copy of the Petition can be obtained from Sherry Green, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Fish and Wildlife Conservation Commission has received a petition from the Florida Institute of Technology, Inc. ("FIT") for a permanent variance from or waiver of section (2)(d)7. of the Brevard County manatee protection rule (68C-22.006, Florida Administrative Code). The petition was received by the Commission on February 10, 2003, and seeks authorization to allow FIT to operate motorized training launches at speeds in excess of Slow Speed while accompanying rowing teams engaged in training or regattas during the normal fall and spring school semesters. The variance or waiver would apply Monday through Saturday from 6:00 a.m. to 7:30 a.m. (6:00

a.m. to 10:00 a.m. on Saturday) and in the afternoons from 3:30 p.m. to 7:00 p.m. The variance or waiver would also allow FIT to conduct two regattas each year in the same areas. Except during emergency circumstances, training launches would not be operated above 15 mph.

Copies of the petition may be received from and written comments submitted to: Scott Calleson, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, FL 32399-1600.

To be considered, comments must be received no later than 14 days from the date of publication of this notice.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs** announces a Cultural Supports Grants Task Force meeting to be held by conference call, to which all persons are invited. This meeting is subject to cancellation, please call to confirm the meeting date and time.

DATE AND TIME: March 12, 2003, 3:00 p.m. – Conclusion

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cultural Support Grants Task Force conference call.

For more information, please contact: Melissa Ray, Arts Administrator, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32399-0250, (850)245-6470.

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 a verbatim recording of the proceedings in order to provide a record for judicial review.

To request special aids or services, contact the Division staff 72 hours prior to the above stated schedule at (850)245-6470 or TT: (850)245-6288.

DEPARTMENT OF LEGAL AFFAIRS

The Ad Hoc Committee to Review State Commissions on the Status of Women of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Tuesday, March 4, 2003, 10:00 a.m.

PLACE: 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 a disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Research Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Wednesday, March 5, 2003, 10:00 a.m.

PLACE: 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 a disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Bylaws Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: March 11, 2003, 3:00 p.m.

PLACE: Call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodations because of a disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050.

The Annual Report Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Wednesday, March 12, 2003, 10:00 a.m.

PLACE: 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 a disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Women's Hall of Fame Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Wednesday, March 12, 2003, 3:00 p.m.

PLACE: 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 a disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Finance and Budget Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Thursday, March 13, 2003, 10:00 a.m.

PLACE: 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 a disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF INSURANCE

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

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

PLACE: Florida State Fire College, 11655 N. W. Gainesville Road, Ocala, Florida 34482

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Fire Code Advisory Council.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in this meeting, please contact Millicent King, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3619, Fax (850)922-2553, at least five calendar days before the meeting for assistance.

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: April 8, 2003, 11:00 a.m.

PLACE: Larson Building, Room 116, 200 E. Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Florida Firefighters Employment, Standards and Training Council.

A copy of the agenda may be obtained by writing: MaryAnn Benson, Department of Financial Services, Division of State Fire Marshal, 11655 N. W. Gainesville Road, Ocala, FL 34482-1486.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the person at the address listed above no later than 48 hours prior to the meeting or workshop.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a meeting of the Animal Industry Technical Council.

DATE AND TIME: March 11, 2003, 8:30 a.m. – 12:00 Noon
 PLACE: Western Sizzlin Steak House Restaurant, 1704 North Monroe Street, Tallahassee, Florida, (850)224-7022

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss animal health issues of concern to the agricultural industry both intrastate and interstate and to provide a forum for the Department to keep agricultural industry groups abreast of state and national activities as they relate to animal health issues in Florida, and activities of other states and USDA, affecting Florida's agriculture animal industries.

A copy of the agenda can be obtained by contacting: Dr. Leroy Coffman, Florida Department of Agriculture and Consumer Services, Room 335, Mayo Building, Tallahassee, FL 32399-0800, (850)410-0900.

If special accommodations are needed to attend this meeting because of a disability, please contact the above mentioned as soon as possible.

The **Department of Agriculture and Consumer Services** announces two meetings of the Citrus Production Research Advisory Council.

DATES AND TIME: Tuesday, March 11, 2003; Tuesday, March 25, 2003, 9:00 a.m.

PLACE: Citrus REC-Lake Alfred, 700 Experiment Station Road, Lake Alfred, FL 33850-2299, (863)956-4631

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the Research Council to review citrus research projects, pre-proposals for the year 2003-2004, to decide which will move to the full proposal step address, and other issues as needed.

If special accommodations are needed to attend this meeting because of a disability, please contact: Tony Fendrick, (850)487-3153.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Food and Nutrition Advisory Council.

DATE AND TIME: March 13, 2003, 8:00 a.m. – 5:00 p.m.
 PLACE: Sexton Elementary School, 1997 54th Avenue, North, St. Petersburg, Florida 33714, (727)570-3400, Fax (727)217-7236

DATE AND TIME: March 14, 2003, 8:00 a.m. – 12:00 Noon
 PLACE: Radisson Hotel & Conference Center, 12600 Roosevelt Boulevard, St. Petersburg, Florida 33716, (727)572-7800, Fax (727)561-0052

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and review the status of food and nutrition programs, and initiatives in the State of Florida.

A copy of the agenda can be obtained by contacting: Cathy Quick, 407 S. Calhoun Street, Mayo Building, 2nd Floor (M39), Tallahassee, Florida 32399-0800.

If special accommodations are needed to attend this meeting because of a disability, please contact: Cathy Quick, (850)487-6694, by March 7, 2003.

The **Florida State Fair Authority** announces a meeting of the Finance Committee, and a combined meeting of the Long Range Planning and Marketing Committees.

DATE AND TIME: Monday, March 10, 2003, 10:30 a.m.
 PLACE: Bob Thomas Equestrian Center, Horse Pavilion, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss old and new business of the Finance, Long Range Planning and Marketing Committees.

AGENDA: A copy of the agendas may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, Post Office Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

The **Florida State Fair Authority** announces a meeting of the Full Authority to which all persons are invited.

DATE AND TIME: Monday, March 10, 2003, 1:00 p.m.
 PLACE: Bob Thomas Equestrian Center, Horse Pavilion, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Reports: Finance, Long Range Planning and Marketing; Post-Fair Report; Status of Amphitheater Contract; Acquisition of Ferman Property.

AGENDA: A copy of the agenda may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, Post Office Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

DEPARTMENT OF EDUCATION

The **State University Presidents Association** announces telephone conference meetings to which all persons are invited. The calls will be on an as needed basis. Please call in for verification that the State University Presidents Association is meeting.

DATES AND TIME: March 7, 14, 21, 28, 2003; April 4, 11, 18, 25, 2003; May 2, 2003, 9:00 a.m. – 11:00 a.m.

PLACE: Call (850)921-2560, Suncom 291-2560

GENERAL SUBJECT MATTER TO BE CONSIDERED:
State University System issues.

The **Commission for Independent Education** hereby gives notice that a public workshop for the purposes of rule development on Rule 6E-2.0041, F.A.C., Delivery of Programs through Nontraditional Assessment, Modes, and Methods, which appeared in the August 9, 2002 issue of the Florida Administrative Weekly, Vol. 28, No. 32.

DATE AND TIME: March 21, 2003, 9:00 a.m.

PLACE: Keiser College, Building 2, 1700 Halstead Boulevard, Tallahassee, Florida 32309, (850)906-9494

The person to be contacted regarding the rule development workshop is: Samuel Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Commission's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows.

DATE AND TIME: March 20, 2003, 10:00 a.m.

PLACE: Gardner Seminar Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular monthly meeting.

Contact person for the meeting is: Dr. Robert L. McSpadden, President.

The **Florida Community College System** announces a conference call of the Board of Directors of the Foundation for Florida's Community Colleges, Inc. to which all persons are invited.

DATE AND TIME: March 13, 2003, 2:30 p.m. – 3:30 p.m.

PLACE: Call (850)488-5778, Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Meeting of the Foundation for Florida's Community Colleges, Inc., Board of Directors.

NOTE: If you need special services to attend the meeting or need additional information, write: Division of Community Colleges, 325 West Gaines Street, Suite 1314, Tallahassee, Florida 32399-0400.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs, Division of Housing and Community Development** announces the following public meeting.

COMMITTEE: Hurricane Loss Mitigation Program Advisory Council

DATE AND TIME: March 18, 2003, 9:30 a.m.

PLACE: State Board of Administration, Hermitage Conference Center, Room 116, 1801 Hermitage Boulevard, Tallahassee, FL 32308, Conference Call (850)488-7483, Suncom 278-7483

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a joint meeting between the Hurricane Loss Mitigation Program Advisory Council and the Florida Hurricane Catastrophe Fund Advisory Council pursuant to Sections 215.559 and 215.555, Florida Statutes.

For more information, please contact: Ted Court, Financial Specialist, Division of Housing and Community Development, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)410-1563, e-mail ted.court@dca.state.fl.us.

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 be taped by the State Board of Administration.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact Ted Court, Department of Community Affairs, (850)410-1563, at least ten (10) days prior to the meeting. 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 Communities Trust** announces pre-application technical assistance workshops to which all interested persons are invited. No fee is required to attend these workshops.

FIRST WORKSHOP

DATE AND TIME: March 11, 2003, 9:00 a.m. – 12:00 Noon (EST)

PLACE: Seminole Garden Center, Suite 140 Conference Room, 5800 North Central Boulevard, Tampa, Florida, Directions: (813)231-1330

SECOND WORKSHOP

DATE AND TIME: March 12, 2003, 9:00 a.m. – 12:00 Noon (EST)

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Hollywood, Florida, Directions: (954)985-4416

THIRD WORKSHOP

DATE AND TIME: March 13, 2003, 9:00 a.m. – 12:00 Noon (EST)

PLACE: East Central Florida Regional Planning Council, Suite 100, Conference Room, 631 N. Wymore Road, Maitland, Florida, Directions: (407)623-1075

FORTH WORKSHOP

DATE AND TIME: March 14, 2003, 9:00 a.m. – 12:00 Noon (EST)

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, Florida, Directions: (904)279-0880

FIFTH WORKSHOP

DATE AND TIME: March 18, 2003, 1:00 p.m. – 4:00 p.m. (EST)

PLACE: Department of Community Affairs, Kelley Training Center, Sadowski Building, Room 305, Tallahassee, Florida, Directions: (850) 922-2207

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these workshops is to provide information and technical assistance to eligible applicants to assist in the preparation of applications for awards for land acquisitions under the Florida Communities Trust Florida Forever Program.

ACTION TO BE TAKEN: Information will be presented to assist interested persons in completing the Florida Communities Trust Florida Forever application form and in understanding the review, evaluation, and acquisition procedures.

The Agenda for the workshops will be as follows:

1. Call to order.
2. Explanation by representatives of the Trust as to the purpose of the Florida Communities Trust Florida Forever Program and the application procedure.
3. Public questions.
4. Adjournment.

WHERE TO OBTAIN COPIES: A copies of the Florida Communities Trust Florida Forever Program application form FF-2 and Rule Chapter 9K-7, F.A.C., the rule governing the Florida Forever Program of the Florida Communities Trust, will be available at the workshops or may be obtained by visiting the Trust website at www.dca.state.fl.us/ffct, calling (850)922-2207, Suncom 292-2207 or by writing: Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Communities Trust, (850)922-2207, Suncom 292-2207, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Communities Trust using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public hearing to which all persons are invited. All interested parties are encouraged to attend this public hearing and to submit alternative recommendations concerning the subject matter

being considered. The Department suggests that parties who develop alternative recommendations circulate copies to all other known interested parties for their review before the public hearing.

DATE AND TIME: March 18, 2003, 9:30 a.m.

PLACE: Carlton Building, Room 435 Conference Room, 501 S. Calhoun Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department's proposed amendments to existing Rule 12-3.0012, F.A.C., Definitions, and proposed new Rule 12-3.0017, F.A.C., Adoption of Materials That Contain Departmental Procedures. Notice of the adoption of these new and amended rules was first published in the December 20, 2002 issue of the Florida Administrative Weekly Vol. 28, No. 51, pp. 5571-5573.

The agenda for this meeting includes the same subjects discussed in the December 20, 2002, notice published in the FAW.

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 Nancy Purvis, (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 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, Florida Scenic Highways Program announces a Scenic Highways Advisory Committee meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 19, 2003, 2:00 p.m. – 4:00 p.m.

PLACE: Rhyne Building, Room 330, 2740 Centerview Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and provide a recommendation regarding the Tamiami Trail Scenic Highway Eligibility Application.

SPECIAL ACCOMMODATIONS: Special accommodation requests should be made at least seven days prior to the meeting.

INFORMATION: Contact Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS #37, Tallahassee, Florida 32399-0450, (850)410-5894 or e-mail mariano.berrios@dot.state.fl.us or Fax (850)410-5808.

The **Department of Transportation**, Florida's Turnpike Enterprise announces a public hearing to which all persons are invited.

DATE AND TIMES: March 27, 2003, Open House – 6:30 p.m.; Formal Presentation – 7:00 p.m.

PLACE: Port St. Lucie City Hall, City Council Chambers, 121 Southwest Port St. Lucie Blvd., Port St. Lucie, Florida 34984
GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being held in accordance with the Section 339.155, Florida Statutes, and is also consistent with the Americans with Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the proposed project Financial Project Identification Number: 406162-1 otherwise known as the Becker Road Interchange with Florida's Turnpike. Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988.

A Toll Rate Rule Development Workshop will be held as part of the Project Development and Environment Study Public Hearing to allow the public an opportunity to comment on the development of proposed toll rates for the Becker Road/Turnpike interchange.

Anyone needing project or public hearing information may contact: Carl Gibilaro, P.E., Project Manager, Florida's Turnpike Enterprise, (407)532-3999, Extension 3412 or by writing Mr. Gibilaro, Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069.

Anyone requesting special accommodations under the Americans with Disabilities Act of 1990 should contact Carl Gibilaro, P.E. (407)532-3999, Extension 3412 or by writing Mr. Gibilaro, Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069.

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: Mr. Carl Gibilaro, P.E., Project Manager, Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069.

The Florida **Department of Transportation**, District 2 announces a public hearing to which all persons are invited.

DATE AND TIME: April 3, 2003, 7:00 p.m.

PLACE: The Florida Department of Transportation, Training Center, 2250 Irene Street, Jacksonville, 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 ID 209659-1, Federal Aid Project ID 9041-047-C; otherwise known as State Road 23 Extension (Branan Field-Chaffee Rd.) in Jacksonville, Duval County, Florida. The Florida Department of Transportation will present

the findings of the Project Development and Environmental Study. The proposed project involves the construction of a new limited-access freeway to extend Branan Field-Chaffee Road from its current terminus at 103rd Street to Interstate 10 and Beaver Street. Additional right of way will be required.

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 (386)758-3700 or 1(800)749-2967.

Special accommodations requested 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: Mr. Aage Schroder, District Secretary, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, Lake City, Florida 32025-5874.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: March 13, 2003, 8:30 a.m.

PLACE: Department of Transportation, District Four Office, Auditorium, 3400 West Commercial Boulevard, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Rosa Seabrooks, (850)922-4483.

Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Rosa Seabrooks, Executive Secretary, Commercial Motor Vehicle Review Board, 1815 Thomasville Road, Tallahassee, FL 32303-5750.

The **Florida Scenic Highways Program** announces a Scenic Highways Advisory Committee meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 19, 2003, 2:00 p.m. – 4:00 p.m.

PLACE: Rhyne Building, Room 330, 2740 Centerview Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and provide recommendations regarding the Courtney Campbell Scenic Highway Eligibility Application.

SPECIAL ACCOMMODATIONS: Special accommodation requests should be made at least seven days prior to the meeting.

INFORMATION: Contact: Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450, (850)410-5894, mariano.berrios@dot.state.fl.us or by Fax (850)410-5808.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of two public meetings of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATE AND TIME: March 18, 2003, 9:00 a.m. – 4:00 p.m. (EST)

PLACE: Room 116 Hermitage Conference Room, 1801 Hermitage Blvd., Tallahassee, FL 32308. Persons who wish to participate may call (850)488-7483 or Suncom 278-7483 on the date and at the time indicated for access to the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To meet with the Florida Hurricane Loss Mitigation Program Advisory Council, to obtain approval to file Rules 19-8.010, F.A.C., Reimbursement Contract, 19-8.012, F.A.C., Ineligibility/Exemption from Fund, 19-8.013, F.A.C., Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes, 19-8.029, F.A.C., Insurer Reporting Requirements, 19-8.030, F.A.C., Insurer Responsibilities, and 19-8.031, F.A.C., Hurricane Mitigation, for adoption, to discuss the premium formula for the 2003/2004 Contract Year and to vote on the filing of a Notice of Proposed Rulemaking as to Rule 19-8.028, F.A.C., Reimbursement Premium Formula, and to engage in other general business of the Council.

DATE AND TIME: March 31, 2003, 2:00 p.m. – 4:00 p.m. (EST)

PLACE: This will be a teleconference meeting. The number to call to participate is (850)921-2470 or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held only if it is determined to be necessary during the meeting on March 18, 2003. The purpose will be to obtain approval to file Rule 19-8.028, F.A.C., Reimbursement Premium Formula, for Notice of Proposed Rulemaking, to discuss the 2003 Ratemaking Formula Report to the State Board of Administration and the Premium Rates Report. In addition, other general business of the Council may be addressed.

Anyone wishing a copy of the agenda for either meeting should contact: Patti Elsbernd, Florida Hurricane Catastrophe Fund, Post Office Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, any person needing special accommodation to attend the meeting is requested to contact Patti Elsbernd by mail, at the address given immediately above, or by telephone at (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a joint public meeting of the Fresh Orange and Specialty Advisory Council and the Fresh Grapefruit Advisory Council to which all persons are invited.

DATE AND TIME: Monday, March 10, 2003, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee meet to discuss the development of a fresh fruit strategic plan 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.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 19, 2003, 9:00 a.m.

PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 020408-SU – Application for Rate Increase in Seminole County by Alafaya Utilities, Inc.

DATE AND TIME: Wednesday, March 12, 2003, 6:00 p.m.

PLACE: Seminole County Services Building, Board Chambers Room 1028, 1101 East First Street, Sanford, FL 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit customers to give testimony regarding the rates and service of Alafaya Utilities.

A copy of the agenda for this meeting may be obtained by writing: Division of Commission Clerk and Administrative Services, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850.

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 speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: *March 17, 2003, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 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 32399-0850.

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 conference. Any person who is hearing or speech impaired should contact the Commission through the Florida Relay Service by using the following numbers: 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

* In the event of a scheduling conflict, this meeting may be rescheduled to March 18, 2003, immediately preceding or immediately following the Commission Conference.

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: March 18, 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 32399-0850. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Volunteer Florida**, Governor's Commission on Volunteerism and Community Service, Executive Committee, announces a public conference call to which all persons are invited.

DATE AND TIME: March 6, 2003, 3:30 p.m.

PLACE: Call (850)921-5172 for call-in number and passcode

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission business.

A copy of the agenda may be obtained by contacting: Gwen Erwin, Volunteer Florida, 115 Progress Drive, Tallahassee, FL 32304.

REGIONAL PLANNING COUNCILS

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, Exercise Sub-Committee and Risk Management Program Sub-Committee, to which all persons are invited.

DATE AND TIME: Wednesday, March 19, 2003, 9:00 a.m.
 PLACE: Southwest Florida Water Management District, Conference Room, 170 Century Boulevard, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committee Meetings. At the conclusion of this meeting, the District 7, Local Emergency Planning Committee will sponsor a Field Operations Guide training session for members and other interested parties.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 12, 2003, 3:00 p.m.
 PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting to discuss regional issues impacting South Florida including transportation.

A copy of the agenda may be obtained by writing: The Broward Workshop, 2740 East Oakland Park Boulevard, Suite 206, Fort Lauderdale, Florida 33306. The Regional Business Alliance is comprised of business leaders from Monroe, Miami-Dade, Broward, Palm Beach, and Martin Counties, including members of the South Florida Regional Planning Council and Tri-County Commuter Rail Authority.

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 meeting above. If you require special accommodations because

of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 21, 2003, 9:30 a.m.
 PLACE: Ramada Inn, 1200 S. Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 21, 2003, after the regular Council meeting
 PLACE: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct an Orientation/Informational Workshop for Council members.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces a meeting of Council's Comprehensive Economic Development Strategy Committee to which all persons are invited.

DATE AND TIME: March 26, 2003, 9:00 a.m.

PLACE: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Regional Planning Council Comprehensive Economic Development Strategy Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The Florida District X, **Local Emergency Planning Committee** announces the following meeting to which all persons are invited.

DATE AND TIME: March 27, 2003, 10:00 a.m.

PLACE: Tropicana Products, Inc., 6500 Glades Cut-off Road, Fort Pierce, FL 34981

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X, Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Florida District X LEPC with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, March 13, 2003, 8:00 a.m.

PLACE: Department of Transportation, Burns Building, Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. – 5:00 p.m., Monday through Friday at 2822 Remington Green Circle, Suite 101, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting the Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Planning Organization for the Orlando Urban Area** announces the following public meetings of its Governing Board and Executive Committee to which all persons are invited.

DATE AND TIMES: Wednesday, March 12, 2003, 9:00 a.m. and 11:00 a.m., respectively

PLACE: Metroplan Orlando, Suite 355, 315 East Robinson Street, Orlando, FL 32801

PURPOSE: Regularly Scheduled Meetings.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order.
2. Chairman's Announcements.
3. Executive Director's Announcements.
4. Consent Items.
5. Action Items.
6. Other Business.
7. Executive Director's Report.
8. Board Member Comments.
9. Public Comments.
10. Adjournment.

A detailed copy of the agenda may also be obtained by contacting: Ms. Virginia L. Whittington, (407)481-5672, Ext. 314 or by written request to Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, FL 32801.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Metroplan Orlando, (407)481-5672, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: March 11, 2003, 9:00 a.m.
 PLACE: District Headquarters, 9225 CR 49, Live Oak, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters. Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the Sigvartsen Tract, Lot 12 Suwannee Bluff Ranchettes, 10 acres +/-, Gilchrist County, Florida, with funds from the Florida Forever Trust Fund; also the proposed acquisition of the Witt/Mayo Sprayfield Expansion Tract, 61.5 acres +/-, Lafayette County, Florida, with funds from the Florida Forever Trust Fund; also, the sale of 2,850 square feet of District property to the Florida Department of Transportation for a bridge replacement in Jefferson County.

DATE AND TIME: March 11, 2003, following the Board Meeting
 PLACE: District Headquarters, Live Oak, Florida 32060
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following Projects and Land Committee meeting.

The Projects and Land Committee
 DATE AND TIME: March 7, 2003, 8:30 a.m.
 Sweetwater Inn’s McKenzie Hall, 625 East University Avenue, Gainesville, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Projects and Land Committee. A tour will follow.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Sonia Kuecker, Water Resources Department, (386)312-2330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting (386)329-4162. If you are hearing or speech impaired, please contact the agency by calling (386)329-4450 (TDD).

The **St. Johns River Water Management District** announces the following Projects and Land Committee meeting.

The Projects and Land Committee
 DATE AND TIME: March 6, 2003, 6:00 p.m.
 PLACE: Matheson Museum, Inc., 513 East University Avenue, Gainesville, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of Orange Creek Basin Projects. An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Sonia Kuecker, Water Resources Department, (386)312-2330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting (386)329-4162. If you are hearing or speech impaired, please contact the agency by calling (386)329-4450 (TDD).

The **St. Johns River Water Management District** (SJRWMD) announces the following public meetings and hearings which may be conducted by means of or in conjunction with communications technology. All persons are invited.

MEETING OF GOVERNING BOARD CHAIR AND COMMITTEE CHAIRS
 DATE AND TIME: Tuesday, March 11, 2003, 8:15 a.m.
 PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE MEETING

DATE AND TIME: Tuesday, March 11, 2003, 8:45 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance, Facilities/Planning/Construction, Information Technology, and Personnel agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted FY 2002-2003 budget.

REGULATORY COMMITTEE MEETING

DATE AND TIME: Tuesday, March 11, 2003, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD/REGULATORY MEETING AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, March 11, 2003, 1:00 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

PUBLIC HEARING

DATE AND TIME: Tuesday, March 11, 2003, following the Regulatory Meeting which begins at 1:00 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Revisions to Chapter 40C-8, F.A.C., regarding Minimum Flows and Levels.

GOVERNING BOARD MEETING

DATE AND TIME: Wednesday, March 12, 2003, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

NOTE: In the event of a declared emergency or emergency conditions, all or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained: SJRWMD website www.sjrwmd.com or by writing SJRWMD, P. O. Box 1429, Palatka, FL 32178-1429.

Any item which appears on the agenda for the Governing Board, Regulatory, and/or Committee meetings may be considered on day one or day two. Day two may be cancelled if

all items are completed on day one. The order of items appearing on the agenda is subject to change during the meetings.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (386)329-4101. If you are hearing or speech impaired, please contact the District by calling (386)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited.

GOVERNING BOARD EXECUTIVE DIRECTOR RECRUITMENT MEETING

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

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review Executive Director recruitment process, evaluate applicants and select candidate to fill position.

POWER PLANT TASK FORCE MEETING

DATE AND TIME: Tuesday, March 11, 2003, 9:00 a.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Task Force business.

BASIN BOARD EDUCATION COMMITTEE MEETING (NOTE: This is a change of location from the originally published calendar.)

DATE AND TIME: Tuesday, March 11, 2003, 9:30 a.m.

PLACE: Green Swamp West Field Office, 13645 Ranch Road, Dade City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of committee business.

GOVERNING/BASIN BOARDS WORKSHOP (NOTE: This meeting is cancelled and will be rescheduled at a later date.)

DATE: Friday, March 14, 2003

BASIN BOARD LAND RESOURCES COMMITTEE MEETING (NOTE: This is a change of location from the originally published calendar.)

DATE AND TIME: Thursday, March 20, 2003, 9:30 a.m.

PLACE: Flatwoods Park, 14320 Morris Bridge Road, Thonotosassa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of committee business and tour of Nature's Classroom.

These are public meetings and agendas 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 **Southwest Florida Water Management District** announces the following meeting to which all interested parties are invited.

ENVIRONMENTAL ADVISORY COMMITTEE

DATE AND TIME: Wednesday, March 12, 2003, 4:00 p.m.

PLACE: Tampa Service Office, 7601 U.S. 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend.

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

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the American's with Disabilities Act should call 1(800)423-1476 (FL) or (352)796-7211, Ext. 4718, Fax (352)754-6875, TTD ONLY, 1(800) 231-6103 (FL).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATES AND TIMES: Wednesday, March 12, 2003, 9:00 a.m. – Completed; Thursday, March 13, 2003, 8:30 a.m. – Completed

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: Regular Governing Board Workshop/Meeting/Human Resources Committee to discuss and consider District business including regulatory and non-regulatory matters.

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 6115, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board Decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary

for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Deputy District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Paula Moree, Deputy District Clerk, in the Office of District Clerk, (561)682-6447. District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, Florida 33406.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces the Ombudsman Committee Meeting to which all persons are invited.

DATE AND TIME: Friday, March 7, 2003, 1:00 p.m. – until completion

PLACE: Room 330, 2740 Centerview Drive, Tallahassee, Florida or (850)414-1711 or Suncom 994-1711

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a regular business meeting.

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 Full Commission Meeting to which all persons are invited.

DATES AND TIME: Tuesday, March 18, 2003; Wednesday, March 19, 2003, 8:00 a.m. – until completion

PLACE: Ramada Inn, 2900 North Monroe Street, Tallahassee, Florida, (850)386-1027

GENERAL SUBJECT MATTER TO BE CONSIDERED: To interview candidates for the Executive Director position of the Commission for the Transportation Disadvantaged and conduct the quarterly business meeting.

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 **Department of Transportation, Commission for the Transportation Disadvantaged**, hereby gives notice that a public workshop for the purposes of rule development, on Rules 41-2.006 and 41-2.012, F.A.C., will be held at the time, date and place listed below.

DATE AND TIME: March 19, 2003, 10:00 a.m. or as soon thereafter as can be heard

PLACE: Ramada Inn and Conference Center North, 2900 North Monroe St., Tallahassee, Florida 32303, (850)386-1027

A notice of rule development was published in Vol. 29, No. 4, of the January 24, 2003, Florida Administrative Weekly.

The person to be contacted regarding the rule development workshop is: Jo Ann Hutchison, Executive Director, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, Florida 32399-0450.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Commission for the Transportation Disadvantaged** announces a Transportation Disadvantaged Legislative Day to which all persons are invited.

DATE AND TIME: Thursday, March 20, 2003, 9:00 a.m. – 3:00 p.m.

PLACE: The Capitol Courtyard, The Capitol, Tallahassee, Florida, (850)487-5224

GENERAL SUBJECT MATTER TO BE CONSIDERED: To educate the legislature and the public on the Transportation Disadvantaged Program.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Lisa Bacot 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 (TTY only).

REGIONAL UTILITY AUTHORITIES

The **Walton/Okaloosa/Santa Rosa Regional Utility Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: March 5, 2003, 2:00 p.m.

PLACE: Ft. Walton Beach City Hall, 107 Miracle Strip Parkway, S. W., Ft. Walton Beach, FL 32549

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the RUA. The RUA-TAC will meet at 1:00 p.m.

A copy of the agenda may be obtained by contacting: Lel Czeck, Executive Director, West Florida Regional Planning Council, P. O. Box 9759, Pensacola, Florida 32513-9759.

FLORIDA SPACE AUTHORITY

The **Florida Space Authority** announces a Board of Supervisors meeting to which the public is invited.

DATE AND TIME: March 11, 2003, 10:00 a.m. – 11:30 a.m. (EST)

PLACE: Florida Space Authority, Resource Center, 100 Spaceport Way, Cape Canaveral, Florida 32920

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will discuss the status of projects that include the financing, acquisition, support and management of a research park, status of Authority projects including space based assets, development, and administrative issues of the Authority, and to consider other matters related to the business of the Authority and other State agencies.

For more information, contact Patricia Sweetman, (321)730-5301, Ext. 1210. To obtain a copy of the agenda, write: Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Florida Space Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at the above cited 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 proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 5, 2003, 1:00 p.m. – 5:00 p.m.

PLACE: Homewood Suites by Hilton, 2987 Apalachee Parkway, Tallahassee, FL 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Statewide Triad will hold an organizational meeting to develop an action plan for future projects and review best practices currently being carried out.

A copy of the agenda may be obtained by writing: Ann Getman, Department of Elder Affairs, 4040 Esplanade Way, Suite 280, Tallahassee, Florida 32399-7000 or by calling Ms. Getman, (850)414-2072.

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 Ann Getman, (850)414-2072. If you are hearing or speech impaired, please contact the Department by calling (850)414-2001.

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: March 13, 2003, 9:30 a.m. – 4:00 p.m.
 PLACE: Tampa Marriott Westshore, 1001 N. Westshore Boulevard, Tampa, FL 33607, (813)287-2555

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 State of Florida, **Long Term Care Ombudsman Council** announces the following conference calls to which interested persons are invited.

EXECUTIVE COMMITTEE
 DATE AND TIME: March 13, 2003, 10:00 a.m. – 11:00 a.m.
 PLACE: Call (850)921-5470, Suncom 291-5470

DATE AND TIME: April 10, 2003, 10:00 a.m. – 11:00 a.m.
 PLACE: Call (850)921-5470, Suncom 291-5470

POLICY AND PROCEDURE COMMITTEE
 DATE AND TIME: March 1, 2003, 9:30 a.m. – 10:30 a.m.
 PLACE: Call (850)921-5470, Suncom 291-5470

DATE AND TIME: April 8, 2003, 9:30 a.m. – 10:30 a.m.
 PLACE: Call (850)921-5470, Suncom 291-5470

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to the LTCO Program.

You may contact the office of the: Long Term Care Ombudsman Program, (850)414-2323 for more information.

AGENCY FOR HEALTH CARE ADMINISTRATION

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: Monday, March 10, 2003, 1:00 p.m. – 3:00 p.m.

PLACE: Via Conference Call (850)410-0961, Suncom 210-0961

PURPOSE: In accordance with House Bill 27E, General Appropriations Act for FY 2002-03, Specific 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 task force will also discuss and finalize recommendations from the February 27, 2003, Disproportionate Share Program task force meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set.

Contact: Denny Gordon, (850)488-9354 or Suncom 994-2759, with any questions or to obtain an agenda when it is set.

DEPARTMENT OF MANAGEMENT SERVICES

The **Florida Partnership for School Readiness** announces a meeting of their Board to which all interested parties are invited.

DATE AND TIME: March 19, 2003, 9:30 a.m. – 3:30 p.m.

PLACE: The Tallahassee/Leon County Civic Center, 505 West Pensacola Street, Tallahassee, Florida 32301 (For hotel reservations, please contact Comfort Suites, 1026 Apalachee Parkway, Tallahassee, FL, (850)224-3200; Quality Inn & Suites, 2020 Apalachee Parkway, Tallahassee, FL, (850)877-4437 or Cabot Lodge, 2735 North Monroe Street, Tallahassee, FL, 1(800)223-1964. Please state that you are part of the Florida Partnership for School Readiness room block.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Board business.

For more information, please contact: Lisa Barnes, (850)922-4200 or lisa.barnes@schoolreadiness.org.

The **Department of Management Services** announces a meeting of the People First Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, March 20, 2003, 11:00 a.m.

PLACE: The Capitol Building, Room 2107, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting and planning session.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact: Cyndee Sams, Department of Management Services, 4040 Esplanade Way, Tallahassee, FL 32399-0950, (850)921-0266, at least 48 hours prior to the workshop.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Florida Mobile Home Relocation** announces a meeting of its Board of Directors to consider mobile home owner applications for compensation and relocation due to eviction for change in land use.

DATE AND TIME: Wednesday, March 5, 2003, 11:00 a.m.

PLACE: Via Teleconference 1(888)422-7128

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to eviction for change in land use, and such other business as may come before the board. A schedule of the next meeting will also be determined.

Additional information may be obtained by contacting: Elizabeth Wilson, Executive Director, Florida Mobile Home Relocation Corporation, Post Office Box 14125, Tallahassee, Florida 32317-4125, 1(888)862-7010.

Any person requiring a special accommodation at this telephone meeting because of a disability or physical impairment should contact Elizabeth Wilson, Executive Director, 1(888)862-7010, at least five calendar days prior to the meeting.

The Florida **Electrical Contractors' Licensing Board** announces Official Board Meetings to which all interested persons are invited.

DATE AND TIME: March 20, 2003, 8:30 a.m. or soon thereafter

PLACE: Crowne Plaza Hotel Tampa – Westshore, 700 N. Westshore Boulevard, Tampa, Florida 33609, (813)289-8200, Fax (813)287-8275

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting (portions closed to the public).

The Probable Cause Panel will review cases for possible findings of probable cause.

DATE AND TIME: March 20, 2003, 10:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

DATE AND TIME: March 21, 2003, 8:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by writing: Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, Electrical Contractors' Licensing Board, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Gregory Spence using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Professional Surveyors and Mappers** announces a Probation Committee, Continuing Education Committee, Application Review Committee, Positional Accuracy Committee, and a General Business meeting. All interested parties are invited to attend at the address listed below.

DATES AND TIMES: April 16, 2003, 8:00 a.m. – Continuing Education Committee meeting, Application Review Committee meeting, Positional Accuracy meeting, followed by a General Business meeting; April 17, 2003, 8:00 a.m. – Probation Committee meeting followed by a General Business meeting

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular Board business.

A copy of the agenda may be obtained by writing: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida or by calling Leon Biegalski, Executive Director, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting Leon

Biegalski, Executive Director, (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based; and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Florida **Department of Environmental Protection**, Northwest District announces a Large Circle meeting for the Panama City-Bay County International Airport Relocation Ecosystem Team Permitting (ETP) process.

DATE AND TIME: Thursday, March 13, 2003, 6:00 p.m. (CST)

PLACE: Gulf Coast Community College, Student Union Center, 5230 West Highway 98, Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will include introductory comments, work plan update, and work to date in regards to wetlands, water and wastewater facility permit application completeness.

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, or by calling (850)595-8300, Ext. 1129 or by e-mailing 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 workshop to which all persons are invited.

DATE AND TIME: March 6, 2003, 11:00 a.m.

PLACE: The Capitol, Cabinet Meeting Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conservation Land Acquisition.

A copy of the agenda maybe obtained by contacting: Avis Lockett, (850)245-2555 or email avis.lockett@dep.state.fl.us.

DEPARTMENT OF JUVENILE JUSTICE

The Florida **Department of Juvenile Justice**, Juvenile Justice and Delinquency Prevention State Advisory Group (JJDP) Disproportionate Minority Committee will hold monthly telephone conference call to be held first Monday of every month.

DATES AND TIME: March 3, 2003; April 7, 2003; May 5, 2003; June 2, 2003; July 7, 2003; August 4, 2003; September 2, 2003 (September 1, 2003 is a Holiday); October 6, 2003; November 3, 2003; December 1, 2003, 2:00 p.m. – 4:00 p.m

PLACE: Call: (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by calling: Ana Valdes, Office of Prevention and Victim Service, (850)410-2577, Suncom 210-2577.

DEPARTMENT OF HEALTH

The Florida **Department of Health** will be hosting the monthly Review Council for Human Subject council meetings to discuss and review current and future research programs that deal with research involving human subjects. Meeting dates for 2003 are set for:

DATES AND TIME: February 19, 2003; March 29, 2003; April 16, 2003; May 21, 2003; June 18, 2003; July 16, 2003; August 20, 2003; September 17, 2003; October 15, 2003; November 19, 2003; December 17, 2003, 1:30 p.m. – 5:00 p.m.

PLACE: Department of Health Office Complex, Building 4042, Room 140-P, Bald Cypress Way, Tallahassee, FL. Interested parties can also access the meeting via phone (850)921-6610.

Questions about the Review Council for Human Subjects can be addressed by: Program Administrator, (850)245-4585.

NOTICE OF CHANGE – The **Council on Physician Assistants** announces the meeting scheduled for March 7, 2003 at the Double Tree Guest Suites in Tampa has been changed to a conference call, to which all persons are invited to participate.

DATE AND TIME: Friday, March 7, 2003, 10:00 or soon thereafter

PLACE: Conference Call (850)921-5320

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Margaret Anglin, Regulation Administrator, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record or the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The Florida **Board of Medicine**, Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, March 15, 2003, 8:30 a.m. or soon thereafter

PLACE: The Hilton Miami Airport, 5101 Blue Lagoon Drive, Miami, FL 33126, (305)262-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

EXECUTIVE COMMITTEE

DATES AND TIME: March 5, 6, 7, 12, 13, 14, 19, 20, 21, 26, 27, 2003, 9:00 a.m. – 5:00 p.m.

PLACE: Clem C. Benton Building, Room 327-D, DA Conference Room, 337 N. U.S. Hwy. 1, Ft. Pierce, FL 34950

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the

meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

ALLIANCE MEETING

DATE AND TIME: March 28, 2003, 8:30 a.m. – 12:00 Noon

PLACE: Village Green Retail Center, Workforce Development Board Room, 9350 South U.S. 1, Port St. Lucie, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15, announces that an emergency meeting of the Executive Committee was held on:

DATE AND TIME: February 7, 2003, 10:30 a.m.

PLACE: Department of Children and Family Services, 337 North 4th Street, Fort Pierce, FL 34950

GENERAL SUBJECT MATTER CONSIDERED: Discussion was Concerning an Alliance Workshop.

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174.

The **Department of Children and Family Services**, District 12, Community Alliance CBC Workgroup announces the following public meeting to which all persons are invited.

DATE AND TIME: March 3, 2003, New Member Orientation – 12:00 Noon – 1:30 p.m.; Regular Meeting, 1:45 p.m.

PLACE: United Way, 3747 W. International Speedway Blvd., Daytona Beach, Florida

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Denise Kelly.

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (904)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission, Division of Wildlife** announces the following workshops to which all persons are invited.

NORTHWEST REGION

DATE AND TIME: March 11, 2003, 6:00 p.m. (CST)

PLACE: Chipola Junior College, Arts Center, 3094 Indian Circle, Marianna, Florida 32446

NORTH CENTRAL REGION

DATE AND TIME: March 17, 2003, 7:00 p.m. (EST)

PLACE: Columbia County School Board, Administrative Complex, Auditorium, 372 West Duval Street, Lake City, Florida 32055

SOUTH REGION

DATE AND TIME: March 19, 2003, 7:00 p.m. (EST)

PLACE: International Game Fish Association, Fishing Hall of Fame and Museum, 300 Gulf Stream Way, Dania Beach, Florida 33004

NORTHEAST REGION

DATE AND TIME: April 2, 2003, 7:00, p.m. (EST)

PLACE: Rowan Agricultural Complex, Marion County Extension Service, Building: Auditorium, 2232 N. E. Jacksonville Road, Ocala, Florida 34470

SOUTHWEST REGION

DATE AND TIME: April 3, 2003, 7:00 p.m. (EST)

PLACE: Lake Mirror Auditorium, 121 South Lake Avenue, Lakeland, Florida 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Present information on deer management in Florida and discuss and receive input on proposed options for managing antlered deer harvest.

Any questions regarding these workshops should be directed to: Deer Management Section Leader, Dr. John Morgan, 8932 Apalachee Parkway, Tallahassee, Florida 32311, (850)488-5878.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should notify Cindy Hoffman, (850)488-6411, at least five calendar days before the meeting.

SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited.

DATE AND TIME: Friday, March 7, 2003, 11:00 a.m.

PLACE: City Hall, Second Floor, Conference Room "U", 400 South Orange Avenue, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Meeting of Board of Directors.

NOTE: A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: March 12, 2003, 8:00 a.m.

PLACE: Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

COUNCIL FOR EDUCATION POLICY, RESEARCH AND IMPROVEMENT

The **Council for Education Policy, Research and Improvement** announces a public meeting.

DATE AND TIME: Wednesday, March 12, 2003, 8:30 a.m. – 5:00 p.m.

PLACE: Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will take action on recommendations related to the teaching profession for inclusion in the Master Plan and consider proposed baccalaureate degrees to be offered by a community college. The Council will also discuss career and workforce development issues being considered by the Committee on Career Education and Development and other ongoing assignments.

Related material may be accessed at the Council website: www.cepri.state.fl.us.

A conference call may be scheduled one week after the meeting to address any follow-up required. If so, the time and contact number will be posted on the Council website.

For further information contact: the Council office, (850)488-7894.

FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION

The **First Florida Governmental Financing Commission** announces the following public meeting, where all interested parties are invited.

DATE AND TIME: Friday, March 14, 2003, 11:00 a.m.

PLACE: Broward County Governmental Center, Commission Chambers, 115 South Andrews Avenue, Fort Lauderdale, Florida

A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, Post Office Box 14923, Tallahassee, FL 32317-4923, (850)878-1874.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation** announces a meeting of its Reinsurance Committee.

DATE AND TIME: Wednesday, March 19, 2003, 8:00 a.m. (EST)

PLACE: Liberty Center, Suite 220, 7077 Bonneval Road, Jacksonville, Florida, (904)296-6105

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, reinsurance broker selection.

For additional information, please call 1(800)807-7647, Extension 3702.

The **Citizens Property Insurance Corporation** announces a meeting of its Board of Governors.

DATE AND TIME: Wednesday, March 19, 2003, 1:30 p.m. (EST)

PLACE: Liberty Center, Suite 220, 7077 Bonneval Road, Jacksonville, Florida, (904)296-6105

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, reinsurance broker selection and approval of line of credit documents.

For additional information, please call 1(800)807-7647, Extension 3702.

FLORIDA MUNICIPAL PENSION TRUST FUND

The **Florida Municipal Pension Trust Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 27, 2003, 11:00 a.m.

PLACE: Renaissance Vinoy Resort and Club, 501 Fifth Avenue, N. E., St. Petersburg, FL 33701, (727)894-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Pension Trust Fund to discuss general business of the Trust.

A joint meeting of the Florida Municipal Pension Trust Fund and the Florida Municipal Investment Trust will also be held.

DATE AND TIME: March 27, 2003, 1:00 p.m.

PLACE: Renaissance Vinoy Resort and Club, 501 Fifth Avenue, N. E., St. Petersburg, FL 33701, (727)894-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to receive reports from investment manager and performance monitor.

A copy of the meeting agendas may be obtained by contacting: Jeannie Hagan, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

FLORIDA MUNICIPAL INVESTMENT TRUST

The **Florida Municipal Investment Trust (FMIvT)** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 27, 2003, 2:00 p.m.

PLACE: Renaissance Vinoy Resort and Club, 501 Fifth Avenue, N. E., St. Petersburg, FL 33701, (727)894-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Investment Trust (FMIvT) to discuss general business of the Trust.

A joint meeting of the Florida Municipal Pension Trust Fund and the Florida Municipal Investment Trust will also be held.

DATE AND TIME: March 27, 2003, 1:00 p.m.

PLACE: Renaissance Vinoy Resort and Club, 501 Fifth Avenue, N. E., St. Petersburg, FL 33701, (727)894-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to receive reports from investment manager and performance monitor.

A copy of the meeting agendas may be obtained by contacting: Jeannie Hagan, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

FLORIDA MUNICIPAL LOAN COUNCIL

The **Florida Municipal Loan Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 27, 2003, 12:00 Noon – lunch will be provided

PLACE: Renaissance Vinoy Resort and Club, 501 Fifth Avenue, N. E., St. Petersburg, FL 33701, (727)894-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Board of Directors for the Florida Municipal Loan Council to discuss general business of the Council.

A copy of the meeting agenda may be obtained by contacting: Jeannie Hagan, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Steven M. Davis, Florida State Fire & Security on October 28, 2002. The following is a summary of the agency's disposition of the petition:

QUESTION A: How does a Fire Alarm System Contractor comply with NFPA 72®, 1999 edition, test methods which require the flow of water to test the flow switches and the turning of the tamper valve for the supervisory tamper switches?

RESPONSE: The fire alarm system Contractor must use a fire protection system contractor for the flow of water to test the flow switches and the turning of the tamper valve for the supervisory tamper switches.

QUESTION B. How does a fire alarm contractor fill out the required NFPA 72®, “Record of Completion” and the “Inspection and Testing Form” correctly if the fire alarm contractor cannot test the devices?

RESPONSE: The Fire Alarm Contractor only completes the portion of the forms specified in Section 7-5, of NFPA 72®, applicable to the Fire Alarm Contractor.

QUESTION C. If a fire protection contractor needs to be subcontracted, who signs off on report forms referred to in Question B, above, as the certifying contractor since there is no space for two contractors?

RESPONSE: If two different contractors perform work, each contractor must complete a separate report form for his or her portion of the work performed.

QUESTION D. In a repair situation where the fire panel shows a supervisory tamper/flow switch activation or fault, who repairs it, the fire alarm system contractor or the fire protection contractor, since the fire alarm system contractor cannot touch the actual sprinkler device and the fire protection contractor cannot touch the wiring to the fire alarm control panel?

RESPONSE: Section 489.503(13), Florida Statutes, exempts fire protection system contractors licensed under Chapter 633, Florida Statutes, while engaged in work as a fire protection system contractor from the licensing requirements of Part II of Chapter 489, Florida Statutes; therefore, the fire protection system contractor may take the action necessary on the wiring to repair the fire alarm control panel.

A copy of the declaratory statement may be obtained in any of the following ways:

1. Write to, call or send a fax to: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in the event any question arises), or
2. E-mail your request to mazzeog@dfs.state.fl.us (please be sure to specify if you want an unofficial, unsigned but exact duplicate copy e-mailed back to you, or if you want a copy of the official, signed declaratory statement mailed or faxed to you), or

3. Obtain an unofficial, unsigned but exact duplicate copy by visiting the State Fire Marshal’s website at <http://www.doi.state.fl.us/SFM/sfmdeclaratorystatement.htm>.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed February 7, 2003, by Eric Neilinger. The Petition is seeking the Department’s interpretation of NFPA 101 and NFPA 72, as it relates to high rise, mixed occupancy buildings. The specific question involves the location and requirement, if any, of visible signaling devices in such areas as private offices not accessible to the general public, janitor or linen closets, locked storage rooms not accessible to the general public, and similar places.

A copy of the Petition for Declaratory Statement may be obtained by writing: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, or by calling Kimberly Riordan, (850)413-3170 or by Faxing the request (850)922-1235, Attn: Gabriel Mazzeo.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has received a petition for a Declaratory Statement from the City of Parker. The petition seeks the agency’s opinion as to the preemption of the City’s Comprehensive Plan, Land Development Regulations, and City Codes and Ordinances by the authority of the Florida Public Service Commission to regulate transmission lines.

A copy of the petition may be obtained: <http://www.psc.state.fl.us/psc/dockets/> or by writing Division of Commission Clerk and Administrative Services, 4075 Esplanade Way, Tallahassee, FL 32399-0862 and referencing Docket No.: 030159-EU.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on February 11, 2003, the Board of Physical Therapy Practice received a Petition for Declaratory Statement from Christine Sanchez, Director of Rehabilitative Services, Raulerson Hospital. The Petition seeks an interpretation from the Board of Physical Therapy Practice regarding subsection 64B17-6.001(4), F.A.C., as to the location of physical therapists and whether they are readily and physically available to provide the required consultation for the physical therapy assistants.

A copy of the Petition for Declaratory Statement and further information may be obtained by writing: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399.

**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:

City of Tampa vs. Department of Environmental Protection; Case No.: 03-0420RP; Rule No.: 62-40

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Florida Pool and Spa Association, Inc. and Mark Rodrigue vs. Florida Building Commission; Case No.: 02-2505RX; Rule No.: 9B-3.047; 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

NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida announces that Construction Management Services will be required for the project listed below:

Project Number: USF-515

Project and Location: Health Care and Education Center, University of South Florida, Tampa Campus, Tampa, Florida.

PROJECT DESCRIPTION:

The Health Care and Education Center is a shared educational facility incorporating multiple components to serve the University of South Florida's colleges of Medicine, Nursing and Public Health. The project will be developed with multiple

phases and/or sites, titled Critical Elements, and will include new construction, renovations to existing facilities, and related infrastructure improvements. The design will take into consideration the functional relationships described by the Facilities Program and Feasibility Studies. The design and construction of the project may include phasing to address multiple funding sources and multi-year legislative appropriations.

The award for Construction Management Services is subject to legislative appropriations and availability of funding. The estimated construction budget for Critical Element No. 1 of the project is anticipated to be up to \$10,000,000.00 including site related work. The estimated construction budget for Critical Elements Nos. 2 and 3 of the project is anticipated to be up to \$45,000,000.00 including site related work. The project may be broken down into multiple sub-phases depending upon the availability and/or sequence of funding.

The contract for Construction Management Services will consist of two phases. Phase One is pre-construction services, for which the Construction Manager will be paid a fixed fee. Phase One services include value engineering, constructability analyses, development of cost model, and estimating for Critical Element Nos. 1, 2 and 3 through the Design Development phase. Additionally, Phase One pre-construction services will include the development of a Guaranteed Maximum Price (GMP) at the 50% Construction Documents phase for Critical Element No. 1 only. Development of a Guaranteed Maximum Price (GMP) for Critical Elements Nos. 2 and 3 is dependent on the availability and/or sequence of funding. If the GMP is accepted, Phase Two, the construction phase, will be implemented. In Phase Two of the contract, the Construction Manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBE). Failure to negotiate an acceptable fixed fee for Phase One of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the Construction Manager's contract.

Selection of finalists for interviews will be made on the basis of Construction Manager qualifications including experience and ability, past experience, bonding capacity, record-keeping/administrative ability, critical path scheduling expertise, conceptual cost estimating and cost control ability, quality control capability, qualification of the firm's personnel, staff and consultants, and ability to meet the Minority Business Enterprise participation requirements. Finalists will be provided with a copy of the project program and the latest documentation prepared by the project Architect/Engineer, a description of the final interview requirements, and a copy of the standard University of South Florida Construction Management Agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The

Construction Manager shall have no ownership, entrepreneurial, or financial affiliation with the selected Architect/Engineer involved with this project.

Firms desiring to provide Construction Management Services for the project shall submit a letter of application and a completed University of South Florida "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements, or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the Convicted Vendor List for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of placement on the Convicted Vendor List.

The University of South Florida Construction Manager Qualifications Supplement form and the Project Fact Sheet may be obtained by contacting: Ms. Kathy Bennett, Contracts Coordinator, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, (813)974-3098, (813)974-2625 or Fax (813)974-3542.

Interested firms are invited to attend a Pre-Submittal Meeting at the University of South Florida, Tampa Campus, to be held at 2:00 p.m. (Eastern Time), Thursday, March 13, 2003, in the Marshall Center Room 270, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meeting by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the shortlisted applicants and the University of South Florida. Requests for any project information must be in writing to the above address.

Nine (9) bound copies of the above required proposal data shall be submitted to: Mr. Richard B. Lyttle, RA, Project Manager, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550.

Submittals must be received at the above campus address (FPC110) by 2:00 p.m. (Eastern Time), Friday, March 28, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered.

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>.

Request for Proposal

#2003-2004-01

Title: School Readiness Program Services

The Citrus County School Readiness Coalition is requesting proposals for the School Readiness Program Services.

The potential contractor will be responsible for providing school readiness services to children 0-12 years of age of Citrus County for fiscal year 2003-2004. Services include direct services, eligibility and enrollment, infant toddler quality initiatives and school readiness program quality initiatives.

The request for proposal will be issued on March 3, 2003. Copies may be obtained by writing the contract manager at the address noted below:

Sonya Bosanko

Citrus County School Readiness Coalition

P. O. Box 1060

Crystal River, FL 34423

Letters of Intent to Submit are due to the Coalition by March 24, 2003. Deadline for all applications will be on April 14, 2003. Results will be posted on May 8, 2003.

For information regarding this request for proposal contact: Sonya Bosanko, (352)302-4633.

REGIONAL PLANNING COUNCILS

REQUEST FOR PROPOSALS – FOR ALACHUA COUNTY COMMUNITY TRANSPORTATION COORDINATOR

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area is accepting proposals from qualified agencies or firms for the award of a contract to coordinate transportation services for the transportation disadvantaged in Alachua County, Florida. The selected contractor will be the designated Community Transportation Coordinator under Florida's Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes, and more fully described in Chapter 41-2, Florida Administrative Code.

The Community Transportation Coordinator is defined by Chapter 427, Florida Statutes, as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

The complete Request for Proposals (RFP) may be obtained by writing the contact listed below, or by calling Ms. Lynn Godfrey, Senior Planner, (352)955-2200, Extension 110. Experience with mass transit, Americans with Disabilities Act (ADA) paratransit services, and eligibility-based ridership transportation services is required. A pre-proposal conference will be held Friday, March 21, 2003, at the North Central Florida Regional Planning Council in Gainesville, Florida at 10:00 a.m., to answer questions about the RFP.

Proposals must be received by 3:00 p.m., Monday, April 14, 2003, at the office of the Metropolitan Transportation Planning Organization. Seven (7) copies of the proposal must be submitted to: MTPO, Attention: Charles F. Justice, Chief Staff Official, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603. One of these copies must be a clean, single sided original that can be used to make additional copies. The outside of the envelope or box containing the proposal must be marked "PROPOSAL FOR ALACHUA COUNTY COMMUNITY TRANSPORTATION COORDINATOR." Faxed and electronically mailed responses will not be accepted.

The MTPO will not accept responsibility for proposals that are not marked and submitted in this manner. Proposals are to remain in effect for ninety (90) calendar days from date of submission. The MTPO reserves the right to reject any or all proposals, to waive any formality concerning proposals or negotiate changes to the proposals whenever such rejection or waiver or negotiation is in the best interest of the State and transportation disadvantaged.

The MTPO reserves the right to waive any informality in any proposal, to reject any or all proposals in whole or in part, with or without cause, and/or to accept the proposal that in its judgment will be in the best interest of the MTPO and its citizens. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF APPLICATION PERIOD

The Florida Communities Trust announces an application period for receiving applications from local governments and non-profit environmental organizations requesting funding awards from the Trust's Florida Forever Program.

DEADLINE: The deadline for submitting applications shall be 6:00 p.m. (EDT), Tuesday, June 10, 2003. Applications must be received by the Florida Communities Trust by the above stated deadline. Applications received after the published deadline shall be deemed late and will not be considered by the Trust.

APPLICATION FORMS: Applications for funding must be made on Application Form FF-2 (Effective 5/20/02), following procedures in Rule Chapter 9K-7, F.A.C. Copies of the rule chapter and application form may be obtained by visiting the Trust website www.dca.state.fl.us/ffct, calling (850)922-2207 (Suncom 292-2207) or by writing Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

ADDRESS: For mail and carrier service deliveries, the delivery address is Florida Communities Trust, 2555 Shumard Oak Boulevard, Suite 310, Tallahassee, FL 32399-2100. For hand deliveries, the delivery location is Suite 310, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL.

FUNDS AVAILABLE: Funds available for awards will derive from Florida Forever bond proceeds. As of the date of submittal of this Notice, the Trust expects that up to \$66,000,000.00 will be available for use in this funding cycle, unless otherwise allocated by the Legislature.

LOCAL MATCH: Section 259.105(3)(c), F.S., requires that of the funds allocated to the Trust and used for land acquisition, 75 percent shall be matched by local governments on a dollar-for-dollar basis. Paragraph 9K-7.003(4)(c), F.A.C., allows 100 percent grant funding to counties with populations under 75,000, municipalities with populations under 10,000 and eligible nonprofit environmental organizations. All other applicants shall provide a minimum of 25 percent match toward project costs.

LIMITS ON AWARDS: Under the provisions of subsection 9K-7.003(3), F.A.C., the total amount of any award or combination of awards applied for by any local government or nonprofit environmental organization under any application(s) or partnership application(s) for any project(s) shall not exceed ten percent (10%) of the total Florida Forever funds available as stated above. All awards for partnership applications, for the purposes of calculating award limits, shall be divided equally among the local government or nonprofit environmental organization. Based upon the funds known to be available as of the date of this notice, the limit to any local government or nonprofit environmental organization shall be \$6,600,000.00.

MORE INFORMATION: Interested parties may obtain more information from the Trust website at www.dca.state.fl.us/ffct, by contacting the Florida Communities Trust, (850)922-2207 (Suncom 292-2207) or by writing the above stated address.

REGIONAL UTILITY AUTHORITIES

REQUEST FOR PROPOSALS

The Town of Jupiter Island, Florida, announces that professional engineering services are requested for **WASTEWATER FACILITIES PLANNING AND ANALYSIS**, for the Town's South Martin Regional Utility's (SMRU) Wastewater Treatment Facility. The services will include the following:

- Capacity Analysis
- Capital improvement planning
- Operating and maintenance projects
- Budgetary and process/operating cost analysis
- General plant-related engineering services
- Review of facility performance
- Permitting and Regulatory Assistance
- Construction related engineering services

Deadline for expression of interest, including qualifications and experience, along with completed GSA Forms SF-254 and SF-255, listing similar projects during the past five years, must be submitted in triplicate (all originals), no later than 2:00 p.m., March 19, 2003, Federal Expressed, to the attention of:

Gene A. Rauth
 Assistant Utility Director
 South Martin Regional Utility
 9000 Athena Street
 Hobe Sound, FL 33455

Direct all questions to Gene Rauth at the above address, or by phone (772)546-6259 or (772)215-9340.

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.

CM SELECTION RESULTS

The Department of Management Services, Division of Facilities Management and Building Construction, announces that on the date listed below, authority 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: February 10, 2003
 NAME OF CLIENT AGENCY: Department of Juvenile Justice
 PROJECT NUMBER: DJJ-22003000
 PROJECT NAME: Renovation and Restoration G.P. Wood High Risk Classrooms

SAMAS Codes: 80-30-1-000100-80800200-00-080078-03 and 80-30-2-339300-80800200-00-080078-03

1. A.D. Morgan Corporation, Tampa, Florida
2. Biltmore Construction, Belleair, Florida
3. TECO BGA, Inc., Tampa, Florida

DEPARTMENT OF HEALTH

Invitation To Negotiate

TITLE: Healthy Start Services for Sumter County, Florida
 PURPOSE: Provide Healthy Start participant identification, care coordination and enhanced support services to eligible high-risk pregnant women and infants in Sumter County. Enhanced support services include breastfeeding education, parenting education, nutrition counseling, psychosocial counseling, childbirth education, and smoking cessation services.

ANTICIPATED FUNDS AVAILABLE: Up to \$106,394 for contract period, subject to Legislative authorization. The funding period for the contract awarded through this solicitation is July 1, 2003 to June 30, 2004. The contract will be renewable.

CONTACT: Dana Fields Johnson, Central Healthy Start Inc., 18 N. W. 33rd Court, Gainesville, Florida 32607. The telephone number is (352)955-2264.

TIMELINE: Solicitation package will be released on March 5, 2003. The solicitation package will be available weekdays between 8:00 a.m. – 4:00 p.m., at the administrative office listed above. Pre-proposal conference will be held on March 20, 2003, 10:00 a.m. – 12:00 Noon, at the Sumter County Health Department, Highway 301 North, Bushnell, Florida. Notice of intent to apply is due March 24, 2003, 5:00 p.m. Applications are due and solicitations will be opened on April 23, 2003, 5:00 p.m.

Certified minority businesses are encouraged to participate.

FLORIDA HOUSING FINANCE CORPORATION

Request for Qualifications

2003/02 Structuring Agent Services

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide Structuring Agent Services to submit proposals for consideration. Written, sealed proposals shall be accepted until 2:00 p.m. (Eastern Time), April 4, 2003, to the Attention: Robin Grantham, Contract Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Robin Grantham, (850)488-4197 or robin.grantham@floridahousing.org. To obtain a copy of the Request for Qualifications, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for

Qualifications from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/ViewPage.aspx?page=77>. Any modifications that occur to the Request for Qualifications will be posted at the web site and may result in an extension of the deadline.

EMERALD COAST BRIDGE AUTHORITY

REQUEST FOR PROPOSALS

TRAFFIC AND REVENUE CONSULTANTS

The Emerald Coast Bridge Authority, Fort Walton Beach, Florida, issues this request for proposals for the development of a final Traffic and Revenue Report for the construction of a transportation facility or facilities, (toll or otherwise) connecting Fort Walton Beach with Okaloosa Island.

The Authority anticipates the following services will be required to develop the Traffic and Revenue Report for the project:

1. Develop the study design for origin and destination surveys and traffic counts to be accomplished through the West Florida Regional Planning Council.
2. Develop a Traffic and Revenue Report that will be acceptable to take to the bond market.

Pursuant to Consultant Competitive Negotiation Act, Section 287.055, Florida Statutes, firms submitting proposals will be ranked and a selection made there from.

All proposals must be received on or before 4:00 p.m. (CST), Thursday, March 6, 2003, at the following address:

Emerald Coast Bridge Authority
c/o Okaloosa County Board of Commissioners
Attn: Ms. Sandi Mack
1804 Lewis Turner Blvd.
Fort Walton Beach, Florida 32547

All shortlisted firms will be requested to provide a 15-minute presentation at the March 13, 2003, monthly Emerald Coast Bridge Authority meeting at the above address.

For details or additional information, contact: Mr. Jay A. Odom, Chairman, Emerald Coast Bridge Authority, (850)654-4126.

FLORIDA HEALTHY KIDS CORPORATION

The Florida Healthy Kids Corporation announces its intent to solicit proposals for Automated Payment Services.

DATE: Available March 7, 2003

PLACE: Florida Healthy Kids Corporation, 661 East Jefferson Street, Second Floor, Tallahassee, Florida or visit www.healthykids.org.

GENERAL SUBJECT TO BE CONSIDERED: The Florida Healthy Kids Corporation is seeking a vendor who can implement automated payment processing for payors using credit cards, debit cards, and electronic banking over an Interactive Voice Response system or the Internet. In addition,

the successful vendor will implement a recurring payment plan for credit cards, debit cards, and electronic banking. A Bidders' Conference will be scheduled at a later date, to be advertised in the Florida Administrative Weekly.

Further details may be obtained by contacting: Florida Healthy Kids Corporation, Jennifer Kiser-Lloyd, Post Office Box 980, Tallahassee, Florida 32302 or by calling (850)224-5437, Ext. 6108.

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 5:00 p.m., Friday, March 21, 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.

Section XII Miscellaneous

DEPARTMENT OF STATE

The Division of Historical Resources announces that it is soliciting applications for Special Category projects. These legislative grants are available for major historic preservation and history museum projects with needs in excess of \$50,000.

Grants may be awarded for major historic building restorations, archaeological excavations, and history museum exhibitions. If projects receive legislative approval, funds will become available July 1, 2004.

The deadline for filing applications is May 31, 2003 and applications must be delivered to the Bureau of Historic Preservation office by 5:00 p.m. on that day, or be clearly postmarked or show evidence of submission to an express mail service on or before that date.

Further information may be obtained from: Grants and Education Section, Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or call (850)245-6333.

DEPARTMENT OF COMMUNITY AFFAIRS

**FY 02 SUPPLEMENTAL SUB-GRANT
FUNDING AVAILABILITY**

The Florida Department of Community Affairs (DCA) announces the release of a Notice of Funding Availability (NOFA) in conjunction with the Citizen Corps/Community Emergency Response Team (CERT) Program. The purpose of the Citizen Corps' program is to help your family and your community be safer, stronger and better prepared to respond to any kind of disasters. The purpose of the CERT program is to train people to be prepared for emergency situations in their communities and neighborhoods. CERT members give critical support to first responders in emergency situations. The NOFA will be available effective March 3, 2002 to any regional or local government in the State of Florida and non-profit 501 c (3) entity. Eligible applicants also include Fire Tax Districts and Native American Tribes or nations of Florida. The total funds available for the Citizen Corps sub-grant program are \$124,614. The total funds available for the CERT sub-grants are \$529,600. There is no match requirement for recipients in this program.

The DCA will accept sub-grant applications to perform the following citizen corps activities as described hereinafter:

1. Citizen Corps program – No single application may receive more than \$17,802 in grant funds. These funds are to support the formation of the Citizen Corps Councils, and their responsibilities. Certain restrictions on what these grants can be used for do apply.
2. CERT program – No single application may receive more than \$24,000 in grant Funds. Funding requests should be stated as increments of \$4,000. (Ex. \$4000, \$8000, \$12000, \$16000, \$20000 or \$24000). These funds are for CERT training and start-up of teams in areas of the State where CERT is not currently constituted and/or expansion of current programs. Certain restrictions on what these grants can be used for do apply.

Sub-grant applications must be received at the following address by March 21, 2003, no later than 4:00 p.m. (Eastern Standard Time)

Marcia Garcia
 Department of Community Affairs
 Division of Emergency Management
 Directors Office
 2555 Shumard Oak Blvd., Room 120
 Tallahassee, Florida 32399-2100
 ATTN: Citizen Corps/CERT Sub-grant Application
 Enclosed

All sub-grants must be prepared in conformance with the Citizen Corps Sub-grant Application Package and Instructions found at the following Internet address: <http://florida.disaster.org>.

Requests for hard copies of the Citizen Corps Sub-grant Application Package and questions or other inquiry should be directed to: Attention: Ms. Marcia Garcia – Citizen Corps program, (850)413-9957, e-mail: marcia.garcia@dca.state.fl.us or Mr. Tom Weaver – CERT program, (850)413-9891, e-mail: thomas.weaver@dca.state.fl.us.

In Re: CITY OF KEY WEST SMALL SCALE PLAN
 AMENDMENT ADOPTED BY CITY OF KEY
 WEST ORDINANCES NO. 03-03, NO. 03-04, and
 NO. 03-05

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2002), approving a small scale plan amendment and land development regulations adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The City of Key West is a designated area of critical state concern.
2. On January 15, 2003, the Department received for review City of Key West Ordinances No. 03-03, No. 03-04 and No. 03-05, which were adopted by the City of Key West City Commission on January 7, 2003 ("Ords. 03-03, 03-04 and 03-05"). Ord. 03-03 authorizes a small scale comprehensive plan amendment for the purposes of affordable housing as provided under section 163.3187(1)(c)1.e., Fla. Stat. The amendment will change 2.49 acres designated Historic Residential Commercial Core 2, with a density of 8 dwelling units per acre, on the Key West Future Land Use Map to Historic Residential Commercial Core, with a maximum density of 22 dwelling units per acre provided that 66 percent of the units are affordable housing.
3. Ord. 03-04 authorizes a zoning map amendment implementing the small scale comprehensive plan amendment authorized in Ordinance No. 03.03. The proposed zoning map amendment will rezone 2.49 acres

currently designated Historic Residential Commercial Core 2, with a density of 8 dwelling units per acre, on the Key West Future Land Use Map to Historic Residential Commercial Core, with a maximum density of 22 dwelling units per acre provided that 66 percent of the units are affordable housing.

4. Ord. 03-05 authorizes an amendment to the Key West Land Development Regulations implementing the small scale comprehensive plan amendment authorized in Ordinance No. 03.03. The proposed regulation will provide text for a new zoning district entitled Historic Residential Commercial Core, with a maximum density of 22 dwelling units per acre provided that 66 percent of the units are affordable housing. The new district will allow for single, multi-family and group homes for up to six residents. Various conditional uses that may be permitted include places of worship, medical and veterinary services, business and professional offices, parks, utilities and other uses.
5. Ords. 03-03, 03-04 and 03-05 are consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

6. The Department is required to approve or reject small scale plan amendments which involve the construction of affordable housing units and land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to Areas of Critical State Concern. Section 163.3187(1)(c)1.e., Fla. Stat., (2002).
7. The City of Key West is an Area of Critical State Concern. § 380.05, Fla. Stat. (2002) and Rule 28-36.001, Fla. Admin. Code.
8. "Local comprehensive plan" means any or all local comprehensive plans or elements or portions thereof prepared, adopted, or amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, as amended. § 380.031(10), Fla. Stat. (2002). Ord. 03-03 adopts an amendment to the local comprehensive plan.
9. "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. 03-04 and Ord. 03-05 are land development regulations.
10. All small scale amendments to the local comprehensive plan adopted within an area of critical state concern and all land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the "Principles"). § 380.05(6), 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 for the City of Key West Area of Critical State Concern are set forth in Rule 28-36.003(1), Fla. Admin. Code.

11. Ord. 03-03 promotes and furthers the following Principles in Rule 28-36.003(1):
 - (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.
 - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.
12. Ords. 03-03, 03-04 and 03-05 are not inconsistent with the remaining Principles. Ords. 03-03, 03-04 and 03-05 are consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ords. 03-03, 03-04 and 03-05 is found to be consistent with the Principles for Guiding Development of the City of Key West 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.

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 ___ day of February, 2003.

Paula Ford, Agency Clerk

- By U.S. Mail:
- Jimmy Weekley
Mayor of the City of Key West
P. O. Box 1409
Key West, Florida 33041
- Cheri Smith
Clerk to the City Commission
P. O. Box 1409
Key West, Florida 33041
- Robert Tischenkel
City Attorney
P. O. Box 1409
Key West, FL 33041
- Julio Avel
City of Key West
P. O. Box 1409
Key West, FL 33041
- By Hand Delivery or Interagency Mail:
- Jim Quinn, Growth Management Administrator, DCA Tallahassee
- Rebecca Jetton, DCA Florida Keys Field Office
- David Jordan, Senior Assistant General Counsel, DCA Tallahassee
- Timothy E. Dennis, Assistant General Counsel, DCA Tallahassee

DCA Final Order No.: DCA03-OR-048
In Re: MONROE COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY MONROE COUNTY ORDINANCE NO. 032-2002

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 Monroe County is a local government within the Florida Keys Area.
2. On January 07, 2003, the Department received for review Monroe County Ordinance No. 032-2002 which was adopted by the Monroe County Board of County Commissioners on November 20, 2002 ("Ord. 032-2002"). Ord. 032-2002 amends Sections 9.5-243 (destination resort districts), 9.5-244 (recreational vehicle district), 9.5-248 (mixed use district), and 9.5-250 (maritime industrial district), of the Monroe County Code to add subsections that will allow wastewater treatment facilities to be permitted as a major conditional use.
3. Ord. 032-2002 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2002).
5. Monroe County 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.
6. "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. 032-2002 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as 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.
8. Ord. 032-2002 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.
 - (e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

2. Sewage collection and disposal facilities.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

9. Ord. 032-2002 is not inconsistent with the remaining Principles. Ord. 032-2002 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 032-2002 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.

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 ___ day of February, 2003.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Dixie Spehar
Mayor of Monroe County
500 Whitehead Street, Suite 102
Key West, Florida 33040
Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040
Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

By Hand Delivery or Interagency Mail:

Jim Quinn, Bureau of State Planning, DCA Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
David Jordan, Senior Assistant General Counsel, DCA Tallahassee
Timothy E. Dennis, Assistant General Counsel, DCA Tallahassee

DCA Final Order No.: DCA03-OR-049

In Re: A LAND DEVELOPMENT REGULATION
ADOPTED BY CITY OF KEY COLONY BEACH
ORDINANCE NO. 349-2002

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 the City of Key Colony Beach as set forth below.

FINDINGS OF FACT

1. On January 10, 2003, the Department received for review City of Key Colony Beach Ordinance No. 349-2002 which was adopted by the City of Key Colony Beach Board of City Commissioners on January 9, 2003 ("Ord. 349-2002"). The purpose of Ord. 349-2002 is to update parking regulations along Sadowski Causeway, in order to improve its appearance, maintain existing parking spaces, and decrease traffic congestion.
2. Ord. 349-2002 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

3. 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).
4. The City of Key Colony Beach 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.
5. "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. 349-2002 are land development regulations.
6. 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"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2002).
7. Ordinance 349-2002 is consistent with 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.
 - (h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 5. Transportation facilities.
8. Ordinance 349-2002 is not inconsistent with the remaining Principles. Ord. 349-2002 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 349-2002 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.

 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.

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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 Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this ___ day of February, 2003.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Edward Sheahan
Mayor of the City of Key Colony Beach
Post Office Box 510141
Key Colony Beach, FL 33051
Lorine Fernandez
Clerk of the City of Key Colony Beach
Post Office Box 510141
Key Colony Beach, FL 33051

By Hand Delivery or Interagency Mail:

Jim Quinn, Bureau of State Planning, DCA Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
David Jordan, Senior Assistant General Counsel, DCA Tallahassee
Timothy E. Dennis, 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 plan listed below was 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: 01-024-FF1/Cedar Point Park

Grantee: Charlotte County

Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$489,016.50

Project: 01-056-FF1/Kelly Park Addition

Grantee: Orange County

Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$480,000.00

Project: 01-118-FF1/Miramar Pineland ESL Project

Grantee: Broward County

Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$5,554,880.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 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, American Suzuki Motor Corporation intends to allow the establishment of Bob Tyler Suzuki, Inc., as a dealership for the sale of Suzuki automobiles at 6381 Pensacola Blvd., Pensacola (Escambia County), Florida 32505, on or after March 15, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Bob Tyler Suzuki, Inc. are dealer operator(s) and principal investor(s): Robert D. Tyler, 6381 Pensacola Blvd., Pensacola, FL 32505.

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: Chris White, National Dealer Development Manager, American Suzuki Motor Corporation, 3251 E. Imperial Hwy., P. O. Box 1100, Brea, California 92822-1100.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Buell Distribution Corporation and affiliate of Harley-Davidson Motor Company, intends to allow the

establishment of Harley-Davidson of Tallahassee, Inc., as a dealership for the sale of Buell motorcycles, at 4003 West Pensacola Street, Tallahassee (Leon County), Florida 32316 on or after February 18, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Harley-Davidson of Tallahassee, Inc. are dealer operator(s) and principal investor(s): C. Scott Higginbotham, 1564 Spruce Avenue, Tallahassee, FL 32303 and Richard Higginbotham, 1552 Isabel Court, Tallahassee, FL 32303.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Carolyn Mijokovic, Regional Dealer Development Representative, 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.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Fields Motorcars of Florida, Inc., intends to allow the establishment of Land Rover Ft. Pierce, as a dealership for the sale of Land Rover(s) at 4771 South U.S. 1, Ft. Pierce (St. Lucie County), Florida, on or after March, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Land Rover Ft. Pierce are dealer operator(s): John R. Fields, 717 Rockefeller Road, Lake Forest, IL 60045 principal investor(s): John R. Fields, 717 Rockefeller Road, Lake Forest, IL 60045, Jerome Ipjian, 3254 Brookdale Lane, Northbrook, IL 60062 and Randolph Fields, 1237 Windsong Road, Orlando, FL 32809.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Michael Coleman, Franchise Development Manager, Fields Motorcars of Florida, Inc., 3440 Preston Ridge Road, Suite 600, Alpharetta, GA 30005.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Lafayette County Car Company, LLC, intends to allow the establishment of Golf and Electric Carriages, Inc., as a dealership for the sale of Lafayette County Car Company, LLC Neighborhood Electric Vehicles at 4811 E. Tamiami Trail, Naples (Collier County), Florida 34113 on or after February 17, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Golf and Electric Carriages, Inc. are dealer operator(s) and principal investor(s): Roger Brownell, 17135 Jean St., Ft. Myers, FL 33912.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer

License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Bruce Bellington, Manager, Lafayette County Car Company, LLC, One Action Avenue, P. O. Box 100, Odessa, MO 64076.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Lafayette County Car Company, LLC, intends to allow the establishment of Golf and Electric Carriages, Inc. as a dealership for the sale of Lafayette County Car Company, LLC Neighborhood Electric vehicles, at 17135 Jean St., Ft. Myers (Lee County), Florida 33912, on or after February 17, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Golf and Electric Carriages, Inc. are dealer operator(s) and principal investor(s): Roger Brownell, 17135 Jean Street, Ft. Myers, FL 33912.

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: Bruce Bellington, Manager, Lafayette County Car Company, LLC Neighborhood Electric, One Action Avenue, P. O. Box 100, Odessa, MO 64076.

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: Manatee District: 6
 ID #: 0200035 Decision: A Issue Date: 2/17/2003
 Facility/Project: Blake Medical Center
 Applicant: HCA Health Services of Florida, Inc.
 Project Description: Convert 28 hospital-based skilled nursing bed to 28 acute care beds.
 Proposed Project Cost: \$0

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on February 14, 2003, concerning certificate of need decisions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine substantial interest of person. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 28-5.111 and 28-5.207, F.A.C. In deference to rights of substantially affected person, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON#	INITIAL	DECISION,	PROJECT,	CTY,
	APPLICANT,	PARTY REQUEST	HEARING (PRH)	
NA	Expired Exemption No. 9800768, implement adult diagnostic cardiac catheterization program, Pasco HMA, Inc. d/b/a Pasco Regional Medical Center, (PRH) same as applicant.			
9642	Denial, transfer CONs 9275 and 7352 to convert community nursing home beds to sheltered nursing home beds, Highlands County, Sebring Care Center, LLC d/b/a The Palms of Sebring, (PRH) same as applicant.			
9596	Supports Approval, establish a 30 bed long term care hospital, Bay County, SemperCare Hospital of Panama City, Inc., (PRH) same as applicant.			
9597	Supports Denial, establish a 40 bed freestanding long term care hospital, Bay County, Healthsouth LTAC of Bay County, Inc., (PRH) SemperCare Hospital of Panama City, Inc.			

9604 Supports Denial, establish a 43 bed long term care hospital, Volusia County, SemperCare Hospital of Volusia, Inc., (PRH) Kindred Hospitals East, LLC d/b/a Kindred Hospital North Florida.

9605 Supports Approval, addition of 20 long term acute care hospital beds to its existing 60 bed long term care hospital, Clay County, Kindred Hospitals East, LLC d/b/a Kindred Hospital North Florida, (PRH) same as applicant.

9606 Supports Denial, establish a 40 bed freestanding long term care hospital, Volusia County, Healthsouth LTAC of Jacksonville, Inc., (PRH) Kindred Hospitals East, LLC d/b/a Kindred Hospital North Florida.

NOTICE OF CORRECTION

9623 Denial, establish a 6 bed Level II neonatal intensive care unit, Dade County, South Miami Hospital, Inc., (PRH) same as applicant. The above CON decision was previously published incorrectly. The correct CON project is for a Level III NICU and not a Level II NICU.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA FINDING OF NO SIGNIFICANT IMPACT

The Florida Department of Environmental Protection has determined that the proposed Dunnellon wastewater collection, transmission, and treatment facilities will not have a significant adverse affect on the environment.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

For more information regarding the Finding of No Significant Impact, please contact: Troy M. Mullis, (850)245-8358.

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted the following policy for review and comment on MyFlorida.com at:

<http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>.

The department-wide policy (Type B) addresses the following issue: Mental Health and Substance Abuse Screening in Residential and Correctional Facilities – requiring that mental health and substance abuse screening be provided for all juvenile offenders placed in residential commitment programs, using the Massachusetts Youth Screening Instrument, Second Version (MAYSI-2) to identify signs of mental/emotional disturbance or distress. In addition, juvenile offenders identified by screening as having mental health and/or substance abuse problems/needs shall be referred for further

mental health and/or substance abuse evaluation or emergency care. This is the first of two – 20 working day review and comment periods.

Please submit comments to the contact person identified on the above Website. The closure date for submission of comments on this policy is March 18, 2003. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of a review period on the above Website.

The Florida Department of Juvenile Justice has posted the following policies for review and comment on MyFlorida.com at:

<http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>.

1. Comprehensive Physical Assessment and Health Related History (department-wide policy type B, first of two – 20 working day review and comment periods) requires youth admitted to physical custody of secure detention center and/or placed in a residential – correctional facility shall have an individual, standardized professional, health history and comprehensive physical assessment conducted and documented in the individual healthcare record, within specified timeframes.
2. Authority for Evaluation and Treatment (department-wide policy type B, second of two – 20 working day review and comment periods) contains DJJ requirements regarding general authorization for the provision of necessary and appropriate health care services to securely detained and residentially committed youth, such authorization to be used in conjunction with required notifications to the parent/guardian when applicable health care services are ordered or provided.

3. Psychotropic Medication Management (department-wide policy type B, second of two – 20 working day review and comment periods) sets forth the department's minimum procedural requirements when psychotropic medications are prescribed and administered for the purpose of treatment of diagnosed mental disorders (using the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) in youth who have been securely detained in a secure detention center and/or residentially committed and placed in a residential and/or correctional facility.

4. Employee Separation (previously titled Exit Interview) requires an exit interview upon the separation of a Career Service, Selected Exempt Service or Senior Management Service employee from the department. This department-wide policy type A, was posted for a single review period, with the revised policy and Matrix of Comments posted on the above Website. No additional comments are requested.

The second and third policies identified above are being posted for the second 20 working day review and comment period with a Matrix of Comments based on responses from the previous review period also posted on the Website.

The closure date for submission of comments on the first three policies is March 13, 2003. Please submit comments to the contact persons identified on the above Website. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of a review period on the above Website.

DEPARTMENT OF HEALTH

On February 13, 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 Paul Smallheiser, O.D., license number OP 1444. 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 11, 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 Dorna Slagley, R.N., license number RN 9189740. 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 18, 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 Lazaro Bravo, D.D.S., license number DN 7665. 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 18, 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 Debbra Gardner, R.N., license number RN 25669782. 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.

FEDERAL HIGHWAY ADMINISTRATION

On December 5, 2002, the Federal Highway Administration granted location and design concept acceptance for the following Federal-aid project:

State Project Numbers: 75280-1488, 77160-1439, 79110-1403

Work Program Item Numbers: 5147257, 5148838, 5149520

Financial Management Numbers: 242486-1, 242592-1, 242703-1

Federal Aid Project Number: NH-4-2(186)79

Project Description: Interstate 4 (I-4) Project Development and Environment (PD&E) Study – Section 2, Orange County, Florida (Recommended Alternative)

The Florida Department of Transportation (FDOT) is proposing to reconstruct I-4 to provide substantial benefits to the users of the interstate and the surrounding community. The Recommended Alternative for the I-4 PD&E Study – Section 2 project consists of approximately 15.4 miles of multi-lane improvements to I-4 from just south of Kirkman Road (SR 435) to just north of Maitland Boulevard (SR 414) in Orange County. In addition, the Recommended Alternative includes

improvements to portions of SR 408 (East/West Expressway). The limits along SR 408 (East/West Expressway) extend from approximately Tampa Avenue to Bumby Avenue.

The basic improvements for the Recommended Alternative involve reconstruction of existing I-4 and implementation of the following: six general use lanes, three in each direction; two barrier separated high occupancy vehicle (HOV) lanes, one in each direction; a 44-foot rail corridor in portions of the project corridor; auxiliary lanes between interchanges as needed for traffic operations; construction of drainage and retention pond facilities; mitigation components identified to ameliorate significant impacts; and the reconstruction of arterial interchanges along I-4 including: Kirkman Road (SR 435), Orange Blossom Trail (US 441), Michigan Street, Kaley Street, Anderson Street, South Street, Robinson Street (SR 526), Amelia Street, SR 50 (Colonial Drive), Ivanhoe Boulevard, Princeton Street (SR 438), Par Street, Fairbanks Avenue (SR 426), Lee Road (SR 423), Maitland Boulevard (SR 414).

This project will now proceed to the next phase of development.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN February 10, 2003
 and February 14, 2003**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
12-6.0033	2/14/03	3/6/03	28/44	
12-6.004	2/14/03	3/6/03	28/44	
12-6.005	2/14/03	3/6/03	28/44	
12-6.006	2/14/03	3/6/03	28/44	
12-6.007	2/14/03	3/6/03	28/44	
12-6.030	2/14/03	3/6/03	28/44	
12-6.032	2/14/03	3/6/03	28/44	

DEPARTMENT OF EDUCATION
University of Florida

6C1-1.017	2/10/03	3/2/03	Newspaper	
6C1-1.200	2/10/03	3/2/03	Newspaper	
6C1-3.040	2/10/03	3/2/03	Newspaper	
6C1-3.045	2/10/03	3/2/03	Newspaper	
6C1-3.046	2/10/03	3/2/03	Newspaper	
6C1-3.051	2/10/03	3/2/03	Newspaper	
6C1-3.054	2/10/03	3/2/03	Newspaper	
6C1-3.056	2/10/03	3/2/03	Newspaper	
6C1-3.059	2/10/03	3/2/03	Newspaper	
6C1-3.061	2/10/03	3/2/03	Newspaper	
6C1-6.009	2/10/03	3/2/03	Newspaper	

WATER MANAGEMENT DISTRICTS
St. Johns River Water Management District

40C-4.091	2/11/03	3/7/03	28/16	29/3
40C-41.011	2/11/03	3/7/03	28/16	29/3
40C-41.023	2/11/03	3/7/03	28/16	29/3
40C-41.033	2/11/03	3/7/03	28/16	29/3
40C-41.043	2/11/03	3/7/03	28/16	29/3
40C-41.051	2/11/03	3/7/03	28/16	29/3
40C-41.063	2/11/03	3/7/03	28/16	29/3
40C-42.023	2/11/03	3/7/03	28/16	29/3
40C-44.065	2/11/03	3/7/03	28/16	29/3
40C-44.091	2/11/03	3/7/03	28/16	29/3

DEPARTMENT OF REVENUE

12-6.001	2/14/03	3/6/03	28/44	29/2
12-6.0015	2/14/03	3/6/03	28/44	
12-6.002	2/14/03	3/6/03	28/44	
12-6.0023	2/14/03	3/6/03	28/44	
12-6.003	2/14/03	3/6/03	28/44	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

61-24.013	2/10/03	3/2/03	28/46	
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