

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

**DEPARTMENT OF INSURANCE**

RULE TITLE: Procedures for Withdrawal, Surrender of Certificate of Authority, or Discontinuance of Writing Insurance in this State Pursuant to Section 624.430, Florida Statutes

RULE NO.: 4-141.020

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: To conform the rule to 2002 legislative changes to Section 624.430, F.S. and update procedures for processing requests to withdraw, surrender certificate of authority, or discontinue writing insurance. Deletes references to moratorium phaseout provisions.

SPECIFIC AUTHORITY: 624.308(1), 624.6012 FS.

LAW IMPLEMENTED: 624.307(1), 624.430, 624.6011, 624.6012 FS.

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

TIME AND DATE: 9:30 a.m., August 26, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sandra DuPont, Bureau of Property and Casualty Insurer Solvency, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0329, (850)413-5232

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-141.020 Procedures for Withdrawal, Surrender of Certificate of Authority, or Discontinuance of Writing Insurance in this State Pursuant to Section 624.430, Florida Statutes.

~~(1) Scope and Purpose. This rule provides implementation procedures and department policy regarding Section 624.430, Florida Statutes.~~

~~(1)(2) Definitions.~~

(a) “Office Department” refers to the Florida Department of Financial Services, Office of Insurance Regulation Insurance.

(b) “Reduce presence in Florida,” “Reduce,” and “Reduction,” as used in this rule, ~~are inclusive terms meant to collectively refer to any and all of the following actions as may be desired or taken by an insurer:~~

~~1. Surrendering to surrender~~ its Florida certificate of authority;

~~2. Withdrawal to withdraw~~ from Florida; or

~~3. Discontinuing to discontinue~~ the writing of any one or multiple lines or kinds of insurance in Florida.

(c) “Kinds” of insurance, as used in Section 624.430, Florida Statutes, and this rule, are as defined includes the kinds set out in Section 624.6011, Florida Statutes, which kinds of insurance are as follows: Life; Health; Property; Casualty; Surety; Marine; and Title.

(d) “Lines of insurance,” as used in Section 624.430, Florida Statutes, and this rule, are is as defined in Section 624.6012, Florida Statutes. Pursuant to the express rulemaking authority given the department in Section 624.6012, Florida Statutes, for the purpose of implementation of Section 624.430, Florida Statutes, the department determines each of the following are considered to be lines a line of insurance, (in addition to lines of insurance as may be elsewhere established by rule of the Financial Services Commission Department):

1. Homeowners property insurance;

2. Mobile homeowners property insurance;

3. Condo unit owners contents insurance;

4. Renter’s/dwellers contents insurance; and

5. Residential condominium association property coverages.

~~(2)(3) Actions Having the Substantial Effect of a Withdrawal or Discontinuance of Writing Insurance in this State:-~~

(a) Reductions subject to Section 624.430, Florida Statutes, include any action or actions, whether taken in a single step or by a series of steps over a period of time, the reasonably foreseeable substantial effect of which is, or will be when the action is completed, to have discontinued the writing of a kind or line of insurance or to have withdrawn from Florida.

(b) “Substantial effect” means that, for example, the continuance of a token amount of writing in Florida will not prevent a conclusion that a reduction subject to Section 624.430, Florida Statutes, has occurred or will occur.

(c) ~~Furthermore, it is not determinative of the existence of a reduction requiring notice under Section 624.430, Florida Statutes, that the action is taken in a single step, or by a series of steps over time, if the reasonably foreseeable effect of the action or actions is or will be to have substantially effected a reduction.~~ The application of Section 624.430, Florida Statutes, does not depend upon the insurer’s subjective statement of desire or intent as to the effect of its actions.

~~(3)~~(4) The ~~Office Department~~ interprets the requirement of notice as authorizing the ~~Office Department~~ to prohibit the withdrawal, surrender, or discontinuance of writing, when such withdrawal, surrender, or discontinuance of writing is done in violation of any law or rule.

~~(4)~~(5) Notice to Precede Action to Reduce Presence in Florida.

(a) An insurer shall take no action in furtherance of a reduction; prior to the expiration of 90 days after the receipt by the ~~Office Department~~ of the notice required by Section 624.430, Florida Statutes.

(b) Prohibited actions include sending any notice of cancellation, non-renewal, or termination; or notice of intent to cancel, non-renew, or terminate; to any policyholder, agent, managing general agent, reinsurer, or other person or entity. This is not intended to prohibit an insurer from noticing the individuals herein of the insurer's plans to reduce presence in Florida. The notice shall not be distributed until the Office has received and approved the notice required by Section 624.430, Florida Statutes.

~~(5)~~(6) Procedure for Providing Notice of Reduction.

(a) Format of Notice. The notice required under Section 624.430(1), Florida Statutes, shall:

1. Be in the form of a letter;;
2. Be on the letterhead of the insurer;;
3. Be dated and signed by an officer of the insurer;;

4. ~~The letter shall~~ begin with the following language after the salutation: "This constitutes the notice required by Section 624.430, Florida Statutes, of this insurer's desire to \_\_\_\_\_," where the blank space is filled in as applicable with "surrender its certificate of authority" or "withdraw from the state" or "discontinue writing one or more lines of insurance."

(b) Original Notice Copies. The notice shall consist of an original letter of ~~and two complete copies of~~ the notice and all attachments.

(c) Designated Filing Office.

1. The letter of notice ~~with the two copies~~ shall be sent addressed to and delivered by certified or registered mail to the following address: Assistant Director, Division of Insurer Services, Department of Financial Services, Office of Insurance Regulation Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0326. There shall be no constructive receipt of the notice by the above-designated filing office; other than upon receipt by the ~~Office's Department's~~ mail room in the usual course of business; of a properly addressed notice by U.S. mail.

2. The 90 days shall ~~not~~ begin when to run until a properly addressed notice, in a form substantially complying with this rule, is received by the ~~Office Department~~, by U.S. mail.

(d) Incomplete Notices; Notices Not in Proper Format. Notices that are incomplete or not in proper format shall be ~~summarily~~ returned and are not effective as notice under Section 624.430, Florida Statutes.

(e) Contents of Notice. The notice shall include:

1. If the notice is of discontinuance of writing one or more lines of insurance in this state, ~~it shall specify~~ the lines to be discontinued.

2. The ~~notice shall specify the desired~~ timetable of events related to the ~~desired~~ reduction.

3. The ~~notice shall specify in detail~~ the reason for the proposed action in detail.

4. ~~Insurers shall also provide the department with the following information in the notice:~~

4.a. A listing of all lines of insurance the insurer then has in force in Florida ~~that which~~ will be affected by the reduction, and

b. ~~F~~for each line, a statement of the approximate number of policies and dollars of premium then in force in Florida ~~that and which~~ will be affected by the ~~desired~~ reduction.

5. ~~b.~~ A copy of the notice to policyholders and a description of:

a. ~~The what notice and treatment that~~ will be given by the insurer to its affected Florida policyholders concerning the reduction; and

b. ~~The what~~ steps ~~that~~ will be taken by the insurer regarding processing of any outstanding covered claims of ~~the such~~ policyholders during while and after the ~~insurer accomplishes its~~ reduction.

6. ~~e.~~ A description of projected impact of the reduction on upon the insurer's Florida agent and agency force, if any. In addition to any other information related to the impact on agents, the insurer shall:

a. Sstate the number of affected agents; and

b. Provide a copy of any notice to be sent to the agents regarding the proposed action ~~give a brief description of what they are being told.~~

7. ~~d.~~ A description of any reduction or discontinuation of writings in any other state or states.

~~(6)~~(7) ~~Office Department~~ Action Upon Receipt of Notice.

(a) Upon receipt of a complete notice which satisfies all requirements of paragraph (5)(e) above. Subsequent to receiving the initial filing, the Office may Department will request the insurer to provide further information, or will conduct such other investigation as is necessary to determine whether the initial information provided is accurate and whether the proposed action will have the effects projected by the insurer.

(b) 1. Within 45 days of receipt of a complete notice and all required or requested additional information, the Office shall in writing approve, disapprove, or approve with conditions the plan submitted by the insurer.

2. The ~~Office Department~~ shall inform the insurer if the proposed reduction would be in violation of, or cause a violation of, any provision of the Insurance Code or rule of the Financial Services Commission Department.

~~3. Within 5 calendar days of the date of the such notice to the insurer, the insurer shall file with the Office Department a response indicating whether it will proceed to implement the reduction or, if (9)(b) applies, shall file any application for relief required thereby.~~

~~(7)(8) Certificate of Authority Surrender Effected by Office Department Order.~~

~~(a) No surrender or attempted surrender of a certificate of authority is effective until accepted by order of the Office Department.~~

~~(b) Upon Office approval of the surrender of the certificate of authority of a domestic insurer that is a corporation, the insurer may initiate the dissolution of the corporation in accordance with applicable provision of Chapter 607, Florida Statutes.~~

~~(9) Relationship of Reduction to Moratorium Phaseout. The department interprets Section 627.7013(2)(a)4., Florida Statutes, relating to certain applications for reduction filed prior to August 24, 1992, as indicating a legislative intent that as to all attempted or desired reductions affecting "Florida personal lines residential policies" (hereinafter "residential policies"), other than those in which such reduction notice was filed prior to August 24, 1992, Section 627.7013, Florida Statutes, applies and takes precedence over Section 624.430, Florida Statutes, and prohibits or limits such reductions affecting residential policies, initiated for the purpose of reducing the insurer's exposure to hurricane claims.~~

~~(a) Factors which will be given great weight in evaluating whether a desired reduction is for the purpose of reducing the insurer's exposure to hurricane claims include:~~

- ~~1. Would the reduction in Florida be accompanied by reduction action by the insurer in other states?~~
- ~~2. If so, would a disproportionate amount of the impact be in areas of the country especially subject to risk of loss from hurricane?~~
- ~~3. How much of the reduction in Florida would be in residential policy exposures as compared to exposures in other lines of insurance in Florida?~~
- ~~4. If the insurer is discontinuing writing only some lines of insurance, are the lines being discontinued especially subject to risk of loss from hurricane, as compared to the lines not being discontinued?~~
- ~~5. Does the insurer have a significant concentration of residential policies and exposure in coastal areas of Florida?~~
- ~~6. Would the desired reduction significantly reduce the insurer's exposure to risk of loss from hurricane exposure under residential policies in Florida?~~

~~(b) If the department determines that any proposed reduction violates Section 627.7013, Florida Statutes, the insurer shall not proceed with the reduction as it affects~~

~~residential policies, and shall file an application under Rule 4-141.021, F.A.C., which implements Section 627.7013, Florida Statutes. The reduction in residential policies shall be limited to the extent of relief granted the insurer by the department under Section 627.7013, Florida Statutes and Rule 4-141.021, F.A.C.~~

~~(8)(10) Notwithstanding Rule 4-167.001, F.A.C., when an insurer withdraws from a line of business resulting in the cancellation of residential property insurance policies, the insurer must return to the insured, within fifteen (15) working days of the postmark date of the cancellation notice, the gross unearned premium corresponding to coverage beyond the effective date of the cancellation.~~

~~Specific Authority 624.308(1), 624.6012 FS. Law Implemented 624.307(1), 624.430, 624.6011, 624.6012 FS. History—New 1-8-96, Amended 5-26-96,~~

**DEPARTMENT OF INSURANCE**

RULE TITLE: RULE NO.:

Notification of Insured's Rights and 4-176.013  
 Standard Disclosure Form; Personal  
 Injury Protection Benefits

PURPOSE AND EFFECT: To develop a standardized form to be used in connection with personal injury protection insurance, as required by SB 32A adopted by the Legislature.

SUBJECT AREA TO BE ADDRESSED: Personal Injury Protection Standard Disclosure.

SPECIFIC AUTHORITY: 624.308(1), 627.7401(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.736, 627.7401, 627.745 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., August 25, 2003

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mike Milnes, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5306

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Mosquito Control Program	
Administration	5E-13
RULE TITLES:	RULE NOS.:
Definitions	5E-13.021
Eligibility for State Approved Program and/or Aid	5E-13.022
Certified Budgets, Filing	5E-13.027
State Aid Basis and Availability	5E-13.030
District or County Use of Funds	5E-13.031
Program Directors, Employment and Classification	5E-13.032
Demonstrable Increase or Other Indicator of Arthropod Population Level	5E-13.036
Aircraft Application for the Control of Adult Arthropods	5E-13.037
Protection of Natural Resources and of the Health, Safety, and Welfare of Arthropod Control Employees and the General Public	5E-13.039
Criteria for Licensure or Certification of Applicators	5E-13.040

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend Chapter 5E-13, F.A.C., to address changes to Statute and to develop modifications for the required Mosquito Control State Approved Program forms.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is modification of Mosquito Control State eligibility and reporting requirements.

SPECIFIC AUTHORITY: 388.361 FS.

LAW IMPLEMENTED: 388.201, 388.261, 388.271, 388.281, 388.341, 388.361(11), 388.4111 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., August 28, 2003

PLACE: Hurston South Tower, S-113, Conference Rooms A & B, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Steven Rutz, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-13.021 Definitions.

(1) "Approved Mosquito Control Agency" – any county or district in current compliance with Sections 388.101, 388.241, ~~388.162~~, 388.262, 388.271, 388.341, Florida Statutes and Rule 5E-13.032, Florida Administrative Code.

(2) "District" – any defined area of the state or a county established for express purpose of controlling arthropods within said boundaries under the provisions of Chapter 388, F.S. or other legislative acts. These rules shall apply only to districts participating under Chapter 388, F.S., except as provided in Sections 388.323 and 388.281, F.S.

(3) "Arthropods" – those insects of public health or nuisance importance, including all mosquitoes, biting and non-biting midges, dog flies, filth house flies, and biting yellow flies, ~~and sand flies~~.

(4) "Certified budget" – district or county budget for control of arthropods attested to by the clerk of the circuit court, notary public of the state of Florida, secretary of the board of commissioners or any other person duly authorized by law under the official seal of the district or county.

(5) through (12) No change.

(13) "Labeling" – all labels and all other written, printed, or graphic matter:

(a) Accompanying the pesticide or device at any time; or

(b) To which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health and Human Services, ~~Education and Welfare~~, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(14) through (19) No change.

(20) "Director" – a qualified person responsible for the planning and on-site supervision of a district as defined under Section 388.011~~(5)2~~, F.S., who directs the execution of a county or district arthropod control program and oversees its day-to-day activities.

(21) through (23) No change.

(24) "Public land management agency" – any federal, state, or county agency that may be responsible for the management of such public lands as parks, wildlife management areas, preserves, fishing grounds, sea shores, etc., including but not limited to the department, the Florida Department of Environmental Protection, Fish and Wildlife Conservation, ~~Game and Fresh Water Fish~~ Commission, and Trustees of the Internal Improvement Trust Fund.

(25) through (26) No change.

(27) “VCMS” – Vector Control Management Systems proprietary computer software used by the department to collect and disseminate arthropod tracking, identification, surveillance, chemical reporting data from state-funded mosquito control programs and to share data with other public health agencies.

(28) “Landing rate count” – a method of determining adult mosquito levels by counting all mosquitoes that land on the visible portion of lower body during a one minute period. Results are expressed as numbers of mosquitoes per minute.

(29) “Direct supervision” – supervisor must be in verbal contact, either directly or by electronic means and be able to arrive on site within 30 minutes.

Specific Authority 388.361 FS. Law Implemented 388.361, 388.4111 FS. History–New 1-1-77, Formerly 10D-54.21, Amended 2-10-87, Formerly 10D-54.021, Amended 3-14-94,\_\_\_\_\_.

5E-13.022 Eligibility for State Approved Program and/or Aid.

(1) A district or county may be eligible to receive state aid for control of arthropods when it provides the following: an item in its annual budget for such purpose; a contract agreement with the department; a Section 215.97, F.S., attestation statement; a detailed work plan budget; and complies with provisions of Section 388.271(1), F.S.

(2) No change.

(3) Participating districts or counties that do not want to receive state aid but want to remain or become a state approved program may be eligible when they provide the following: an annual budget for such purpose; a contract agreement with the department; a Section 215.97, F.S., attestation statement; a detailed work plan budget; and complies with provisions of Section 388.271(1), F.S.

Specific Authority 388.361 FS. Law Implemented 388.361 FS., Section 11, Chapter 91-428, Laws of Florida. History–New 1-1-77, Formerly 10D-54.22, 10D-54.022, Amended\_\_\_\_\_.

5E-13.027 Certified Budgets, Filing.

(1) Not later than September 15 each district or county shall submit to the department two (2) copies of a certified budget on form DACS 130617, Annual Certified Budget for Arthropod Control, (3/95). Differences in amounts shown on the approved detailed budget and certified budget must be explained by accompanying requests for approval of changes to be made in the detailed budget. The certified budget shall show all estimated cash carry-over amounts as a beginning cash balance. When the estimated cash carry-over amount in any fund is found to be less than the actual cash carry-over amount, a budget amendment shall be submitted to budget the additional amount of funds. However, only local fund carry overs re-budgeted by October 30th will be matched. The department shall make an adjustment in funding amounts payable to the district or counties in the last 3 quarters of current fiscal year and provide notification to each district or

county of any distribution changes due to the re-budget. A written request for extension of the September 15 and/or October 30 deadlines will be authorized provided the request is based on the existence of a documented urgent, non-routine situation, and is received by the department prior to the September 15 or October 30 due date that applies. Deadline failures will result in delay or loss of state aid which may be re-distributed to other existing state approved programs.

(2) Budget amendments on form DACS 130613 (3/95), entitled “Arthropod Control Budget Amendment,” shall be prepared and submitted to the department prior to over-expending funds in any account or expending funds in non-budgeted accounts. Budget amendments must be explained by accompanying requests for approval of changes to be made in the detailed budget. Department approval of the amendment(s) must be received before such expenditures are made. Copies of this form may be received from the department’s Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301 P.O. Box 210, Jacksonville, Florida 32231-0042.

(3) Not later than thirty (30) days after the end of each month, each district or county shall submit a monthly financial report to the department. Failure to meet the deadlines will delay the quarterly installment and/or result in re-distribution of state aid to other existing state approved programs.

(4) No change.

(5) A district or county shall submit monthly chemical reports of accomplishments and an inventory of chemicals on department prescribed forms, or those contained in the Vector Control Management Systems program, to the department not later than thirty (30) days after the end of each month.

(6) No change.

(7) Forms DACS 130617, Annual Certified Budget for Arthropod Control (3/95) and DACS 130613 Arthropod Control Budget Amendment (3/95), are hereby incorporated by reference. Copies may be obtained from the Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301 P.O. Box 210, Jacksonville, Florida 32231-0042.

Specific Authority 388.361 FS. Law Implemented 388.201, 388.271, 388.341 FS., Section 11, Chapter 91-428, Laws of Florida. History–New 1-1-77, Formerly 10D-54.27, 10D-54.027, Amended 7-5-95,\_\_\_\_\_.

5E-13.030 State Aid Basis and Availability.

(1) A district or county shall be eligible to receive state funds on a dollar-for-dollar matching basis not to exceed \$120,000 ~~\$30,000~~ for any one county for any one year provided they meet the requirements of Section 388.261(1), Florida Statutes. Tentative allocations and payments shall be made on the basis of local funds budgeted. If total expenditures of local funds of a district or county for the year are under

~~\$120,000 \$30,000~~ and are less than the budgeted sum, a minus adjustment shall be made in the allocation ~~and the payment of state funds in the manner described in Rule 5E-13.030(3).~~

(2) A county or district shall, without contributing matching funds, receive state funds, supplies, services, or equipment in an amount not to exceed ~~\$50,000 \$30,000~~ per year for up to 3 years provided the district or county has a new ~~or expanded~~ mosquito control program which serves an area not previously served by the county or district. The total state funding provided for an expanded program will be calculated using the fund allocation formula applied to existing programs, but shall not be more than \$50,000 annually. As with existing programs, following the receipt and review of a district or county annual financial budget submitted in compliance with Section 388.261(1), F.S., the amount of state funds earned by a district or county for that fiscal year will be based on the amount legislatively authorized and released by the Executive Office of the Governor.

~~(3) In addition to all other state funds, every approved mosquito control agency shall be eligible to receive Mosquito Control/Waste Tire Abatement Grant funds as set forth in Section 403.709(2)(e), Florida Statutes, these funds are to be used for the specific purpose of abating and providing mosquito control relating to waste tire sites, other waste debris sites and similar sites identified by local mosquito agencies as mosquito breeding areas. Each county with a mosquito control program like that described above shall receive a minimum of \$15,000. Any remaining funds shall be distributed to participating counties on the basis of county population. If more than one local mosquito control district exists in a county, the funds shall be prorated between the districts based on the population served by each district.~~

~~(3)(4)~~ For purpose of budgeting state funds in any fiscal year districts or counties shall calculate amounts of state funds available to them based on estimates provided by the department. Tentative allocations and payments shall be made on the basis of matchable local funds budgeted.

~~(4)(5)~~ Following receipt and review of a district or county annual financial report submitted in compliance with Chapter 388.271(1), F.S. Rule 5E-13.029(2), F.A.C. the amount of state funds earned by a district or county for that fiscal year shall be determined by the department based on release of funds by the Executive Office of the Governor. That amount is arrived at by dividing the total money appropriated by the number of participating counties or districts. Any eligible county or district budgeting an amount less than that calculated, will have its share reduced to an amount equivalent to that budgeted. Additional funds made available by such a reduction will be divided evenly between the remaining counties or districts. Any over or under allocation of funds will be considered in computing state funds payable to the district or county the succeeding fiscal year. Districts or counties shall be notified of such adjustments in amount of funds to be allocated

and if necessary shall amend amount of state funds budgeted. The department shall determine the amount of state funds available following receipt and approval of certified budgets for fiscal year beginning October 1. Following the determination of funds available, if necessary, the department shall make an adjustment in amounts of money payable to the district or counties in the last 3 quarters of current fiscal year. Districts or counties shall be notified of the amount of money payable to them and if necessary shall amend amounts of state funds budgeted.

~~(5)(6)~~ The amount of state funds available to a district or county for any fiscal year shall be paid in quarterly installments.

Specific Authority 388.361 FS. Law Implemented 388.261 FS. History--New 1-1-77, Formerly 10D-54.30, 10D-54.030, Amended 3-14-94,\_\_\_\_\_.

5E-13.031 District or County Use of Funds.

(1) Prior to advertising for the purchase of equipment, the district or county shall jointly determine with the department the type and size of equipment necessary to perform the work planned. The district or county shall submit complete specifications to the department for all equipment to be purchased when the cost will exceed six thousand (\$6,000) dollars per unit, and shall receive an approved copy of said specifications before advertising for bids. Equipment purchased at a cost less than six thousand (\$6,000) dollars per unit may be purchased without prior approval from the department, but written notification must be submitted to the department.

(2) through (3) No change

(4) Proceeds from sale or rental of property purchased with district or county local or state funds shall be deposited and credited to State funds.

(5) through (7) No change.

Specific Authority 388.361 FS. Law Implemented 388.281 FS. History--New 1-1-77, Formerly 10D-54.31, 10D-54.031, Amended 3-14-94,\_\_\_\_\_.

5E-13.032 Program Directors, Employment and Classification.

(1) through (4) No change.

(a) Director I –

Local budget ~~\$30,000.00 10,000.00~~ to ~~\$99,999.99 39,999.99.~~

State aid ~~\$15,000.00 to \$24,999.99.~~

Minimum qualifications for Director I position: High school graduate with minimum of three (3) years of training and field experience in control of mosquitoes, or three (3) years experience in managing a comparable program, or a graduate of four (4) year college or university with a degree in the basic sciences or engineering.

(b) Director II –

Local budget ~~\$100,000.00 40,000~~ to \$499,999.99.

State aid ~~\$25,000 to \$49,999.99.~~

Minimum qualifications for Director II position: Graduate of four (4) year college or university with a degree in the basic sciences or engineering. Requirements for college degree shall be waived upon proof of a satisfactory work experience record of four (4) years duration directing or assisting in directing a work program in the mosquito or arthropod control field of comparable size and budget to that of the District or County were the application is pending.

(c) Director III –

Local budget \$500,000.00 and over.

~~State aid \$50,000.00 and over.~~

Minimum qualifications for Director III position: Graduate of four (4) year college or university with a degree in the basic sciences or engineering and two years work experience in mosquito control.

(5) When a mosquito control program director’s position is to be filled, the applicant shall take and pass a written Director Certification Examination prior to appointment or within six months of employment. The applicant must hold a valid Public Health Pest Control license in order to take the Director Certification Exam. Director Certification Exam scores shall be valid for a period of four (4) years from the date of issuance. Re-examination is not required as long as the qualified director remains in the same directorship position. Certification holders who have not found employment as a program director during this four year period, must retake the Director Certification Exam in order to re-qualify for the position. When a qualified director transfers to another district or program, they must retake and pass the Director Certification Exam within 6 months of reassignment to the new directorship position if it has been more than 4 years since their previous Director Certification Examination.

(6) The name and qualifications of a new program director must be forwarded to the department no later than forty five (45) days from employment date. Failure to do so may result in delay or loss of state aid which may be re-distributed to other existing state approved programs.

Specific Authority 388.361 FS. Law Implemented 388.162 FS. History–New 1-1-77, Formerly 10D-54.32, Amended 2-10-87, Formerly 10D-54.032, Amended 3-14-94, 7-5-95, \_\_\_\_\_.

5E-13.036 Demonstrable Increase or Other Indicator of Arthropod Population Level.

Mosquito and other arthropod control programs will insure that the application of pesticides are made only when necessary by determining a need in accordance with specific criteria that demonstrate a potential for a mosquito-borne disease outbreak or numbers of disease vector mosquitoes sufficient for disease transmission or defined levels of, or a quantifiable increase in numbers of pestiferous mosquitoes or other arthropods as defined by Section 388.011(1), F.S. To determine the need for applications of adulticides, at least one of the following criteria will be met and documented by records:

(1) through (2) No change.

(3) When adult mosquito levels exceed 5 mosquitoes per minute during a landing rate count, as defined in subsection 5E-13.021(28), F.A.C.

~~(4)(3)~~ When service requests for arthropod control from the public have been confirmed by one or more recognized surveillance methods.

~~(5)(4)~~ When counts as determined by normal surveillance methods in the daytime exceed 5 per minute for stable flies (dogflies) on beaches and bayshores.

~~(6)(5)~~ Aircraft applications of mosquito adulticides along beaches and bayshores shall be justified only when there is a demonstrable three-fold increase over a base population.

~~(7)(6)~~ Surveillance records shall be kept at least three (3) years to document need for adulticide applications.

Specific Authority 388.361 FS. Law Implemented 388.361(2)(a) FS. History–New 2-10-87, Formerly 10D-54.036, Amended 3-14-94, 7-5-95, \_\_\_\_\_.

5E-13.037 Aircraft Application for the Control of Adult Arthropods.

(1) No change.

(2) Once the decision to apply an adulticide by aircraft is made, the following will apply:

(a) No change.

(b) Adulticides selected shall be those labeled for aircraft application in accordance with 5E-13.046(6)(b), F.A.C. to provide adequate control of the problem mosquitoes or other arthropods and when used in accordance with widespread and commonly recognized practice it will not cause unreasonable adverse effects on the environment. Adulticide labels will be strictly followed.

(c) through (f) No change.

(3) No change.

Specific Authority 388.361 FS. Law Implemented 388.361(2)(a) FS., Section 11, Chapter 91-428, Laws of Florida. History–New 2-10-87, Formerly 10D-54.037, Amended \_\_\_\_\_.

5E-13.039 Protection of Natural Resources and of the Health, Safety, and Welfare of Arthropod Control Employees and the General Public.

(1) through (2) No change.

(3) A signed statement attesting that this instruction was provided by the certified applicator supervisor to each unlicensed applicator shall be kept on file and made available to the department upon request.

Specific Authority 388.361 FS. Law Implemented 388.361(2)(d) FS., Section 11, Chapter 91-428, Laws of Florida. History–New 2-10-87, Formerly 10D-54.039, Amended \_\_\_\_\_.

5E-13.040 Criteria for Licensure or Certification of Applicators.

(1) No change.

(2) Licensing and exemptions. All persons who apply an arthropod control pesticide, unless they operate under the direct supervision of a licensed applicator, as defined in

subsection 5E-13.021(29), F.A.C., shall apply to the department for certification and be licensed as a Public Health Pest Control ~~an arthropod control pesticide~~ applicator by the department whether such pesticides used are classified as general use or restricted use, except those applicators controlling arthropods upon their own individual residential or agricultural property.

(3) Certification Standards. Competency standards for the certification of Public Health Pest Control applicators will be determined by passing the Public Health Pest Control examination, which demonstrates a practical knowledge of the principles of mosquito control ~~an examination that demonstrates a practical knowledge of the principles and practices of arthropod control and the safe use of pesticides and a category examination which demonstrates a knowledge of vector disease transmission as it relates to and influences application programs and vector-disease transmission.~~ A passing grade of 70 percent, or above, will be required on this examination administered by the department. In addition, applicants must pass the General Standards (Core) exam, to demonstrate a knowledge of pesticide use and safety. A passing grade of 70 percent, or above, will be required on this examination administered by the department.

(4) Recertification. All persons licensed in Public Health Pest Control ~~certified~~ shall provide evidence of continued competency prior to license ~~certificate~~ renewal ~~by examination~~ ~~or~~ by accrual of not less than 16 hours of continuing education credit during each 4 year licensure period. ~~Each certificate holder shall complete a minimum of 2 hours of approved continuing education on legislation, safety, pesticide labeling, mosquito biology, and mosquito control techniques, or pass an examination given by the department. Failure to meet continuing education requirements or to pass an examination on the topics detailed above,~~ shall result in the non renewal of the license, and applicators must retake and pass both the Public Health Pest Control and the General Standards (Core) examinations to obtain a new license a certificate. Courses or programs to be considered for credit shall contain one or more of the following topics:

- (a) The law and rules of the state pertaining to mosquito control.
- (b) Precautions necessary to safeguard life, health, and property in the conducting of mosquito control and the application of pesticides.
- (c) Mosquitoes, their habits, identification, and relative importance as to nuisance and vectors of disease.
- (d) Currently accepted practices in the conducting of measures for the control of adult and larval forms of mosquitoes and surveillance techniques.
- (e) How to read labels, a review of current state and federal laws on labeling, and a review of changes in or additions to labels on pesticides used in mosquito control.

(5) through (6) No change.

~~(7) All applicators performing public health pest control shall be licensed by January 1, 1988.~~

~~(7)(8)~~ Public Health Pest Control applicators shall keep accurate records so that monthly activity reports relative to pesticide application, source reduction, water management, biological control and surveillance activities can be assessed by the department. Pesticides use records shall include the name of applicator, pesticide and amount used, how applied, where applied, rate of application, date and time of application. These reports shall be retained for a period of 3 years and be made available to the department upon request.

~~(8)(9)~~ Aerial applicators who apply an arthropod control pesticide, shall apply to the department for certification and be licensed as a Public Health Pest Control Aerial applicator by the department whether such pesticides used are classified as general use or restricted use, except those applicators controlling arthropods upon their own individual residential or agricultural property. Aerial applicators shall demonstrate a practical knowledge of the principles and practices of aerial pest control and the safe application of pesticides by aerial delivery means. Such competence will be demonstrated by passing the Aerial, Public Health Pest Control Applicator, and General Standards (Core) examinations in an aerial applicator examination ~~administered by the department. There shall be no provision for an unlicensed aerial applicator to operate under the supervision of a licensed aerial applicator. In addition, aerial applicators conducting mosquito control operations must be certified in Public Health Pest Control as outlined above.~~

~~(10) All new mosquito control directors shall demonstrate competence in all the areas as heretofore described for Public Health Pest Control certification. In addition, a director must demonstrate an understanding of budgetary planning and mathematical calculations for mixing and applying pesticides. Directors shall demonstrate their knowledge of the above by passing an examination administered by the department.~~

Specific Authority 388.361 FS. Law Implemented 388.361(4) FS. History-New 2-10-87, Formerly 10D-54.040, Amended 3-14-94,\_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_

Registration 5J-12.002

PURPOSE AND EFFECT: The purpose and effect of this rule change is to identify the current Registration Application and set the guideline to change the registration period from annually to biennially.

SUBJECT AREA TO BE ADDRESSED: This rule identifies the current Registration Application and sets new registration guidelines for a biennial registration period.

SPECIFIC AUTHORITY: 559.2201, 570.07(23) FS.

LAW IMPLEMENTED: 559.904, 559.916 FS.



IF REQUESTED 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., August 27, 2003

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-12.002 Registration.

(1)(a) Any person who intends to operate a motor vehicle repair shop shall, before engaging in such activities, ~~annually~~ apply for and obtain a registration certificate from the Department using form DACS 10900, Registration Application, Motor Vehicle Repair Act, effective 1-18-95, revised 9-13-01 and 5-3-03, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Motor Vehicle Repair, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.

(b) through (d) No change.

(2) No change.

(3) The Department will register motor vehicle repair shops whose current registration expires on or after September 1, 2003, and who have fully complied with Sections 559.901-559.9221, Florida Statutes, and the rules adopted thereunder in the following manner:

(a) All motor vehicle repair shops renewing their registration with the Department and whose name begins with a number or the letter A through J will be registered for a period of one year. All motor vehicle repair shops registering under this section will be required to pay a one year registration fee;

(b) All motor vehicle repair shops renewing their registration with the Department whose name begins with the letter K through Z will be registered for a period of two years. All motor vehicle repair shops registering under this section will be required to pay a two year registration fee;

(c) All motor vehicle repair shops registering with the Department for the first time will be required to be registered for a two year period and pay a two year registration fee;

(d) Subsection (3) will expire on July 1, 2004.

Specific Authority 559.2201, 570.07(23) FS. Law Implemented 559.904, 559.916 FS. History--New 1-18-95, Amended 5-24-95, 2-11-98, 1-20-03,

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

RULE TITLE: Florida Uniform Market Area Guidelines  
 RULE NO.: 12D-8.0082

PURPOSE AND EFFECT: The purpose of the creation of proposed Rule 12D-8.0082, F.A.C., is to create the Florida Uniform Market Area Guidelines. Rule development will begin to develop uniform regulations and guidelines that establish criteria for the identification of market areas by county property appraisers for preparation of the real property assessment roll under Section 193.114, F.S., and to receive public comments on the second draft of the guidelines. These guidelines are being developed for adoption under the procedures set forth in Section 120.54, F.S., and will be adopted as rules.

SUBJECT AREA TO BE ADDRESSED: Florida Uniform Market Area Guidelines.

SPECIFIC AUTHORITY: 195.027(1), 195.032, 213.06(1) FS.

LAW IMPLEMENTED: 193.114, 195.032, 195.062, 213.05 FS.

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

TIME AND DATE: 9:30 a.m., Friday, August 22, 2003

PLACE: Orlando Public Library, Cypress Room, Third Floor, 101 E. Central Blvd., Orlando, Florida

Copies of the agenda for the workshop may be obtained from: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Property Tax Technical Unit is asked to advise the Department at least 48 hours before such proceeding by contacting: Sharon Gallops, (850)414-6108. A person who is hearing-impaired or speech-impaired should contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

The text of the third draft of the Florida Uniform Market Area Guidelines is expected to be available 10 days before the rule development workshop by contacting the person referenced above or by accessing the website on the Internet at <http://www.myflorida.com/dor/property/RP/pcomment.html>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-8.0082 Florida Uniform Market Area Guidelines.  
 Pursuant to Section 193.114, F.S., these guidelines are adopted in conformity with the procedures set forth in Section 120.54, F.S. Market areas and market area codes shall be established in accordance with these guidelines. Property appraisers shall use these guidelines to establish market areas and market area codes as provided by Section 193.114, F.S. These guidelines are entitled:

Florida Uniform Market Area Guidelines New 12/03

Copies of these guidelines may be obtained from the Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000 and may be found on the Internet at <http://www.myflorida.com/dor/property/>.

Specific Authority 195.027(1), 195.032, 213.06(1) FS. Law Implemented 193.114, 195.032, 195.062, 213.05 FS. History—New

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Drivers Licenses**

RULE CHAPTER TITLE: BREATH ALCOHOL IGNITION      RULE CHAPTER NO.: 15A-9

Interlock Devices      15A-9

RULE TITLES:      RULE NOS.:

Authority      15A-9.001

Purpose      15A-9.002

Definitions      15A-9.003

When Ignition Interlock Devices are Required      15A-9.004

Specifications      15A-9.005

Procedure For Ignition Interlock

    Device Approval      15A-9.006

    Certification      15A-9.007

    Installation and De-Installation      15A-9.008

    Servicing      15A-9.009

    Monitoring      15A-9.010

    Warning Label      15A-9.011

Auditing of Administrative Offices and

    Service Providers      15A-9.013

    Forms      15A-9.014

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to add the implementation and use of ignition interlock devices as specified in Sections 316.193, 316.1937 and 316.1938, Florida Statutes. The 2002 Legislature amended Section 316.193, F.S., to require the ignition interlock device to be installed on the vehicles used by certain person convicted of driving under the influence (DUI). This rule is amended to set minimum specifications for the ignition interlock device, to establish that the process for approving a device manufacturer, and to set servicing and monitoring requirements.

SUBJECT AREA TO BE ADDRESSED: Breath Alcohol Ignition Interlock Devices.

SPECIFIC AUTHORITY: 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787.

LAW IMPLEMENTED: 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787.

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: Barbara Lauer, Bureau of Driver Education and DUI Programs, Division of Drivers Licenses, Department of Highway Safety and Motor Vehicles, Room B211, Neil Kirkman Building, Tallahassee, Florida 32399-0571, (850)487-1227

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

15A-9.001 Authority.

This chapter is promulgated pursuant to Sections 316.193, 316.1937, and 316.1938, Florida Statutes.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended

15A-9.002 Purpose.

The purpose of this chapter is to establish guidelines for certification and installation of Breath Alcohol Ignition Interlock Devices and implementing the use of such devices as required by Sections 316.193, 316.1937, and 316.1938, Florida Statutes.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, and 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended

15A-9.003 Definitions.

(1) Alcohol. Any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol as defined in Section 322.01(2), Florida Statutes.

(2) Alveolar breath sample. Also called “deep lung air” or “alveolar breath.” An air sample which is the last portion of a prolonged, uninterrupted exhalation and which gives a quantitative measurement of alcohol concentration from which breath alcohol concentrations can be determined. “Alveolar” refers to the aveoli, which are the smallest air passages in the lungs, surrounded by capillary blood vessels and through which an interchange of gases occurs during respiration.

(3) Breath alcohol concentration (BrAC). The number of grams of alcohol per 210 liters of breath as defined in Section 322.01(3)(b), Florida Statutes.

(4) Breath test. An analysis of the breath alcohol concentration of an alveolar breath sample.

(5) Calibration. The process which ensures an accurate alcohol concentration reading on an ignition interlock device.

(6)(+) Certification. The testing and approval process required by the Department of Highway Safety and Motor Vehicles.

(7) Convicted person. The person required by the court or the department to drive only motor vehicles that have certified ignition interlock devices installed.

(8)(2) Department. The Department of Highway Safety and Motor Vehicles.

(9)(3) Device. A breath alcohol ignition interlock device.

(4) Driver. The person required by the department to drive only vehicles, which have certified devices installed.

(5) Vendor. The retail supplier of the approved devices. Vendor is also referred to as service provider.

(10) Emergency bypass. A one-time event, authorized by a service provider, that permits the ignition interlock device-equipped motor vehicle to be started without the requirement of passing the breath test.

(11) Fail point. A preset or predetermined breath alcohol level, defined in Section 316.1937, Florida Statutes.

(12) Free restart. The ability to start the engine again within three (3) minutes without completion of another breath test, when the condition exists where a breath test is successfully completed and the motor vehicle is started, but then the engine stops for any reason (including stalling).

(13) Ignition interlock device. A breath alcohol analyzer connected to a motor vehicle's ignition. In order to start the motor vehicle engine, a convicted person must blow an alveolar breath sample into the analyzer, which measures the breath alcohol concentration. If the breath alcohol concentration exceeds the fail point on the ignition interlock device, the motor vehicle engine will not start.

(14) Lockout. The ability of the ignition interlock device to prevent a motor vehicle's engine from starting.

(15)(6) Manufacturer. The actual producer of the ignition interlock device who assembles the product and who may provide distribution and services. The person, company or corporation who produced the device, or a recognized representative thereof.

(16) Motor vehicle. Any self-propelled motor vehicle not operated upon rails or guideway, but not including any motorcycle, bicycle, motorized scooter, electric personal assistive mobility device, or moped.

(17) Permanent lockout. A feature of the ignition interlock device in which a motor vehicle will not start until the ignition interlock device is reset by a service provider.

(18) Retest. An additional chance to provide an alveolar breath sample below the alcohol fail point.

(19) Rolling retest. Additional alveolar breath samples required while the motor vehicle is in operation.

(20) Service provider. The retail supplier of the approved ignition interlock devices.

(21) Tampering. An unlawful act or attempt to disable or circumvent the legal operation of the ignition interlock device.

(22) Temporary lockout. A feature of the ignition interlock device which will not allow the motor vehicle to start for time periods specified in Rule 15A-9.005, F.A.C., after a breath test result indicating a BrAC above the fail point.

(23) Violation. An event, such as two (2) breath tests above the fail point upon initial startup, a refusal to provide a rolling retest alveolar breath sample, a rolling retest above the fail point, or tampering, which breaches the guidelines for use of the ignition interlock device.

(24) Violation reset. A feature of the ignition interlock device in which a service reminder is activated due to a violation.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended \_\_\_\_\_.

15A-9.004 When Ignition Interlock Devices Are Required.

(1) When required pursuant to Section 316.193, Florida Statutes Drivers whose driving privileges have been revoked five years or more for driving under the influence of alcoholic beverages, chemical substances or controlled substances prior to reinstatement on a restricted basis pursuant to Section 322.271, Florida Statutes.

(2) When court ordered in accordance with Section 316.1937, Florida Statutes.

(3) When required by the department pursuant to Section 322.271, Florida Statutes.

Specific Authority 316.193, 316.1937, 316.1938, 322.271 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.271 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended \_\_\_\_\_.

15A-9.005 Specifications.

(1) All ignition interlock devices will be required to meet or exceed the standards set forth in the model specifications published in the Federal Register, Volume 57, No. 67, page 41772 by the National Highway Traffic Safety Administration with the exception of the rolling retest.

(2) Technical specifications for the operation and installation of the ignition interlock device shall be described in the contract between the department and the manufacturer(s).

(3)(2) The ignition interlock devices alcohol fail point shall be the level specified by Section 316.1937, Florida Statutes 0.03% w/v, with a virtual lockpoint of 0.05% w/v.

(4) For initial startup of the motor vehicle.

(a) The first breath test above the fail point shall result in a five (5) minute temporary lockout.

(b) The second breath test above the fail point is a violation and shall result in a 30-minute temporary lockout.

(c) The violations reset message shall instruct the convicted person to return the ignition interlock device to the service provider for servicing within five (5) days.

(d) If the ignition interlock device is not reset within five (5) days, a permanent lockout will occur.

(5) A rolling retest feature is required for all ignition interlock devices.

(a) An ignition interlock device shall require a rolling retest within the first five (5) minutes after the start of the motor vehicle and randomly thereafter at least once every 45 minutes but no more than once every 15 minutes as long as the motor vehicle is in operation.

(b) A free restart shall not apply if the ignition interlock device was awaiting a rolling retest that was not delivered.

(c) Any alveolar breath sample above the fail point or any failure to provide a rolling retest alveolar breath sample shall activate the motor vehicle's horn and/or cause the motor vehicle's emergency lights to flash until the engine is shut off by the convicted person.

(d) The first breath test above the fail point shall result in a five (5) minute temporary lockout.

(e) The second breath test above the fail point is a violation and shall result in a 30-minute temporary lockout.

(f) The violations reset message shall instruct the convicted person to return the ignition interlock device to the service provider for servicing within five (5) days.

(g) If the ignition interlock device is not reset within five (5) days, a permanent lockout will occur.

(6) In the case of an emergency bypass, the ignition interlock device must record the event. The ignition interlock device must be reset by a service provider within five (5) days of the emergency bypass to avoid a permanent lockout.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended \_\_\_\_\_.

15A-9.006 Procedure For Ignition Interlock Device Approval Requirement Waiver.

(1) All ignition interlock devices used pursuant to Sections 316.193 and 316.1937, Florida Statutes, must be approved by the department.

(2) The department shall contract with a manufacturer or manufacturers of ignition interlock devices for the services and commodities required for implementation of Sections 316.193, 316.1937, and 316.1938, Florida Statutes.

(3) The department shall maintain a list of approved ignition interlock devices.

~~Any driver may have the device requirement waived by producing evidence that their resident city is more than seventy five miles from the nearest location where a device service center is situated. Mileage will be computed by using a department of transportation map mileage. This waiver is not applicable in court ordered installations.~~

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended \_\_\_\_\_.

15A-9.007 Certification.

(1) Each manufacturer under contract with the department will submit a certification from an independent laboratory certifying that their ignition interlock device has been tested in accordance with the model specifications published in the Federal Register, Volume 57, No. 67, page 11772 by the National Highway Traffic Safety Administration and the ignition interlock device meets or exceeds those specifications, as well as criteria set forth in the contract with the department. The only exception to the specifications is the rolling retest. Federal Register as published in Volume 57, No. 67, pages 11772-11787, Tuesday, April 7, 1992 is hereby incorporated by reference.

(2) The manufacturer shall be responsible for the continuing certification of ignition interlock device service providers for use of an approved ignition interlock device. Upon receiving the appropriate documentation the department will issue a certificate (HSMV 72124) to the manufacturer showing the device has been certified for use.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended \_\_\_\_\_.

15A-9.008 Installation and De-Installation.

(1) The ignition interlock device must be installed by a manufacturer or his representative in accordance with the Federal gGuidelines published in the Federal Register, Volume 57, No. 67, page 11772 by the National Highway Traffic Safety Administration.

(2) An orientation to the ignition interlock device will be developed and delivered by the service provider to the convicted person driver and other persons any family members who may drive the vehicle, including information on all servicing locations, procedures for regular servicing and emergency situations.

(3) Whenever an ignition interlock device is de-installed, the vehicle must be restored to its original condition. All severed wires must be permanently reconnected and insulated with heat shrink tubing or its equivalent.

(4) Prior to installation of the ignition interlock device, the convicted person must provide to the service provider: Upon installation, the manufacturer or his representatives shall

complete a notice of proof of installation (HSMV 72122) and submit to Department of Highway Safety and Motor Vehicles within 15 days of installation date.

(a) Photo identification;

(b) The VIN numbers of all motor vehicles owned and/or routinely driven by the convicted person; and

(c) A statement disclosing the names of all other operators of the motor vehicles owned and/or driven by the convicted person.

(5) No later than the first service appointment, the convicted person must provide to the service provider a statement from each licensed driver living at the same address as the convicted person acknowledging their understanding of the requirements of the use of the ignition interlock device. ~~De installation shall be completed after the date indicated on Form HSMV 72125.~~

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended \_\_\_\_\_.

#### 15A-9.009 Servicing.

(1) ~~The convicted person must present photo identification to the service provider for all required services. All BAHD devices will be serviced at 60 day intervals. Servicing entails ensuring precision and accuracy of the device and completion of Form HSMV 72123.~~

(2) ~~The service provider must: The service provider will be required to maintain service centers and will have a 24 hour, toll free number in the event of emergencies with the ignition interlock device.~~

(a) Provide service at intervals specified in the contract with the department;

(b) Calibrate the ignition interlock device;

(c) Retrieve data from the ignition interlock device data log for the previous period and electronically submit it to the department within 3 days of calibration;

(d) Record the odometer reading of the motor vehicle in which the ignition interlock device is installed; and

(e) Check for signs of tampering and electronically report to the department any violation within 48 hours of servicing.

(3) All malfunctions of the ignition interlock device will be repaired or the ignition interlock device replaced by the service provider within 48 hours.

(4) A service provider will be available at the service center during specified hours, to answer questions and to deal with any mechanical concerns that may arise with a vehicle as a result of the ignition interlock device.

(5) The ignition interlock device shall record, at a minimum, the following data:

(a) The time and date of each failed breath test;

(b) The time and date of each passed breath test;

(c) The breath alcohol level of each test; and

(d) The time and date of any attempt to tamper or circumvent the ignition interlock device.

(6) The manufacturer or service provider must maintain a toll-free 24-hour emergency phone service that may be used to request assistance in the event of failure of the ignition interlock device or motor vehicle problems related to operation of the ignition interlock device. The assistance provided by the authorized service provider shall include technical information, tow service, or road service. The ignition interlock device shall be made functional within 48 hours of the call for assistance or the ignition interlock device shall be replaced.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended \_\_\_\_\_.

#### 15A-9.010 Monitoring.

(1) The licensed DUI programs shall, prior to each periodic update, review the summary report of the ignition interlock device data for each convicted person who is in the Special Supervision Services Program, as described in Chapter 15A-10, Florida Administrative Code. ~~All BAHD devices shall be monitored at 60 day intervals.~~

(a) In addition to the periodic update fee listed in Chapter 15A-10, Florida Administrative Code, the fee to be charged by the DUI program shall not exceed \$10.

(2) The department will refer the convicted person who is not in the Special Supervision Services Program to a licensed DUI program. A record of all tests where alcohol is detected must be recorded by day, date and time.

(a) Upon the first violation, as defined in subsection 15A-9.003(23), Florida Administrative Code.

1. The convicted person must schedule an appointment with the DUI program within twenty (20) days from the date of the referral letter. The DUI program shall notify the department within 10 days of when the convicted person contacts the DUI program. If notification is not received within 45 days from the date of the referral letter, the department will cancel the convicted person's driver license.

2. The DUI program shall complete the Ignition Interlock Device Interview Report, HSMV Form 77136 to document the face-to-face interview.

3. The interview fee to be charged by the DUI programs shall be \$25. This is the only fee to be charged for the services except for department-approved ancillary fees, as provided in Chapter 15A-10, Florida Administrative Code.

(b) Upon the second violation, as defined in subsection 15A-9.003(23), Florida Administrative Code.

1. The convicted person must schedule an appointment with the DUI program within twenty (20) days from the date of the referral letter. The DUI program shall notify the department within 10 days of when the convicted person contacts the DUI

program. If notification is not received within 45 days from the date of the referral letter, the department will cancel the convicted person's driver license.

2. For the remainder of the convicted person's ignition interlock requirement, the convicted person must report monthly to the DUI program.

3. The DUI program shall complete the Ignition Interlock Device Interview Report, HSMV 77136 to document the monthly face-to-face interview. The fee for the initial appointment shall be \$55 and shall include the development of a case management plan. The monthly fee shall be \$25. These are the only fees to be charged for the services, except for department-approved ancillary fees, as provided in Chapter 15A-10, Florida Administrative Code.

4. Prior to each monthly appointment, the DUI program shall review the summary report of the ignition interlock device data for the convicted person.

5. There shall be no less than 20 days and no more than 40 days between the convicted person's appointments with the DUI program.

6. Failure to contact the DUI program within five (5) business days after the missed appointment to reschedule the appointment shall result in notification to the department of failure to comply.

7. If the convicted person misses two consecutive appointments, the DUI program shall recommend cancellation of the license unless the convicted person has good cause for missing the appointment. Good cause is defined as natural disaster, death in the immediate family, or illness documented by the attending physician. The DUI program shall notify the department on the Letter Recommending Cancellation, HSMV Form 77137, unless good cause is documented.

~~(3) The device must provide a notice to the user that a servicing is scheduled three days in advance of required servicing.~~

~~(4) The device shall remain on interlock if not serviced within seven days following the scheduled servicing requirement.~~

~~(5) The device must be able to record tampering. If disconnected or otherwise tampered with, it must be recorded.~~

~~(6) The device must record day, date, time, BAC level, and test result.~~

~~(7) A report (HSMV 72123) shall be provided to the department by the recognized representative of the manufacturer summarizing all problems related to monitoring/servicing checks and all complaints received by the manufacturer.~~

Specific Authority 316.193, 316.1937, 316.1938, 322.292 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.292 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended \_\_\_\_\_.

15A-9.011 Warning Label.

All ignition interlock devices that have been approved by the Department shall have affixed a warning label containing the following: "WARNING – Any person tampering, circumventing, or otherwise misusing this device is guilty of a violation of the law and may be subject to civil liability." The cost and supply of the warning labels to be affixed to the ignition interlock devices shall be borne by the manufacturer vendor. The manufacturer vendor shall submit to the department a prototype of the warning label for approval.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended \_\_\_\_\_.

15A-9.013 Auditing of Administrative Offices and Service Providers Listing of Approved Devices.

The department may conduct on-site audits of administrative offices and service providers to ensure compliance with the contract. The Department shall maintain a list of approved devices. This list is available upon request by any person, laboratory or court.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended \_\_\_\_\_.

15A-9.014 Forms.

The forms identified by this rule are listed below by number, title, and effective date. Each form is incorporated by reference. ~~Copies may be obtained by contacting the nearest office of the Division of Driver Licenses, Bureau of Driver Improvement. The forms are not provided by the department but rather shall be used in the same format and content.~~

~~(1) Ignition Interlock Device Interview Report, HSMV Form 77136 (effective \_\_\_\_). Letter Authorizing Restricted Reinstatement of Driving Privilege for "BUSINESS PURPOSES ONLY" HSMV 72120 (07-01-92).~~

~~(2) Letter Recommending Cancellation, HSMV Form 77137 (effective \_\_\_\_). Authorizing Restricted Reinstatement of Driving Privilege for "EMPLOYMENT PURPOSES ONLY" HSMV 72121 (07-01-92).~~

~~(3) Ignition Interlock Device Installation Verification HSMV 72122 (07-01-92).~~

~~(4) Ignition Interlock Device Report HSMV 72123 (07-01-92).~~

~~(5) Certificate to Manufacturer Showing Device Has Been Certified For Use HSMV 72124 (07-01-92).~~

~~(6) Ignition Interlock Device De-installation Authorization HSMV 72125 (07-01-92).~~

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended \_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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."

**PUBLIC SERVICE COMMISSION**

DOCKET NO.: Undocketed

RULE TITLES:	RULE NOS.:
Records and Reports in General	25-6.014
Location and Preservation of Records	25-6.015
Annual Reports	25-6.135
Cost Allocation and Affiliate Transactions	25-6.1351

PURPOSE AND EFFECT: To update the rules to reference the most recent versions of the Uniform System of Accounts, the Preservation of Records of Public Utilities and Licensees, and Commission Form PSC/ECR 101 (Annual Report of Major Electric Utilities). The revisions will also eliminate reporting requirements that are no longer needed and define "good cause" in subsection 25-6.135(1), F.A.C.

SUBJECT AREA TO BE ADDRESSED: Electric Utility Records and Reports.

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

LAW IMPLEMENTED: 350.115, 366.02(2), 366.04, 366.041, 366.05, 366.06(1), 366.08, 366.093(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 workshop request must be submitted in writing: Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Slemkewicz, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6420

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.014 Records and Reports in General.

(1) Each investor-owned electric utility shall maintain its accounts and records in conformity with the Uniform System of Accounts (USOA) for Public Utilities and Licensees as found in the Code of Federal Regulations, Title 18, Subchapter C, Part 101, for Major Utilities as revised April 1, 2002 ~~1995~~, and as modified below. All inquiries relating to interpretation of the USOA shall be submitted to the Commission's Division of Economic Regulation in writing.

(2) through (5) No change.

(6) The Commission prescribes the Uniform System of Accounts for Public Utilities and Licensees, as found in the Code of Federal Regulations, Title 18, Subchapter C, Part 101, for Major Utilities as revised April 1, 2002 ~~2000~~, to be used by Rural Electric Cooperative and Municipal Electric Utilities operating within the State. All inquiries relating to interpretations of the Uniform System of Accounts shall be submitted to the Commission's Division of Economic Regulation in writing.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 350.115, 366.02(2), 366.04(2)(a), 366.04(2)(f), 366.05(1), 366.08 FS. History—Amended 7-29-69, 2-4-76, 8-21-79, 1-2-80, 11-18-82, Formerly 25-6.14, Amended 10-1-86, 11-2-87, 7-20-89, 12-27-94, 4-22-96, \_\_\_\_\_.

25-6.015 Location and Preservation of Records.

(1) through (2) No change.

(3) All records shall be preserved in accordance with the Federal Energy Regulatory Commission's regulations, Title 18, Subchapter C, Part 125, Code of Federal Regulations, entitled "Preservation of Records of Public Utilities and Licensees" as revised, April 1, 2002 ~~1994~~, which is hereby incorporated by reference into this rule, with the exception of the records listed in paragraph (3)(a) of this rule. ~~Item 64 (Records of predecessors and former associates) of the Schedule of records and periods of retention contained in Title 18, Subchapter C, Section 125.3, Code of Federal Regulations.~~ Instead, utilities shall retain records listed in paragraph (3)(a) of this rule for the periods indicated of acquired companies until permission for disposal is petitioned for and approved by the Florida Public Service Commission.

(a) The Code of Federal Regulations items listed below are exceptions to the Schedule of Records and Periods of Retention contained in Title 18, Subchapter C, Section 125.3, Code of Federal Regulations:

1. Item 2(a), minute books of stockholders', directors', and directors' committee meetings, earlier of 20 years or termination of corporation's existence;
2. Item 6(a)(1), general ledgers, 20 years;
3. Item 6(a)(2), ledgers subsidiary or auxiliary, 20 years;
4. Item 7, journals: general and subsidiary, 20 years;
5. Item 8(a), journal vouchers and journal entries, 20 years; and
6. Item 20(a), appraisals and valuations made by the company of its properties or investments or of the properties or investments of any associated companies (includes all records essential thereto), 10 years after appraisal.

~~(b)(a)~~ However, all source documents retained as required by Title 18, Subchapter C, Part 125, Code of Federal Regulations shall be maintained in their original form for a minimum of three years, or for any lesser period of time specified for that type of record in Title 18, Subchapter C, Part 125, Code of Federal Regulations, after the date the document was created or received by the utility. This paragraph does not

require the utility to create paper copies of documents where the utility would not otherwise do so in the ordinary course of its business. The Commission may waive the requirement that documents be retained in their original form upon a showing by a utility that it employs a storage and retrieval system that consistently produces clear, readable copies that are substantially equivalent to the originals, and clearly reproduces handwritten notations on documents.

(c)(b) The utility shall maintain written procedures governing the conversion of source documents to a storage and retrieval system, which procedures ensure the authenticity of documents and the completeness of records. Records maintained in the storage and retrieval system must be easy to search and easy to read.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(1),(9),(11), 366.08, 366.093(1) FS. History--Amended 7-29-69, 7-19-72, 1-11-76, 9-28-81, 11-18-82, Formerly 25-6.15, Amended 10-1-86, 11-2-87, 6-23-93, 11-13-95, \_\_\_\_\_.

25-6.135 Annual Reports.

(1) Each investor-owned electric utility shall file annual reports with the Commission on Commission Form PSC/ECR/101 ( / ) ~~(12/00)~~ which is incorporated by reference into this rule. Form PSC/ECR/101, entitled "Annual Report of Major Electric Utilities", may be obtained from the Commission's Division of Economic Regulation. These reports shall be verified by a responsible accounting officer of the utility making the report and shall be due on or before April 30 for the preceding calendar year. A utility may file a written request for an extension of time with the Division of Economic Regulation no later than April 30. One extension of 31 days will be granted upon request. A request for a longer extension must be accompanied by a statement of good cause and shall specify the date by which the report will be filed. "Good cause" means a demonstration that the company has worked diligently to prepare the report and that the additional time period requested to complete and submit the report is both reasonable and necessary given the company's particular circumstances.

(2) No change.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 350.115, 366.04(2)(f), 366.05(1),(2)(a) FS. History--New 12-27-94, Amended 12-11-00, \_\_\_\_\_.

25-6.1351 Cost Allocation and Affiliate Transactions.

(1) through (4)(d) No change.

(5) Reporting Requirements. Each utility shall file information concerning its affiliates, affiliate transactions, and nonregulated activities on Form PSC/ECR/101 ( / ) ~~(12/00)~~ which is incorporated by reference into this rule. Form PSC/ECR/101, entitled "Annual Report of Major Electric Utilities," may be obtained from the Commission's Division of Economic Regulation.

(6) No change.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 350.115, 366.04(2)(a),(f), 366.04(1), 366.05(1),(2),(9), 366.06(1), 366.093(1) FS. History--New 12-27-94, Amended 12-11-00, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Special Management Meal  
 RULE NO.: 33-602.223

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct staff titles and provide clarification of the process for placement of inmates on the special management meal.

SUBJECT AREA TO BE ADDRESSED: Special management meal.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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:

33-602.223 Special Management Meal.

(1) No change.

(2) Requirements for Utilization of Special Management Meal.

(a) through (e) No change.

(f) The special management meal shall be utilized at all institutions with the exception of those designated for youthful offenders. The Bureau of Food Services shall provide orientation in the preparation and service of the special management meal. The Director Bureau of Field Food Services, based on documentation from the administrator of the food services section, shall certify to the Assistant Secretary Director of Institutions, the warden, and the contractor food service director the successful completion of special management meal preparation and service ~~that~~ training. Certification is required before the institution is authorized to utilize the special management meal. The special management meal will then be authorized for use on a case-by-case basis at those institutions as provided in this rule.

(3) through (7) No change.

(8) An inmate may be placed on the special management meal for a maximum of 7 days before being returned to regular meals for a minimum of one day. If an inmate engages in any of the behavior described in subsection (2) above after being returned to regular meals ~~or at the end of a 7-day period on~~



~~special management meal status~~, the inmate may be placed on special management meal status again by following the above procedures.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-11-88, 3-4-92, 5-27-97, 11-25-98, Formerly 33-3.0085, Amended 8-1-00, 1-2-02, \_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS**

**Aging and Assisted Living Programs**

RULE CHAPTER TITLE: Adult Day Care Center  
 RULE CHAPTER NO.: 58A-6

RULE TITLES: Licensure Application Procedures  
 Change of Owner or Operator; Marketing  
 RULE NOS.: 58A-6.003  
 58A-6.0051

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 58A-6.003, F.A.C., are being considered, in consultation with the Agency for Health Care Administration, to implement Section 27 of Chapter 2003-57, Laws of Florida, which provides that license renewal notification shall be provided electronically or by mail delivery by the Agency for Health Care Administration. The purpose of the proposed amendments to Rule 58A-6.0051, F.A.C., are being considered, in consultation with the Agency for Health Care Administration, to implement Section 12 of Chapter 2002-400, Laws of Florida, which provides standards of enforcement applicable to all entities licensed or regulated by the Agency for Health Care Administration.

SUBJECT AREA TO BE ADDRESSED: Adult Day Care Center Licensure Procedures and Denial, Suspension, or Revocation of License.

SPECIFIC AUTHORITY: 400.562, 408.831 FS.

LAW IMPLEMENTED: Ch. 400, Part V, 400.557, 408.831 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 SHOW BELOW.

TIME AND DATE: 10:00 a.m. – 11:00 a.m., August 25, 2003

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-6.003 Licensure Application Procedures.

(1) through (5) No change.

(6) The agency shall notify a licensee electronically or by certified mail delivery at least 120 days before the expiration date of the center’s license. Applications for relicensure must

be submitted to the agency at least 90 days before the expiration date of the existing license. Failure to file a timely renewal application will result in a fine of \$75.00 pursuant to Sections 400.5565(1)(b) and 400.557(1), F.S., being assessed against the center.

(7) No change.

Specific Authority 400.562 FS. Law Implemented Ch. 400, Part V, 400.557 FS. History—New 7-8-81, Amended 2-27-84, Formerly 10A-6.03, 10A-6.003, 59A-16.003, Amended 11-9-95, 3-29-98, 10-23-01, Amended \_\_\_\_\_.

58A-6.0051 Change of Owner or Operator; Marketing.

(1) through (2) No change.

(3) The transferor shall, prior to agency approval of the change of ownership application, repay or make arrangements to repay any outstanding fine amounts owed the agency pursuant to Section 408.831(2), F.S.

~~(4)~~(3) If the center’s owner changes operators, the owner or new operator must notify the AHCA within 30 days at the address in subsection (1), and include the completed abuse registry and criminal background check forms.

Specific Authority 400.562, 408.831 FS. Law Implemented Ch. 400, Part V, 408.831 FS. History—New 11-9-95, Amended 3-29-98, Amended \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Ambulatory Surgical Center Services  
 RULE NO.: 59G-4.020

PURPOSE AND EFFECT: The purpose of the rule amendment is to incorporate by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, July 2003. Appendix A of the handbook contains the procedure codes and payment groups in effect for dates of service beginning on July 1, 2003. The effect will be to incorporate in the rule the current Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Ambulatory Surgical Center Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., August 25, 2003

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Medical/Health Care Program Analyst, Medicaid Services, 2728 Fort Knox Boulevard, Building 3, Tallahassee, FL 32308, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, July 2003 ~~January 2002~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03, \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Board Certification Course Requirements and Course Approval

RULE NO.: 64B12-14.004

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

SUBJECT AREA TO BE ADDRESSED: Board Certification Course Requirements and Course Approval.

SPECIFIC AUTHORITY: 484.002(6), 484.005(4) FS.

LAW IMPLEMENTED: 484.002(6) FS.

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

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

Section II  
Proposed Rules

**DEPARTMENT OF STATE**

**Division of Library and Information Services**

RULE TITLE: Library Grant Programs

RULE NO.: 1B-2.011

PURPOSE, EFFECT AND SUMMARY: The proposed amendment revises the guidelines and forms for the State Aid to Libraries Grant Program. Guidelines for this grant program are outlined in the application packet that contain information on eligibility requirements, types of grants, application procedures, application review procedures, grant administration procedures, and application forms.

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

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

SPECIFIC AUTHORITY: 257.14-.25 FS.

LAW IMPLEMENTED: 257.14-.25 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 BY 5:00 P. M. (EST), TUESDAY, AUGUST 26, 2003, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 11:00 a.m. (EST), Tuesday, September 2, 2003

PLACE: Florida State Records Center, Training Room, 4319 Shelfer Road, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Judith Ring, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 205-6600

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) through (2) No change.

(a) The State Aid to Libraries Grant Guidelines and Application (~~Form DLIS/SA01~~), effective 4-1-98, Amended 11-20-01, Amended \_\_\_\_\_, which contain guidelines and application forms, State Aid to Libraries Grant Application – ~~Single County Library (Form DLIS/SA02), effective 4-1-98; State Aid to Libraries Grant Application – Single County or Participating Library (New) (Form DLIS/SA02a SA01), effective 4-1-98, Amended \_\_\_\_\_~~; State Aid to Libraries Grant Application – Multicounty Library (Form DLIS/SA03 SA02), effective 4-1-98, Amended \_\_\_\_\_; ~~State Aid to~~

~~Libraries Grant Application—Multicounty Library (New) (Form DLIS/SA03a), effective 4-1-98; State Aid to Libraries Grant Application—County Participating in a Multicounty Library (Form DLIS/SA04), effective 4-1-98, amended 11-20-01; and State Aid to Libraries Grant Application—County Participating in a Multicounty Library (New) (Form DLIS/SA04a), effective 4-1-98, amended 11-20-01; State Aid to Libraries Grant Application—Certification of Credentials—Single Library Administrative Head (Form DLIS/SA05 SA03), effective 4-1-98, Amended \_\_\_\_\_; State Aid to Libraries Grant Application—Summary Financial Report (Form DLIS/SA06 SA04), effective 4-1-98, Amended \_\_\_\_\_; Annual Statistical Report Form for Public Libraries (Form DLIS/SA07), effective 11-20-01.~~

(b) through (f) No change.

(3) through (4) No change.

Specific Authority 257.14, 257.191, 257.192, 257.24, 257.41(2) FS. Law Implemented 240.5186, 257.12, 257.14, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42 FS. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, 3-20-02, 1-9-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Marian Deeney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Judith Ring, Director, Division of Library and Information Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 20, 2003

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER TITLE: Fertilizers  
RULE CHAPTER NO.: 5E-1

RULE TITLE: Methods of Analyses  
RULE NO.: 5E-1.014

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the revision date of the Fertilizer Laboratory Methods Manual that is adopted by reference in the rule. Also to further clarify the address for obtaining the referenced manual.

SUMMARY: The adoption by reference of the modified Fertilizer Laboratory Methods Manual.

SPECIFIC AUTHORITY: 576.181(2), 570.07(23), 576.051(7) FS.

LAW IMPLEMENTED: 576.051(2),(3),(7) FS.

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

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

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

TIME AND DATE: 9:00 a.m., August 29, 2003

PLACE: AES, Conference Room, 3125 Conner Blvd., Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE: Ms. Leigh Humphreys, Chief, Bureau of Feed, Seed and Fertilizer Laboratories, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Building 7, Tallahassee, FL 32399-1650

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.014 Methods of Analyses.

All methods of analyses ~~for commercial fertilizers~~ shall be those in the State of Florida, Department of Agriculture and Consumer Services, Fertilizer Laboratory Methods Manual, (Eff. 5/20/03 ~~3/18/96~~), which is hereby incorporated by reference. Copies may be obtained from the Division of Agricultural Environmental Services, Bureau of Feed, Seed and Fertilizer Laboratories, 3125 Conner Boulevard, Building 7, Tallahassee, Florida 32399-1650.

Specific Authority 576.181(2), 570.07(23), 576.051(7) FS. Law Implemented 576.051(2),(3),(7) FS. History—New 1-23-67, Amended 1-1-77, 7-22-79, 4-23-80, 10-27-80, 4-20-81, 10-18-81, 4-4-83, 11-16-83, 1-23-85, 6-19-85, Formerly 5E-1.14, Amended 11-16-86, 10-12-87, 9-26-88, 11-19-89, 3-28-91, 8-3-93, 7-9-95, 10-25-98, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Leigh Humphreys, Chief, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steven Rutz, Director, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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."

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLES: Application
RULE NO.: 19B-4.001

PURPOSE AND EFFECT: To clarify how the Florida Prepaid College Board will handle certain applications for the Florida Prepaid College Program that are received outside the annual application period set by the Board and to clarify the contract prices that apply to such applications.

SUMMARY: The proposed rule amendment clarifies that that the Board will accept applications for advance payment contracts purchased through the Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs and by purchasers pursuant to a court order at any time, and that other applications received by the Board outside the annual application period will be processed for data collection and administrative purposes, but will not be accepted until the beginning of the next succeeding annual application period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

TIME AND DATE: 2:00 p.m., September 1, 2003

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

(1) Rule Chapters 19B-4 through 19B-13 and 19B-15, F.A.C., apply to purchasers of advance payment contracts for the prepayment of postsecondary registration, local fees and/or dormitory residency fees under the Florida Prepaid College Program, the "Program". The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly.

Applications for advance payment contracts purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order will be accepted by may be submitted to the Board at any time. Other applications for advance payment contracts submitted to the Board outside the annual application period will be processed for data collection and administrative purposes, but will not be accepted by the Board until the beginning of the next succeeding annual application period. The contract prices associated with applications submitted to the Board outside the annual application period, except for those purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order, shall be the contract prices applicable to advance payment contracts for the next succeeding annual application period. After acceptance by the Board of the purchaser's application, a participation and payment schedule shall be mailed to the purchaser. The advance payment contract shall be composed of the application, master covenant, and participation and payment schedule.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2002-1, is hereby incorporated by reference and may be obtained by calling 1-800-552-GRAD (4723) (prompt 1). The effective date of the form is October 21, 2002. The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB 2002-2 is hereby incorporated by reference with an effective date of October 21, 2002.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-7-01, 10-9-01, 11-27-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

DEPARTMENT OF CORRECTIONS

Table with 2 columns: RULE TITLES and RULE NOS.: Inmate Visiting - Definitions (33-601.713), Inmate Visiting - General (33-601.714), Visiting Application Initiation Process (33-601.715), Visiting Record Management (33-601.716), Visiting Denial (33-601.717), Review of Request for Visiting Privileges (33-601.718)

Visiting by Former and Current Department and Contract Employees 33-601.719  
 Sex Offender Visiting Restrictions 33-601.720  
 Visitor Conduct 33-601.727  
 Denial or Termination of Visits 33-601.729  
 Revocation or Suspension of Visiting Privileges 33-601.731  
 Reinstatement of Revoked or Suspended Visiting Privileges 33-601.732  
 Special Visits 33-601.736  
 Visiting – Forms 33-601.737

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reassign responsibility for review of visiting applications and suspension and termination of visiting privileges from central office to institutional staff, to delete obsolete language, to correct staff titles associated with inmate visiting, and to provide clarification of definitions and criteria related to inmate visiting.

SUMMARY: The proposed rules reassign responsibility for review of visiting applications and suspension and termination of visiting privileges from central office to institutional staff, delete obsolete language, correct staff titles associated with inmate visiting, and provide clarification of definitions and criteria related to inmate visiting.

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: 20.315, 944.09, 944.115, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.115, 944.23, 944.8031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-601.713 Inmate Visiting – Definitions.

(1) through (2) No change.

~~(3) “Central Visiting Authority (CVA)” refers to the section within the Bureau of Classification and Central Records responsible for the management of inmate visiting procedures, visiting records, and fact-based decisions on visiting requests.~~

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

~~(4)(5) “Institutional Classification Team (ICT)” refers to the team appointed by the warden responsible for making local classification decisions as defined in rule and procedure. The ICT shall be comprised of a senior classification officer or higher and security member of the rank of correctional officer lieutenant or higher the warden or assistant warden who shall serve as chairperson, classification supervisor, chief of security, and other members when appointed by the warden or designated by rule.~~

~~(5)(6) “Immediate Family” refers to an inmate’s spouse, children, parents, brothers, sisters, grandparents, great grandparents, grandchildren, stepbrothers, stepsisters, stepparents, step-grandparents, aunts, uncles, foster parents, stepchildren, half brothers, half sisters, brothers-in-law, sisters-in-law, mothers-in-law, fathers-in-law, and sons and daughters-in-law.~~

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

~~(10)(11) “Approved Visitor” refers to any person who is approved by the assigned institutional classification officer CVA to visit an inmate and whose approval is documented in the automated visiting record.~~

(12) through (17) renumbered (11) through (16) No change.

~~(18) “Temporarily Suspended” refers to a visitor’s status pending a review or investigation of circumstances or events that can result in the revocation or suspension of visiting privileges. A visitor shall not be allowed to visit while in this status.~~

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, \_\_\_\_\_.

33-601.714 Inmate Visiting – General.

(1) through (2) No change.

(3) The warden, assistant warden, or duty warden is authorized to deny or terminate a visit if any of its aspects are disruptive or violate rules, procedures, instructions, restrictions, orders, or directions. Any disruption or violation shall be entered on the AVR and shall subject the visitor to revocation or suspension of visiting privileges by the warden or designee CVA and the inmate to disciplinary action.

(4) Posting of Policies.

(a) To ensure that all visitors are aware of Section 944.47, F.S., governing contraband, the warden or designee shall post the statute in a conspicuous place at the entrance to the institution or facility.

(b) The warden or designee shall display the visiting rule, procedures, and any technical instructions that do not impede the maintenance of the security of the institution in a manner that allows visitors to read them before they begin the institutional visiting entry process.

~~(5) The CVA shall publish a departmental visitor's information handbook that shall include statutes, rules, procedures, and instructions relating to visiting. The warden shall ensure that a new visitor receives a copy of the handbook. These handbooks are not authorized in the visiting area.~~

~~(5)~~(6) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.708, Amended 5-27-02, \_\_\_\_\_.

33-601.715 Visiting Application Initiation Process.

(1) No change.

(2) The inmate shall be given up to fifteen copies of the Request for Visiting Privileges, Form DC6-111A, and Visitor Information Summary, Form DC6-111B, within 24 hours after arrival at his or her permanent facility. Forms DC6-111A and DC6-111B are incorporated by reference in Rule 33-601.737, F.A.C. The inmate shall be responsible for sending the forms to each family member or friend twelve years of age or older, whom the inmate wishes to be placed in his or her approved visiting record. Minors eleven years of age and younger are not required to submit a Request for Visiting Privileges, Form DC6-111B, until they reach 12 years of age.

(a) through (b) No change.

(3) The institution classification staff ~~CVA~~ shall conduct criminal history background checks on applicants requesting visiting privileges ~~if information on the application indicates that it is prudent to do so.~~

(4) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.706 and 33-601.708, Amended 5-27-02, \_\_\_\_\_.

33-601.716 Visiting Record Management.

(1) The Bureau of Classification and Central Records ~~CVA~~ shall develop and maintain computerized inmate-visiting records.

(2) Department staff shall document all requests for visits; ~~recommendations of the warden or the ICT,~~ and decisions made with regard to visiting and pertinent comments on the automated visiting record.

(3) through (9) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.703 and 33-601.708, Amended \_\_\_\_\_.

33-601.717 Visiting Denial.

(1) No change.

(2) The assigned institutional classification officer ~~CVA~~ shall have authority to refuse to approve visiting for applicants with prior negative visiting behavior based on the security threat to the institution, nature of the behavior, and the elapsed time since the incident. Denial of visiting shall be permanent if the prospective visitor was involved in, or assisted in, an escape or attempted escape from any correctional facility.

(3) through (4) No change.

(5) Any person shall be subject to denial of permission to visit based upon the following criteria:

(a) No change.

(b) Escape or attempting to escape, or a ~~Assisting or attempting to assist an escape or escape attempt from any facility;~~

(c) The nature and extent of the individual's criminal record, consideration of which includes:

1. Felony convictions for drug offenses within the last 5 years, convictions for violent felony offenses within the last 3 years' convictions for non-violent offenses within the last 2 years, withholds of adjudication, adjudications of delinquency, active warrant, misdemeanor convictions for stalking, battery, prostitution, possession of marijuana under 20 grams, possession of narcotic paraphernalia, or resisting a law enforcement officer without violence, and criminal history dispositions in any jurisdiction. If the disposition of an arrest is not reflected, the disposition shall ~~not~~ be ascertained prior to approval of the application ~~completion of the review of the visiting request unless circumstances suggest additional clarification is prudent.~~ If additional documentation ~~clarification~~ of the charge is necessary, the prospective visitor shall be responsible for providing official documentation of the disposition or circumstances of the offense in question;

2. No change.

(d) through (l) No change.

(6) A department volunteer or intern shall not be approved for visiting at an institution or facility to which he or she is assigned. Following termination or assignment to another facility, visitation at the former institution or facility shall not occur until five years ~~twelve months~~ have elapsed.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.706 and 33-601.707, Amended 5-27-02, \_\_\_\_\_.

33-601.718 Review of Request for Visiting Privileges.

(1) In approving or disapproving visiting privileges, assigned institutional classification officer ~~CVA~~ ~~staff~~ shall review the Request for Visiting Privileges, Form DC6-111A, and shall consider all factors related to the security, order or effective management of the institution.

(a) No change.

(b) The assigned institutional classification officer ~~CVA~~ ~~staff~~ shall evaluate a person's criminal history and visiting background using the ~~CVA~~ Visitor Screening Matrix, Form DC6-111D.

(c) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.706, Amended \_\_\_\_\_.

33-601.719 Visiting By Former and Current Department and Contract Employees.

(1) Former Department and Contract Employees. The assigned institutional classification officer CVA shall consider approving former department employees and former employees of a contractor who was under contract with the department for visiting privileges under the following circumstances:

(a) No change.

(b) During employment the applicant did not have a documented incident of any of the following:

1. through 2. No change.

3. A personal or business relationship with an inmate offender. A personal or business relationship is any that goes beyond what is necessary for the performance of one's job.

4. through 5. No change.

(c) No change.

(2) Current Department and Contract Employees. The warden or designee CVA shall consider approving current department employees and employees of a contractor currently under contract with the department for visiting privileges under the following conditions:

(a) through (b) No change.

(c) The employing warden, warden of the institution housing the inmate to be visited, circuit administrator (community corrections staff), regional director (regional office staff), and Assistant Secretary Director of Institutions (central office staff), have approved the visit in writing.

(d) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.706, Amended 5-27-02, \_\_\_\_\_.

33-601.720 Sex Offender Visiting Restrictions.

(1) No change.

(2) A warden, ~~with a recommendation from the CVA supervisor,~~ is authorized to approve a visit between a minor who is accompanied by an authorized adult and an inmate who meets the criteria in subsection 33-601.720(1), F.A.C., above if visiting is not restricted by court order and the warden determines the visit to be in the minor's best interest. Factors to be considered are:

(a) through (d) No change.

(3) through (4) No change.

~~(5) The warden shall provide documentation to the CVA supervisor who shall recommend approval or denial to the warden.~~

~~(5)(6)~~ No change.

~~(6)(7)~~ The warden, ~~with a recommendation from the CVA supervisor,~~ is authorized to modify the visiting status if factors materially affecting the visiting privilege decision change. Modification of privileges and court modifications of previously imposed visiting restrictions shall be documented in the AVR by institutional staff.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.707, Amended 5-29-03, \_\_\_\_\_.

33-601.727 Visitor Conduct.

(1) Visitors must conduct themselves in accordance with the following requirements while on department property.

(a) through (b) No change.

(c) Visitors shall not possess, introduce, or attempt to introduce contraband or illegal items into or onto the grounds of any department institution or facility. Violations shall result in the suspension of visiting privileges by the warden or designee CVA. Contraband items not of an illegal nature shall be seized by staff when found and shall be returned only on the approval of the duty warden.

(d) through (j) No change.

(k) Visitors may exchange a brief embrace and kiss with the inmate to be visited once at the beginning and end of visit.

1. through 2. No change.

3. No other forms of affection or physical contact between visitors and inmates are ~~is~~ authorized.

(2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.708, Amended 5-27-02, \_\_\_\_\_.

33-601.729 Denial or Termination of Visits.

(1) through (2) No change.

(3) Reconsideration for Visitation.

~~(a) A visitor denied visiting by the warden or duty warden shall be permitted to ask the CVA to mediate the matter, using local or institutional telephone access for this purpose. The CVA employee will either inform the visitor of his or her agreement with the decision of the duty warden or shall contact the facility on behalf of the visitor. The final decision shall rest with the warden, assistant warden, or duty warden.~~

~~(b)~~ A visitor initially denied permission to visit for reasons other than for possession or attempted introduction of contraband and who corrects the problem causing the denial shall be granted visiting if not otherwise precluded by rule and if the inmate is not in the process of visiting with others.

(4) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.705 and 33-601.707, Amended 5-27-02, \_\_\_\_\_.

33-601.731 Revocation or Suspension of Visiting Privileges.

(1) through (8) No change.

(9) Suspension of Visitor's Visiting Privileges.

~~(a) A visitor whose visiting privileges are under consideration for revocation or suspension shall have his or her visiting privileges temporarily suspended.~~

~~(a)(b)~~ A visitor's visiting privileges shall be revoked by the warden or designee CVA when the visitor:

1. through 6. No change.

(b)(e) Visiting privileges shall be suspended by the warden or designee CVA for up to two years when the visitor:

1. through 5. No change.

(c)(d) Visitors found in violation of paragraph 33-601.717(5)(f), F.A.C. – falsifying information to obtain visiting privileges, subsections 33-601.723(3) and (5), F.A.C., falsifying information at visitor registration and falsifying documents of guardianship, subsection 33-601.724(9), F.A.C. – visitor attire, Rule 33-601.726, F.A.C. – visitor searches, or visitor conduct standards as outlined in paragraphs 33-601.727(1)(a)-(h), F.A.C. shall have visiting privileges suspended by the warden or designee CVA supervisor for up to one year.

(10) The warden or designee shall have the discretion to impose recommend to the CVA supervisor a length of suspension less than the maximum allowed by rule by considering the type of violation, the impact of the violation on the overall security or safety of the institution, and prior visits without incident. The warden shall set forth the justification for the length of suspension, if less than the maximum, in the recommendation to the CVA supervisor.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 11-18-01 Formerly 33-601.707 and 33-601.708, Amended 5-27-02, \_\_\_\_\_.

33-601.732 Reinstatement of Revoked or Suspended Visiting Privileges.

(1) The warden or designee shall approve or deny requests for reinstatement of an inmate’s suspended visiting privileges. The inmate shall submit a written request for reinstatement to the warden on Form DC6-236, Inmate Request. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(a) Reinstatement of privileges suspended for more than two years shall only be considered after two years from imposition.

1. The warden or designee shall review the request, render a final decision and notify the inmate concerned.

2. No change.

(b) through (c) No change.

(2) The warden or designee CVA supervisor shall approve or deny requests for reinstatement of a visitor’s revoked or suspended visiting privilege. The visitor, or inmate on behalf of the affected visitor, shall submit a written request for reinstatement of privileges to the assigned institutional classification officer CVA supervisor. The visitor for whom the reinstatement is being considered shall submit a Request for Visiting Privileges, Form DC6-111A, if the suspension has been for longer than six months.

(a) Reinstatement of revoked privileges shall only be considered after two years from imposition.

1. The warden or designee CVA supervisor shall review the request, render a final decision and notify the visitor concerned.

2. No change.

(b) through (c) 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, \_\_\_\_\_.

33-601.736 Special Visits.

(1) through (2) No change.

(3) The CVA Visitor Screening Matrix, Form DC6-111D shall be used to evaluate the proposed visitor’s criminal record and visiting background in determining approval or disapproval of the special visiting request. Form DC6-111D is incorporated by reference in Rule 33-601.737, F.A.C.

(4) No change.

(5) A visitor who has been denied a special visit by the warden or duty warden may request that the CVA mediate on his or her behalf. A local or institution telephone shall be used for this purpose if the visitor is on institutional property. The CVA shall either advise the visitor that the warden’s, assistant warden’s or duty warden’s decision is appropriate or speak to the denying authority on behalf of the visitor. However, the final decision will rest with the approving authority.

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, \_\_\_\_\_.

33-601.737 Visiting – Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(1) through (5) No change.

(6) DC6-111D, CVA Visitor Screening Matrix, effective \_\_\_\_\_ April 29, 2002.

Specific Authority 944.09, 944.115, 944.23 FS. Law Implemented 944.09, 944.115, 944.23, 944.8031 FS. History–New 11-18-01, Amended 4-29-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Tune

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

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

RULE NO.: 59G-4.055



provide Florida County Health Departments with new HIPAA policy and HIPAA compliant Level II HCPCS for services that use the CMS-1500 for billing.

SUMMARY: The rule is amended to include new HIPAA policy, language, and new HIPAA compliant level II HCPCS. In addition, family planning policy has been changed to comply with recommendations of the US Preventive Services Task Force by omitting the requirement for urinalysis and hemoglobin/hematocrit laboratory analyses with family planning health assessments.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

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

TIME AND DATE: 9:00 a.m., September 2, 2003

PLACE: 2727 Ft. Knox Blvd., Building 3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kay Aloï, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7330

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.055 County Health Department Clinic Services.

(1) No change.

(2) All county health department clinic services providers enrolled in the Medicaid program must comply with the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook, October 2003 ~~County Public Health Unit Clinic Services Coverage and Limitations Handbook, October 2000~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Kay Aloï

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D., FFAFP, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 14, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Federally Qualified Health Center Services  
 RULE NO.: 59G-4.100

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Federally Qualified Center Services Coverage and Limitations Handbook, October 2003. The effect will be to provide Florida Federally Qualified Health Centers with new HIPAA policy and HIPAA compliant Level II HCPCS for services that use the CMS-1500 for billing.

SUMMARY: The rule is amended to include new HIPAA policy, language, and new HIPAA compliant level II HCPCS. Policy changes include family planning services that are necessary to comply with recommendations of the US Preventive Services Task Force by omitting the requirement for urinalysis and hemoglobin/hematocrit laboratory analyses with family planning health assessments. In addition, mental health services have been changed to include mental health group therapy as a component.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 409.9081 FS.

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

TIME AND DATE: 9:30 a.m., September 2, 2003

PLACE: 2727 Ft. Knox Blvd., Building 3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kay Aloï, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7330

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.100 Federally Qualified Health Center Services.

(1) No change.

(2) All federally qualified health center services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook, October 2003 ~~April 2001~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up-221, which is incorporated by reference in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 6-27-93, Formerly 10P-4.100, Amended 4-16-95, 5-28-96, 6-24-98, 12-31-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kay Aloï

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D., FAFAP, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 9, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Home Health Services

RULE NO.: 59G-4.130

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Home Health Services Coverage and Limitations Handbook, October 2003. The handbook revisions include changes required by the Health Insurance Portability and Accountability Act (HIPAA) and revised procedure codes and fees. The effect will be to incorporate by reference in the rule the current Florida Medicaid Home Health Services Coverage and Limitations Handbook. The rule text refers to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500 as being incorporated by reference Rule 59G-4.001, F.A.C. Rule 59G-4.001, F.A.C., is in the rulemaking process; we expect it to be final prior to this rule being adopted.

SUMMARY: This rule amendment will incorporate by reference the Florida Medicaid Home Health Services Coverage and Limitations Handbook, October 2003. The handbook revisions include changes required by the Health Insurance Portability and Accountability Act (HIPAA) and revised procedure codes and fees.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 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., Tuesday, September 2, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kay Aloï, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7330

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.130 Home Health Services.

(1) No change.

(2) All home health agency providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Home Health Services Coverage and Limitations Handbook, October 2003 ~~March 2000~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up-221, which is incorporated in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) A recipient, or a recipient's legal guardian, will receive written notification if home health visit services, private duty nursing or personal care services are terminated, reduced or denied. The notice will provide information and instructions regarding the right to request a hearing.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Amended 4-1-78, 9-28-78, 1-24-79, 7-17-83, Formerly 10C-7.44, Amended 6-1-88, 4-9-89, 1-1-90, 5-26-93, Formerly 10C-7.044, Amended 3-14-95, 12-27-95, 5-7-96, 2-9-98, 5-30-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kay Aloï

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D., FAFAP, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Independent Laboratory Services

RULE NO.: 59G-4.190

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, October 2003. The handbook was revised to include the Health Insurance Portability and Accountability Act (HIPAA) policies and regulations. The effect will be to incorporate by reference in the rule the current Florida Medicaid Independent Laboratory Coverage and Limitations Handbook. The rule text refers to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500 as being incorporated by reference Rule 59G-4.001, F.A.C. Rule 59G-4.001, F.A.C., is in the rulemaking process; we expect it to be final prior to this rule being adopted.

**SUMMARY:** The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, October 2003. The handbook was revised to include the Health Insurance Portability and Accountability Act (HIPAA) policies and regulations.

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

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

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.905, 409.907, 409.908, 409.9081 FS.

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

**TIME AND DATE:** 9:00 a.m., September 2, 2003

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Susan Rinaldi, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7308

**THE FULL TEXT OF THE PROPOSED RULE IS:**

59G-4.190 Independent Laboratory Services.

(1) No change.

(2) All independent laboratory providers enrolled in the Medicaid program must be in compliance ~~comply~~ with the provisions of the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, ~~October 2003~~ ~~March 2003~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 ~~and~~

~~Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History—New 1-1-77, Amended 10-11-81, Formerly 10C-7.41, Amended 6-30-92, Formerly 10C-7.041, Amended 9-28-94, 1-9-96, 10-20-96, 9-14-97, 3-22-00, 5-16-01, 2-14-02, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Susan Rinaldi, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7308

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Rhonda M. Medows, M.D., FFAFP, Secretary

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 29, 2003

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** February 14, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

**RULE TITLE:** Payment Methodology for Federally

**RULE NO.:**

Qualified Health Center and Rural

Health Center Services

59G-6.080

**PURPOSE AND EFFECT:** The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Federally Qualified Health Centers (FQHC) Reimbursement Plan payment methodology, effective April 1, 2003, to provide the following changes:

1. Each Rural Health Clinic (RHC) entering the Florida Medicaid RHC Program on or after January 1, 2001 shall submit a Rural Health Clinic Form 222-Medicare cost report postmarked or accepted by a common carrier no later than 3 calendar months after the close of its cost reporting year. A complete, legible copy of the cost report shall be submitted to AHCA.
2. Inclusion of Rural Health Clinic (RHC) in the title of the Federally Qualified Health Center Reimbursement Plan, Rule 59G-6.080, F.A.C., and addition of RHC references where applicable through the reimbursement plan.
3. For RHCs, Medicaid will accept the annual audited cost report established by the Medicare carrier.
4. For FQHCs, the Bureau of Primary Health Care (BPHC) should approve an increase or decrease in the scope of services(s) and the per basis visit of scope of service(s) greater or less than 3 percent of the current provider's rate has been removed.
5. For FQHCs, decreases in scope of service(s) that do not require BPHC approval should be reported to AHCA.

6. For both FQHCs and RHCs, the approval date for scope of service increases will be the latter of the date the service was implemented or 75 days prior to the date the request was received. The approval date for scope of service decreases will be the date the service was terminated.
7. For both FQHCs and RHCs, the effective date for scope of service increases will be the first day of the month following the approval date.
8. For both FQHCs and RHCs, the providers' Fiscal Year End (FYE) audit must be submitted before the scope of services can be approved.
9. For both FQHCs and RHCs, the financial data submitted for the scope of service increase or decrease must contain at least six months of actual cost information.
10. For both FQHCs and RHCs, if no financial data for the scope of service increase or decrease has been received within 12 months after the FYE in which costs were first incurred, the scope of service request shall be denied.
11. For RHCs who experience an increase or decrease in its scope of service(s) of greater than 1 percent and request an adjustment to their rate must meet the following criteria:
  - a. The AHCA approval date for scope of service increases will be the latter of the date the service was implemented or 75 days prior to the date the request was received. The AHCA approval date for scope of service decreases will be the date the service was terminated.
  - b. A copy of the most recent audited Medicare cost report must be file with the request.
  - c. Submit a budgeted cost report (RHC Form 222-Medicare), which contains the increase or decrease costs associated with the scope of services.
  - d. If no financial data for the scope of service increase or decrease has been received within 12 months after the RHC's FYE in which the costs were first incurred, the scope of service request shall be denied.
12. For both FQHCs and RHCs, a new provider entering the Medicaid program on or after January 1, 2001, the initial rate shall be the lesser of rates establish in Section V.A(2) and V.A.(3) of the reimbursement plan.
13. Each rural health clinic encounter rate will be determined by using the current Medicare rate established by the Title XVIII Medicare carrier.
14. Establish the prospective encounter rate for each RHC as the lower of the prospective encounter rates or the ceiling.

SUMMARY: Florida Medicaid Federally Qualified Health Centers (FQHC) Reimbursement Methodology.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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:

DATE AND TIME: September 4, 2003, 10:00 a.m.

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert C. Butler, Bureau Chief, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106-B, Tallahassee, Florida 32308, (850)414-2759

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.080 Payment Methodology For Federally Qualified Health Center and Rural Health Center Services.

Reimbursement to participating health centers for services provided shall be in accordance with the Florida Title XIX Federally Qualified Health Center and Rural Health Center Reimbursement Plan Version IV III Effective: \_\_\_\_\_ ~~December 26, 2001~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, FL 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 6-3-93, Formerly 10P-6.080, Amended 4-10-94, 12-26-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Robert C. Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Robert Butler

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Home and Community-Based Services Waivers

RULE NO.: 59G-8.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, October 2003. The handbook incorporates the Health Insurance Portability and Accountability Act (HIPAA) provisions and other billing information changes. The effect will be to incorporate by reference in the rule the current Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, October 2003.

SUMMARY: This rule amendment incorporates by reference the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, October 2003. The revised handbook incorporates the Health Insurance Portability and Accountability Act (HIPAA) provisions and other billing information changes.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.910, 409.911, 409.912, 409.413 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., Tuesday, September 2, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room 2316, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Colm McAindriu, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)487-2618

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-8.200 Home and Community-Based Services Waivers.

(1) through (5) No change.

(6) Program Requirements – General. All HCB services waiver providers and their billing agents must comply with the provisions of the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, October 2003 ~~November 1996~~, which is incorporated by reference and available from the Medicaid fiscal agent. The following requirements are applicable to all HCB services waiver programs:

(a) through (i) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906(42), 409.910, 409.911, 409.912(7), 409.413 FS. History–New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, 11-23-89, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, 1-6-02, 10-27-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Colm McAindriu, (850)488-7875

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D., FAAFP, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 4, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE TITLE: Monitoring of Continuing Education Requirements  
RULE NO.: 61-6.015

PURPOSE, EFFECT AND SUMMARY: The purpose, effect and summary of the proposed rule is to repeal the rule requiring monitoring of continuing education requirements by the Department.

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: 455.2177(5) FS.

LAW IMPLEMENTED: 455.2177 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. – 12:00 p.m., September 3, 2003

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Special Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61-6.015 Monitoring of Continuing Education Requirements.

Specific Authority 455.2177(5) FS. Law Implemented 455.2177 FS. History–New 11-26-00, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Leon Biegalski, Special Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors Licensing Board**

RULE TITLES: Definitions 61G6-5.001  
Application for Examination for Certification 61G6-5.003  
Notification of Changes 61G6-5.012

PURPOSE AND EFFECT: The proposed rule amendments are intended to address definitions; application for certification and the correction of a typographical error.

SUMMARY: The proposed amendment to Rule 61G6-5.001, F.A.C., clarifies the definition of "experience." The proposed amendment to Rule 61G6-5.003, F.A.C., clarifies criteria with regard to the certification examination. The amendment to Rule 61G6-5.012, F.A.C., corrects a typographical error.

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: 489.505(2), 489.507(3), 489.511 FS.

LAW IMPLEMENTED: 455.275, 489.505(10),(12),(21),(22), 489.511(2), 489.521, 489.533 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony Spivey, Executive Director, Electrical Contractors Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G6-5.001 Definitions.

As used in this chapter:

(1) through (10) No change.

(11) "Experience" means informal exposure to the trade wherein knowledge and skill is obtained via direct observation or participation in the electrical or alarm contracting trade.

(12) through (16) No change.

Specific Authority 489.505(2), 489.507(3), 489.511 FS. Law Implemented 489.505(10),(12), 489.511(2)(a)3.c. FS. History--New 1-2-80, Amended 2-15-82, Formerly 21GG-5.01, Amended 2-23-86, 3-21-88, 11-26-90, 7-8-91, 5-20-92, 11-3-92, Formerly 21GG-5.001, Amended 12-26-93, 3-24-94, 7-13-95, 5-2-96, 5-6-96, 8-27-96, 2-13-97, 8-3-97, 1-4-98, 9-7-98, \_\_\_\_\_.

61G6-5.003 Application for Examination for Certification.

(1) Any person desiring to take the certification examination must establish that he or she meets eligibility requirements according to one of the following criteria:

(a) Has, within the 6 years immediately preceding the filing of the application, at least 3 years' proven management experience in the trade or education equivalent thereto, or a combination thereof, but not more than one-half of such experience may be educational equivalent.

1. An applicant for examination who is a recipient of a degree in engineering or related field from an accredited four-year college or university may substitute his or her educational background for 1 years of experience in the trade as an electrical contractor or an alarm contractor, provided that the applicant causes the college or university he or she attended to forward a copy of his or her transcript to the Department.

2. The experience required must include:

a. No change.

b. For an alarm contractor I, at least 40% of work that is in commercial fire alarm systems;

c. No change.

(b) through (c) No change.

(d) Has been licensed for 3 years as an engineer within the preceding 12 years.

(2) through (4) No change.

Specific Authority 489.507(3) FS. Law Implemented 489.505(12),(21),(22), 489.511(2), 489.521 FS. History--New 1-2-80, Amended 4-17-80, 10-4-84, Formerly 21GG-5.03, Amended 12-24-87, 7-9-89, 3-13-90, 11-26-90, 7-8-91, Formerly 21GG-5.003, Amended 3-20-94, 11-30-94, 7-13-95, 1-18-96, 9-22-97, \_\_\_\_\_.

61G6-5.012 Notification of Changes.

(1) A certificate holder or registrant shall notify the Board Office within thirty (30) days of a change in name style or address from that which appears on the current certificate or ~~of~~ registration and shall notify the Board Office within thirty (30) days after the qualifying person has ceased to be affiliated with the qualified business organization.

(2) through (3) No change.

Specific Authority 489.507(3) FS. Law Implemented 455.275, 489.521(2)(a)1.,(5), 489.533 FS. History--New 9-1-98, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors Licensing Board**

RULE TITLES: Continuing Education for Reactivation 61G6-9.001  
Registration of Course Providers 61G6-9.005

PURPOSE AND EFFECT: The proposed rule amendments are intended to address required continuing education for the purpose of reactivation of licensure. The Board also proposes the deletion of subsection (11) in Rule 61G6-9.005, F.A.C., since it is no longer applicable.

SUMMARY: The proposed rule amendments clarify criteria with regard to continuing education requirements for reactivation purposes, and delete subsection (11) in Rule 61G6-9.005, F.A.C., since it is no longer applicable.

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: 455.2179, 455.225, 455.227, 489.507(3), 489.519 FS.

LAW IMPLEMENTED: 455.2179, 489.517, 489.531, 489.533, 489.519 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony Spivey, Executive Director, Electrical Contractors Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G6-9.001 Continuing Education for Reactivation.

As a condition to the reactivation of an inactive license, a licensee must submit proof of the completion of twelve (12) classroom hours of continuing education which meets the criteria set forth in Rule 61G6-9.002, F.A.C., for each year of inactive status, not to exceed 48 hours. The continuing education credits needed for reactivation must be completed within the 4 years preceding reactivation.

Specific Authority 489.507(3), 489.519 FS. Law Implemented 489.519 FS. History--New 1-2-80, Amended 10-13-80, Formerly 21GG-9.01, Amended 2-20-89, Formerly 21GG-9.001, Amended 12-24-97, 12-27-00,\_\_\_\_\_.

61G6-9.005 Registration of Course Providers.

(1) through (10) No change.

~~(11) The course provider shall be responsible for filing with the Board, within 30 days after the course is concluded, a list of all licensees who attended a course between September 1, 2000 and April 30, 2001.~~

Specific Authority 455.2179, 455.225, 455.227, 489.507(3) FS. Law Implemented 455.2179, 489.517, 489.531, 489.533 FS. History--New 11-30-94, Amended 6-13-96, 10-20-96, 12-25-96, 3-24-99, 11-2-00, 9-4-01, 2-10-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors Licensing Board

RULE TITLE: Aggravating or Mitigating Circumstances RULE NO.: 61G6-10.003

PURPOSE AND EFFECT: The proposed rule amendments are intended to delete objectionable language outlined by the Joint Administrative Procedures Committee.

SUMMARY: The proposed rule amendments delete subsections (1) and (4) from the rule.

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

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

SPECIFIC AUTHORITY: 455.2273, 489.507(3) FS.

LAW IMPLEMENTED: 455.2273 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: Anthony Spivey, Executive Director, Electrical Contractors Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-10.003 Aggravating or Mitigating Circumstances.

When either the petitioner or respondent is able to demonstrate aggravating or mitigating circumstances to the board by clear and convincing evidence, the board shall be entitled to deviate from the above guidelines in imposing discipline upon an applicant or licensee. Absence of any such evidence of aggravating or mitigating circumstances before the hearing officer prior to the issuance of a recommended order shall not relieve the board of its duty to consider evidence of mitigating or aggravating circumstances. Based upon the following factors, the board may impose disciplinary action other than the penalties recommended above:

~~(1) The severity of the offense;~~

~~(1)(2) The degree of harm to the consumer or public;~~

~~(2)(3) The number of counts in the administrative complaint;~~

~~(4) The number of times the offenses have previously been committed by the licensee or applicant;~~

~~(3)(5) The disciplinary history of the applicant or licensee;~~

~~(4)(6) The status of the applicant or licensee at the time the offense was committed;~~

~~(5)(7) The degree of financial hardship incurred by a licensee as a result of the imposition of the fines or suspension of his practice.~~

Any penalties imposed by the board may not exceed the maximum penalties set forth in Section 489.533(2), F.S.

Specific Authority 455.2273, 489.507(3) FS. Law Implemented 455.2273 FS. History--New 1-1-87, Formerly 21GG-10.003, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Electrical Contractors Licensing Board  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Electrical Contractors Licensing  
 Board  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: July 11, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: June 13, 2003

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
 Pursuant to Chapter 2003-145, Laws of Florida, all notices for  
 the Department of Environmental Protection are published on  
 the Internet at the Department of Environmental Protection’s  
 home page at <http://www.dep.state.fl.us/> under the link or  
 button titled “Official Notices.”

**DEPARTMENT OF HEALTH**  
**Division of Family Health Services**  
 RULE TITLES: RULE NOS.:  
 General Regulations: Definitions 64F-12.001  
 Records of Drugs, Cosmetics and Devices 64F-12.012  
 PURPOSE AND EFFECT: To modify the definition of  
 “ongoing relationship” to allow for the implementation of  
 legislation passed during the 2003 Legislative Session in SB  
 2312 related to the regulatory scheme for recordkeeping  
 requirements of prescription drugs wholesaled from  
 prescription drug wholesaler to prescription drug wholesaler.  
 The legislation progressively increases these recordkeeping  
 requirements over time. Consistent with the legislation, this  
 rule will allow for implementation from July 1, 2003, when the  
 law went into effect, through March 1, 2004, when the  
 definition of “ongoing relationship” is defined statutorily. In  
 addition, this proposed rule will adopt specific elements  
 required to appear on a required document called a pedigree  
 paper related to the wholesale distribution of a prescription  
 drug defined as a “specified drug.”

SUMMARY: The definition of “ongoing relationship” is  
 modified to remove the requirement that a wholesaler must be  
 on a manufacturer’s list of authorized distributors in order to  
 establish an ongoing relationship with that manufacturer.  
 Satisfaction of any one of three criteria can establish an  
 ongoing relationship for purposes in which wholesalers can  
 qualify as an authorized distributor of record until March 1,  
 2004. In addition, the same elements that are required to appear  
 on a pedigree paper for the distribution of a prescription drug  
 in accordance with Section 499.0121(6)(d), F.S.,  
 “non-specified drugs” will also be required for “specified  
 drugs”.

SUMMARY OF STATEMENT OF ESTIMATED  
 REGULATORY COST: The department did not prepare a  
 statement of estimated regulatory cost because the statute  
 provides when a pedigree paper is required for non-specified

drugs. This provision provides for parallel requirements on the  
 pedigree paper whether it is prepared for a specified drug under  
 Section 499.0121(6)(e), F.S., or a non-specified drug under  
 Section 499.0121(6)(d), F.S. Consistent requirements allow for  
 the same form and process to be followed for the wholesale  
 distribution of prescription drugs that require a pedigree paper.  
 Any person who wishes to provide information regarding the  
 statement of estimated regulatory costs, or to provide a  
 proposal for a lower cost regulatory alternative must do so in  
 writing within 21 days of this notice.

SPECIFIC AUTHORITY: 499.0121, 499.05 FS.  
 LAW IMPLEMENTED: 499.0121 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., Wednesday, September 3,  
 2003

PLACE: 2818-A Mahan Drive, Tallahassee, Florida  
 If special accommodations are needed to attend this hearing  
 because of a disability, please contact: Maxine Wenzinger,  
 (850)922-5190.

THE PERSON TO BE CONTACTED REGARDING THE  
 PROPOSED RULES IS: Sandra Stovall, Compliance  
 Manager, 2818-A Mahan Drive, Tallahassee, Florida 32308;  
 (850)487-1257, Extension 210, [sandra\\_stovall@doh.state.fl.us](mailto:sandra_stovall@doh.state.fl.us).

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-12.001 General Regulations: Definitions.

(1) No change.  
 (2) In addition to definitions contained in Sections  
 499.003, 499.012(1), 499.028(1), and 499.61, F.S., the  
 following definitions apply to Rule Chapter 64F-12, F.A.C.

(a) through (i) No change.  
 (j) “Ongoing relationship” means ~~for:~~ ~~For~~ a prescription  
 drug other than a specified drug;:

1. An ~~an~~ association that exists when a manufacturer and a  
 distributor enter into a written agreement under which the  
 distributor is authorized to distribute the manufacturer’s  
 product(s) for a period of time or for a number of shipments  
~~and;~~ at least one sale is made under that agreement; ~~or; and~~

2. The ~~the~~ name of the authorized distributor of record is  
 entered on the manufacturer’s list of authorized distributors of  
 record or equivalent list; ~~or- An ongoing relationship may also~~  
~~be document by~~

3. At ~~at~~ least three purchases of a manufacturer’s  
 product(s) are made directly from that manufacturer within a  
 six month period from the date for which the authorized  
 distributor of record relationship is claimed ~~and the~~  
~~distributor’s name is entered on the manufacturer’s list of~~  
~~authorized distributors of record or equivalent list.~~



2. ~~Effective 60 days after the effective date of this sub paragraph (j)2., for a specified drug, an association that exists for each transaction involving the specified drug between a manufacturer and a prescription drug wholesaler such that the prescription drug wholesaler has purchased the specified unit of the specified drug directly from the manufacturer for further distribution of that specific unit of the specified drug.~~

(k) through (v) No change.

Specific Authority 499.05, 499.061, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.054, 499.057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.67, 499.71, 499.75 FS. History—New 1-1-77. Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-6-99, 4-18-01, 6-30-03, \_\_\_\_\_.

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

(1) through (2) No change.

(3) The pedigree papers required by Section 499.0121(6)(d) and (e), F.S., must include either the proprietary name or the generic name with the name of the manufacturer or distributor reflected on the label of the product; dosage form; strength; container size; quantity by lot number; the name and address of each owner of the prescription drug that is required to be identified on the pedigree paper; the name and address of each location from which it was shipped if different from the owner's; and the transaction dates. The pedigree paper must clearly identify the invoice to which it relates. A copy of the pedigree paper must be maintained by each recipient.

(4) through (15) No change.

Specific Authority 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS. Law Implemented 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.051, 499.052 FS. History—New 1-1-77, Amended 12-12-82, 7-8-84, 1-30-85, Formerly 10D-12.53, Amended 11-26-86, 2-7-93, 7-1-96, Formerly 10D-45.053, Amended 1-26-99, 4-18-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Hill, Chief, Bureau of Statewide Pharmaceutical Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Director, Division of Health Awareness and Tobacco

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2003

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Manatees**

RULE TITLES:  
Scope and Purpose  
Definitions  
Management Provisions

RULE NOS.:  
68C-22.001  
68C-22.002  
68C-22.004

PURPOSE AND EFFECT: There are three primary purposes: [1] to make revisions to the rules in response to enactment of Chapter 2002-264, Laws of Florida, which amended portions of 370.12(2), FS; [2] to amend the definitions of several terms to reflect revised definitions adopted in Chapter 68D-23, F.A.C.; and, [3] to otherwise improve the rules and remove unnecessary language. The effect of the amendments would be to delete unnecessary rules and ensure consistency between the rules and other authority.

SUMMARY: The amendments to Rule 68C-22.001, F.A.C., would remove the existing first two sections of the rule and replace them with preamble language that describes the statutory purposes and criteria for manatee protection rules. The existing third section of the rule would be revised to more closely track statutory language and to otherwise clarify the rule development process. The amendments to Rule 68C-22.002, F.A.C., would remove several terms that do not need to be defined administratively. The definitions of numerous other terms would also be revised to reflect recently amended definitions in Chapter 68D-23, F.A.C., and to otherwise clarify the meaning of terms. The amendments to Rule 68C-22.004, F.A.C., would remove the existing first and third sections of the rule and revise the existing second section to clarify that manatee protection zones must be marked by permitted regulatory markers. Language would also be added to acknowledge that where conflicting speed or operational restrictions are established, the more restrictive regulation applies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

SPECIFIC AUTHORITY: 370.12(2)(g)-(j),(l)-(o) FS.

LAW IMPLEMENTED: 370.12(2)(d),(g)-(j),(l)-(o) FS.

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

TIME AND DATE: 6:00 p.m., Wednesday, August 20, 2003  
PLACE: Embassy Suites Hotel, Orlando Airport, 5835 T.G. Lee Boulevard, Room Earhart B, Orlando, Florida  
THE FINAL PUBLIC HEARING WILL BE HELD BY THE COMMISSION AT THE DATE AND PLACE SHOWN BELOW:

DATE: Wednesday-Friday, November 19-21, 2003 (Please refer to the Commission's agenda for the specific day and time when this item is scheduled to be addressed)

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, Florida

If accommodation for a disability is needed to participate in either of the above hearings, please notify the contact person listed below at least five days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Scott Calleson, Fisheries and Wildlife Biologist, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (DOW-BPS), 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68C-22.001 Scope and Purpose.

(1) This rule chapter implements Section 370.12(2), Florida Statutes, (the Florida Manatee Sanctuary Act) by establishing restrictions to protect manatees from harmful collisions with motorboats and from harassment; to protect manatee habitat, such as seagrass beds, from destruction by boats or other human activity; and to provide limited safe havens where manatees can rest, feed, reproduce, give birth or nurse undisturbed by human activity. The Commission shall only regulate motorboat speed and operation in areas where manatees are frequently sighted and the best available scientific information, as well as other available, relevant, and reliable information supports the conclusion that manatees inhabit such areas on a regular or periodic basis. Information considered by the Commission may include but is not limited to manatee surveys, observations, available studies of food sources, and water depths. The "Florida Manatee Sanctuary Act" was adopted to protect the West Indian (Florida) manatee or sea cow (*Trichechus manatus*) in the waters of the State of Florida from disturbance, harassment, injury or harm in part by regulating as mandated in subsections 370.12(2)(f), (g), (h), (i), (j), (k), (l), (m), (n), and (o), F.S., motorboat speeds and vessel operations in the critical areas of manatee concentration.

~~(2) As required by Section 370.12(2), F.S., the Commission shall only establish manatee protection zones in areas where manatee sightings are frequent and it can be generally assumed, based on all available information, that they inhabit these areas on a regular, periodic or continuous basis. To make this determination, the Commission shall use all available scientific information as well as any other available, relevant, and reliable information. The information considered by the Commission shall include the following (when available):~~

- ~~(a) Manatee mortality data;~~
- ~~(b) Aerial survey data;~~
- ~~(c) Satellite telemetry data;~~
- ~~(d) VHF radio telemetry data;~~
- ~~(e) Manatee sightings, observations and notes made by researchers or other qualified observers (such as park personnel, law enforcement officers, etc.);~~
- ~~(f) Studies and reports pertaining to manatee distribution, relative abundance, habitat, behavior, or other manatee information;~~
- ~~(g) Sear catalog (photo identification) data;~~

- ~~(h) Expert opinions; and~~
- ~~(i) Any other site specific information which is available.~~

~~(2)(3) When establishing manatee protection zones as provided above, the Commission shall take into consideration, in relation to manatee protection needs, the rights of boaters, fishermen, and waterskiers (as they apply under Section 370.12(2)(j), F.S.). Recognizing that regulations governing the speed and operation of motorboats in manatee use areas constitute the most direct mechanism for protecting manatees from harmful impacts and death in areas frequented by motorboats, the Commission shall utilize the standards provided under paragraph (2)(3)(a), below, in determining whether restrictions are necessary to protect manatees or manatee habitat. the likelihood of threats to manatees associated with manatee protection needs, vessel activity and waterway characteristics in critical areas. Following such a determination, the Commission shall establish such boater restrictions as are justified by manatee protection needs. The Commission shall not establish restrictions that which may result in undue interference with the rights of fishers, boaters, and water skiers fishermen, and waterskiers (as they apply under Section 370.12(2)(k)(j), F.S.).~~

~~(a) The Commission utilizes the following standards in determining whether restrictions are necessary to protect manatees or manatee habitat the likelihood of threat to the survival of West Indian (Florida) manatee associated with vessel activity and waterway characteristics in areas of regular or frequent, periodic, or continuous manatee use:~~

~~1. Restrictions are necessary if A threat to manatees exists if, due to the nature or frequency of known boating activity in the area, the absence of adequate speed restrictions will likely result in either:~~

- ~~a. Injury or death to manatees; or~~
- ~~b. Harassment of manatees Disruption of the manatee's regular use, behavior or migratory patterns; or~~
- ~~c. Destruction Disturbance which would lead to or cause destruction of essential manatee habitat.~~

~~2. In determining whether restrictions are necessary that a threat to manatees exists, the Commission will consider, but not be limited to an examination of, the following factors:~~

- ~~a. The patterns and intensity proximity and degree of known boating activities in the area to areas with presumed patterns of manatee use on the basis of all available information;~~
- ~~b. Seasonal and/or year-round patterns of manatee use;~~
- ~~c. The number of manatees that the Commission has concluded use the area on a regular or periodic basis known or assumed to occur in, or seasonally use, the area on the basis of all available information;~~
- ~~d. The manatee mortality trends within the area;~~

e. The existence of features within the area ~~that which~~ are essential to the survival of, or are known to attract, manatees, such as seagrasses or other food sources, favorable water depths, and fresh or warm water sources; and

f. The characteristics of the waterway ~~in question in relation to known boating activity patterns.~~

(b) In consideration of balancing the rights of fishers, boaters, and water skiers ~~fishermen, boaters and waterskiers~~ to use waters for recreational and commercial purposes (as applicable under Section 370.12(2)(~~k~~)(~~j~~), F.S.), with the necessity for boat speed regulation to protect manatees and manatee habitat in identified manatee use areas, the Commission may shall ~~(1) designate within these areas limited lanes or corridors to provide for reasonable motorboat speeds higher speed (25 mph or greater than 25 mph) motorboat travel; or (2) not regulate sufficient portions of these areas in order to accommodate activities that require higher speeds, upon a finding that such lanes, corridors, or areas are consistent with manatee protection needs needed and will not result in serious threats to manatees or their habitat. A serious threat to manatees exists if, due to the nature or frequency of known boating activity in relation to manatee use in the area, the provision for higher speed corridors or unregulated areas will more likely than not result in death or injury to manatees within these areas.~~

Specific Authority 370.12(2)(~~g~~)-(j), (l)(~~f~~), (~~i~~), (~~k~~), (n), (o) F.S. Law Implemented 370.12(2)(d), (~~g~~)-(l)(~~f~~), (~~k~~), (~~m~~), (n), (o) F.S. History—New 3-19-79, Formerly 16N-22.01, Amended 12-30-86, 6-16-93, 9-9-93, Formerly 16N-22.001, Amended 5-31-95, 6-25-96, 5-12-98, Formerly 62N-22.001, Amended \_\_\_\_\_.

68C-22.002 Definitions.

When used in these rules, the following words shall have the indicated meanings unless the context clearly indicates otherwise:

(1) “Critical areas” means portions of waters of the State of Florida as defined by subsections 370.12(2)(~~f~~), (~~g~~), (~~h~~), (~~i~~), (~~j~~), (~~k~~), (n), and (o), F.S.

(1)(2) “Idle Speed speed” and “Idle Speed No Wake” may be used interchangeably and mean that a vessel must proceed at a speed no greater than that which means the minimum speed that will maintain the steerageway and headway of a motorboat. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow.

(3) “Idle speed zone” means an area where vessels may not be operated at greater than Idle Speed, as defined in subsection 68C 22.002(2), F.A.C.

(2)(4) “Miles” means statute miles.

(5) “Motorboat” means any boat or vessel propelled or powered by machinery.

(3)(6) “Motorboats prohibited zone” as used in Chapter 68C-22, F.A.C., is synonymous with the definition of the “no power-driven vessels” zone defined in paragraph

68D-23.103(2)(d), FAC, and means that all vessels equipped with any mechanical means of propulsion are prohibited from entering the marked area unless the mechanical means of propulsion is not in use and, if possible to do so, is tilted or raised out of the water. means an area where the entry of vessels being propelled or powered by machinery is prohibited. These zones do not apply to vessels using other means of propulsion (e.g., sails, oars, or poles, etc.) provided that propelling machinery, if fitted, is not being used and, to the maximum extent possible, said machinery is raised out of the water.

(4)(7) “Slow Speed speed” and “Slow Speed Minimum Wake” may be used interchangeably and mean that a vessel must be means the speed at which a vessel proceeds when it is fully off plane and completely settled into the water. The vessel must then proceed at a speed which is reasonable and prudent under the prevailing circumstances so as to avoid the creation of Vessels shall not be operated at a speed that creates an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels or other persons using the waterway, under the existing circumstances. This required level of protection for the safety of vessels and vessel operators is also intended to provide adequate protection for manatees and is therefore adopted because of its familiarity to vessel operators. Due to the different speeds at which vessels of different sizes and configurations may travel while in compliance with this definition, there is no specific numerical speed assigned to Slow Speed. A vessel that is:

(a) Operating on plane is not proceeding at this speed;

(b) In the process of coming off plane and settling into the water or coming up onto plane is not proceeding at this speed;

(c) Operating at a speed that creates an excessive wake or other hazardous condition which unreasonably or unnecessarily endangers other vessels or other persons using the waterway, or is likely to do so, is not proceeding at this speed;

(d) Completely off plane and which has fully settled into the water and is proceeding at a reasonable and prudent speed with little or no wake is proceeding at this speed.

A vessel is NOT proceeding at Slow Speed if it is: (1) on a plane; (2) in the process of coming off plane and settling into the water or coming up onto plane; or (3) creating an excessive wake or other hazardous condition which endangers other vessels.

A vessel IS proceeding at Slow Speed if it is fully off plane and completely settled into the water and not creating an excessive wake or other hazardous condition which endangers other vessels.

(8) “Slow speed zone” means an area where vessels may not be operated at greater than Slow Speed, as defined in subsection 68C-22.002(7), F.A.C.

~~(9) “Caution zone” means an area where manatees frequently inhabit on a somewhat regular basis and motorboat operators are advised to use caution so as not to strike a manatee.~~

~~(10) “Waters” means waters of the State of Florida.~~

~~(5)(11) “Maximum 25 MPH Speed Zone” means a controlled area within which a vessel’s speed made good over the bottom, measured in statute miles, shall not exceed 25 miles per hour. Although it is the intention of the Commission to allow those vessels capable of attaining a planing configuration at 25 MPH to do so, this speed limit shall not be construed as permitting the reckless or careless operation of a vessel, in violation of Section 327.33, F.S., or authorizing any vessel to travel at an unsafe speed, in violation of navigation rule 6, 33 U.S.C. s. 2006, as adopted pursuant to Section 327.33, F.S., by reason of:~~

~~(a) Having an elevated bow which restricts visibility, or~~

~~(b) Producing an excessive wake or other hazardous condition that which endangers or is likely to endanger other vessels, other persons using the waterway, or natural resources of the state.~~

~~(6)(12) “Maximum 30 MPH Speed Zone” means a controlled area within which a vessel’s speed made good over the bottom, measured in statute miles, shall not exceed 30 miles per hour. Although it is the intention of the Commission to allow those vessels capable of attaining a planing configuration at 30 MPH to do so, this speed limit shall not be construed as permitting the reckless or careless operation of a vessel, in violation of Section 327.33, F.S., or authorizing any vessel to travel at an unsafe speed, in violation of navigation rule 6, 33 U.S.C. s. 2006, as adopted pursuant to Section 327.33, F.S., by reason of:~~

~~(a) Having an elevated bow which restricts visibility, or~~

~~(b) Producing an excessive wake or other hazardous condition that which endangers or is likely to endanger other vessels, other persons using the waterway, or natural resources of the state.~~

~~(7)(13) “Maximum 35 MPH Speed Zone” means a controlled area within which a vessel’s speed made good over the bottom, measured in statute miles, shall not exceed 35 miles per hour. Although it is the intention of the Commission to allow those vessels capable of attaining a planing configuration at 35 MPH to do so, this speed limit shall not be construed as permitting the reckless or careless operation of a vessel, in violation of Section 327.33, F.S., or authorizing any vessel to travel at an unsafe speed, in violation of navigation rule 6, 33 U.S.C. s. 2006, as adopted pursuant to Section 327.33, F.S., by reason of:~~

~~(a) Having an elevated bow which restricts visibility, or~~

~~(b) Producing an excessive wake or other hazardous condition that which endangers or is likely to endanger other vessels, other persons using the waterway, or natural resources of the state.~~

~~(8)(14) “Shoreline” means the point where the water meets the land at any point in time.~~

~~(9)(15) “General Contour of the Shoreline” means a line defined as the most waterward of the outside edge of emergent aquatic vegetation, if present, or a line of Mean Low Water as defined in Chapter 177, Part II, Florida Statutes, as approximated on NOAA nautical charts. Waters lying landward of this line are to be included up to the shoreline, as defined under subsection (14), above. Emergent aquatic vegetation shall include plants rooted in the ground that extend above the surface of the water.~~

~~(10)(16) “Channel” means a navigation route that is marked by aids to navigation that have been authorized by permits issued by all required state and federal authorities. channel, unless otherwise described or designated, and is not intended to mean an access or side channel unless otherwise designated for the purpose of regulation.~~

~~(11)(17) “No Entry Zone” or “No Entry Area” means a controlled area where all vessels and all persons, either in vessels or swimming, diving, wading, or means a limited area of critical importance as a safe haven for manatees to rest, feed, reproduce, give birth, nurse or otherwise habituate undisturbed by human activity. No vessel of any kind, whether power driven or non-motorized, as referenced in section 1(b), Article VII, of the Florida Constitution, including every description of watercraft, barge, and airboat, shall be permitted within the designated area. No other vessel or flotation device, including but not limited to a seaplane, sailboard, surfboard, raft, or any other water toy or other like object intended for or capable of use as a means of transportation on the water, shall be permitted within the designated area, nor shall other human activities including but not limited to diving, snorkeling, swimming, fishing (except from an adjacent bank or bridge when using poles or lines which are not equipped with a fishing line retrieval mechanism, e.g., a cane pole) are prohibited from entering, and the introduction by persons of food or other objects, that involves disturbance of these waters or the manatees so inhabiting them, be permitted within such a designated area, except as provided under Rule 68C-22.003, F.A.C.~~

~~(12)(18) “Authorized Resident” means any person owning a fee or leasehold interest in real property or a boating facility immediately adjacent to a motorboats prohibited zone or a no entry zone.~~

~~(19) “Vessel” is synonymous with boat, as referenced in section 1(b), Article VII, of the State Constitution, and includes every description of watercraft, barge, and airboat other than a seaplane on the water used or capable of being used as a means of transportation on water.~~

~~(13)(20) “Rights of Fishers, Boaters, and Water Skiers Fishermen and Waterskiers” (as they apply under Section 370.12(2)(k)(j), F.S.), means that fishers, boaters, fisherpersons and water skiers waterskiers have the right to use the waters of~~

the State of Florida for recreational or commercial purposes in a manner consistent with all applicable federal, state and local laws and regulations. Such laws and regulations include, but are not limited to, those governing the operation and safety of vessels on the water to promote public safety, environmental/natural resource protection, and/or responsible use of the waters of the State.

~~(14)(21)~~ “(Undue Interference)” with the rights of fishers, boaters, and water skiers (as it applies under used in Section 370.12(2)(k)(+), F.S.); occurs:

(a) If the Commission regulates boat speeds generally throughout the waters of the state; or

(b) If the Commission establishes refers to a regulations that which exceeds that which is warranted based upon all information available, either in degree or in geographic scope, for the protection of manatees in the waters subject to the regulation. A Commission regulation restricting the operation and speed of motorboat traffic is excessive if the regulation (a) encompass encompasses a larger geographic area or time frame than is warranted; for the protection of the manatee, (b) set sets speed limits that which are more restrictive than are warranted; to protect the manatee, (c) encompass encompasses an area where the Commission has not determined that restrictions are necessary to protect manatees or manatee habitat pursuant to paragraph 68C-22.001(2)(a), F.A.C.; a likelihood of threat to manatees exists; or (d) fail fails to provide limited lanes or corridors providing for reasonable motorboat speeds higher speed motorboat travel, as called for in paragraph 68C-22.001(2)(3)(b), F.A.C. Determination of the likelihood of threat will be made as set forth in paragraph 68C-22.001(3)(a), F.A.C.

~~(15)(22)~~ “Planing” means riding on or near the water’s surface as a result of the hydrodynamic forces on a vessel’s hull, sponsons, foils or other surfaces. A vessel is considered “on plane” when it is being operated at or above the speed necessary to keep the vessel planing.

~~(16)(23)~~ “Wake” means all changes in the vertical height of the water’s surface caused by the passage of a vessel including, but not limited to, a vessel’s bow wave, stern wave, and propeller wash.

~~(17)(24)~~ “Harassment” means any intentional or negligent act or omission which creates the likelihood of causing an injury to a manatee by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, breeding, feeding or sheltering. The intentional provision of any type of food to manatees not in captivity shall be considered harassment under this definition, unless authorized by a valid federal or state permit.

~~(18)(25)~~ “Maximum 20 MPH Speed Zone” means a controlled area within which a vessel’s speed made good over the bottom, measured in statute miles, shall not exceed 20 miles per hour. Although it is the intention of the Commission to allow those vessels capable of attaining a planing configuration at 20 MPH to do so, this speed limit shall not be

construed as permitting the reckless or careless operation of a vessel, in violation of Section 327.33, F.S., or authorizing any vessel to travel at an unsafe speed, in violation of navigation rule 6, 33 U.S.C. s. 2006, as adopted pursuant to Section 327.33, F.S., by reason of:

(a) Having an elevated bow which restricts visibility, or

(b) Producing an excessive wake or other hazardous condition that which endangers or is likely to endanger other vessels, other persons using the waterway, or natural resources of the state.

Specific Authority ~~370.12(2)(g)-(j),(l),(+),(+),(+),(n),(o)~~ FS. Law Implemented 370.12(2)(d),(g)-(l)(+),(+),(+),(n),(o) FS. History–New 3-19-79, Amended 11-23-83, Formerly 16N-22.02, Amended 12-30-86, 12-24-90, 12-25-91, 6-16-93, 9-9-93, Formerly 16N-22.002, Amended 5-31-95, 6-25-96, 5-12-98, Formerly 62N-22.002, Amended \_\_\_\_\_.

68C-22.004 Management Provisions.

~~(1) Appropriate zones are established for the purpose of regulating the speed and operation of motorboat traffic by taking into consideration the safety and well being of the manatees in those state waters designated in subsection 370.12(2)(f), (g), (h), (i), (j), (k), (l), (n), F.S., safety of the boating public, inconvenience to the boating public and natural marine habitat protection.~~

~~(2) Regulations established pursuant to Section 370.12(2), F.S., and Rule 68C-22.001, F.A.C., Such zones shall be marked by regulatory markers large signs that conform conforming to Chapter 68D-23, F.A.C., the Florida Uniform Waterway Markers in Florida Waters Marking System in accordance with Sections 327.40 and 327.41, F.S., provided with reflectorized paint or attached units and situated in locations where they will be highly visible to the boating public. Where conflicting speed or operational restrictions are established by law or pursuant to law, the more restrictive shall be posted and shall apply.~~

~~(3) Regulations restricting motorboat speed and operation, as set forth under this chapter, are not intended to supersede any existing regulations duly established by federal, state, or local authority which are more restrictive in nature. Permitted markers as posted are presumptive evidence of intended zone boundaries.~~

Specific Authority ~~370.12(2)(g)-(j),(l),(n),(o)(+)~~ FS. Law Implemented 370.12(2)(g)-(l),(n),(o)(+) FS. History–New 3-19-79, Formerly 16N-22.04, Amended 12-30-86, 12-25-91, Formerly 16N-22.004, 62N-22.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Frank Montalbano, Director of the Division of Wildlife  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive  
Director  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 17, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: January 31, 2003

**Section III**  
**Notices of Changes, Corrections and**  
**Withdrawals**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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**

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**FLORIDA HOUSING FINANCE CORPORATION**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
67-37	State Housing Initiatives Partnership Program
RULE NOS.:	RULE TITLES:
67-37.002	Definitions
67-37.007	Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans
67-37.008	Local Housing Assistance Trust Fund
67-37.015	Compliance Monitoring for Housing Developed with SHIP Local Housing Distribution Funds
67-37.016	Reporting Requirements

**NOTICE OF CHANGE AND CORRECTION**

Notice is hereby given that the following changes have made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 26, June 27, 2003 issue of the Florida Administrative Weekly.

**SUMMARY OF CHANGE:** These changes result from a review by the Joint Administrative Procedures Committee and comments received from the Rule Hearing, July 24, 2003.

In the Notice of Proposed Rulemaking the “Summary of Statement of Estimated Regulatory Cost” was omitted. Add: **“SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No statement of Estimated Regulatory Costs has been prepared. Any person wishing to provide information regarding the Statement of Estimated

Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative, must do so within 21 days of this notice.”

67-37.002 Definitions.

(1) through (6) No change.

(7) “Home Ownership Activities” means the use of the local affordable housing trust fund moneys for the purpose of providing owner-occupied housing. Such uses ~~may include;~~ ~~but are not limited to;~~ construction, rehabilitation, purchase, and lease-purchase financing where the primary purpose is the eventual purchase of the housing by the occupant within twenty-four months from initial execution of a lease agreement or within 24 months of the applicable fiscal year, whichever occurs first, to meet the requirement of subsection (8).

(8) through (14) No change.

67-37.007 Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans.

(1) through (2) No change.

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

(e) Relocation costs associated with rehabilitation of the residence usually occupied by a tenant or home owner; and

(f) No change.

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

(c) Studies conducted by the county or eligible municipality or by consultants selected by the county or eligible municipality to provide data on affordable housing need and demand in the area; ~~and~~

(d) No change.

(5) through (9) No change.

(10) Rental units constructed, rehabilitated or otherwise assisted from the local housing assistance trust fund must be monitored at least annually for 15 years or the term of assistance, whichever is longer, for compliance with tenant income and affordability requirements, as referenced in Section 420.9075(3)(e), F.S. In determining the maximum allowable rents, 30 percent of the applicable income category divided by 12 months shall be used based on the number of bedrooms. A one-person household shall be used for an efficiency unit, and for units with separate bedrooms, one and one-half persons per bedroom shall be used. A rental limit chart based on the above calculation adjusted for bedroom size will be provided to the local governments by the Corporation annually.

(11) through (14) No change.

67-37.008 Local Housing Assistance Trust Fund.

(1) No change.

(2) The local housing assistance trust fund shall be separately stated as a special revenue fund in a county’s or eligible municipality’s audited financial statements. Copies of such audited financial statements shall be forwarded annually

to the Corporation as soon as available, ~~but no later than September 30th of the following fiscal year March 31.~~ In addition to providing a Consolidated Annual Financial Report (CAFR), all participating jurisdictions must provide evidence of compliance with the Florida Single Audit, as referenced in Section 215.97(6), F.S.

(3) An interlocal entity shall have its local housing assistance trust fund separately audited for each fiscal year, which audit shall be forwarded to the Corporation as soon as available, but no later than September 30 ~~March 31st~~ of the following fiscal year.

(4) No change.

67-37.015 Compliance Monitoring for Housing Developed with SHIP Local Housing Distribution Funds.

(1) through (3) No change.

(4) The staff or entity with administrative authority for a local housing assistance plan must provide documented evidence to the Corporation or its designated monitoring agent, that permits as defined in Sections 163.3164(7) and (8), F.S., for affordable housing projects are expedited to a greater degree than other projects and that there is an ongoing process for review of local policies, ordinances, regulations and plan provisions that increase the cost of housing prior to their adoption.

(5) through (8) No change.

67-37.016 Reporting Requirements.

~~The Annual Report must be filed with the Corporation utilizing the Annual Report Form SHIP-AR/02-1 and is adopted and incorporated herein by reference with an effective date of \_\_\_\_\_.~~ Annual Report Form SHIP-AR/02-1 may be obtained from the Corporation at [www.floridahousing.org](http://www.floridahousing.org) or by contacting the SHIP Program at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

Specific Authority 420.9072(9) FS. Law Implemented 420.907 FS. History--New 2-9-94, Amended 12-28-94, 1-6-98, Formerly 9I-37.016, Amended 12-26-99, Repealed \_\_\_\_\_.

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## Section IV Emergency Rules

NONE

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## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that Florida Communities Trust, within the Department of Community Affairs, received a Petition for Waiver on July 18, 2003, from the City of Oak Hill relating to the Oak Hill Mosquito Lagoon Park Project (FCT #03-061-FF3). The petitioner seeks a waiver of subsection 9K-7.004(4), Fla. Admin. Code, which requires that applicants must submit four (4) complete sets of Application materials. This waiver is being requested pursuant to the provisions of Section 120.542, Fla. Stat., and Rule 28-104.002, Fla. Admin. Code.

A copy of the petition, which has been assigned the number DCA03-WAI-211, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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### DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Johnnie F. Scheib on July 24, 2003, a petition for Waiver of subsection 11B-27.002(4), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certain employment requirements.

Comments on this Petition should be filed with: Grace A. Jaye, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302.

A copy of the Petition may be obtained by contacting: Grace A. Jaye, Assistant General Counsel at the above address or by calling (850)410-7676.

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### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on July 29, 2003, South Florida Water Management District (District) received a petition for waiver from Miami-Dade County, Application No. 03-0703-1, for utilization of Works or Lands of the District known as the C-2 Canal, Miami-Dade County for the proposed installation of a portion of guardrail, curb and gutter and concrete flumes within the north right of way of C-2 Canal along Snapper Creek Drive from S. W. 97th Avenue northerly to S. W. 102nd Avenue, Miami-Dade County, FL, Section 32, Township 54 South, Range 40 East.

The petition seeks relief from paragraph 40E-6.221(2)(j) and subsections 40E-6.011(4),(5) Fla. Admin. Code, which governs the placement of retention/detention facilities associated with roadways within the District's rights of way and governs the placement of above-ground permanent and/or semi-permanent encroachments within forty feet of the top of the canal bank and within the District's 100 foot long designated equipment staging areas located upstream and downstream of all bridges and pile-supported crossings within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: [jsluth@sffwmd.gov](mailto:jsluth@sffwmd.gov).

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on July 29, 2003, South Florida Water Management District (District) received a petition for waiver from Rodney Saylor, Application No. 03-0729-2, for utilization of Works or Lands of the District known as the C-14 Canal, Broward County for an existing boat dock and an existing fence enclosure with existing trees inside the fencing within the north right of way of C-14 Canal at the rear of 6564 N. W. 1st Street, Margate, FL, Section 36, Township 48 South, Range 41 East.

The petition seeks relief from paragraph 40E-6.221(2)(j) and subsections 40E-6.011(4),(6) Fla. Admin. Code, which governs the placement of above-ground permanent and/or semi-permanent encroachments within forty feet of the top of the canal bank and which governs the minimum low member elevations of pile-supported docking facilities within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: [jsluth@sffwmd.gov](mailto:jsluth@sffwmd.gov).

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on July 16, 2003, the South Florida Water Management District (SFWMD) received a petition for waiver from Palm Beach Hounds, Inc. (PBH) for the use of SFWMD lands known as the Dupuis Management Area. PBH would like to engage in an equestrian laid scent activity in the Dupuis Management Area. This is a petition for a temporary waiver commencing on October 8, 2003 through March 31, 2004, during the hours of 6:00 a.m. to 11:00 a.m on specified Wednesdays. This waiver would allow PBH to engage in a laid scent chasing activity with horses off of designated trails and dogs other than the breed specified during the small game season for the area.

The petition seeks relief from subsection 40E-7.520(5), Fla. Admin. Code, "Public Use Guide", which prohibits equestrian activities off of designated equestrian trails and named or numbered roads, and prohibits dogs, other than those breeds specified during the small game season, as applied to the Dupuis Management Area.

A copy of the petition may be obtained from: Charron A. Follins, (561)682-6293 or e-mail: [cfollins@sffwmd.gov](mailto:cfollins@sffwmd.gov).

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Attn: Charron Follins, Office of Counsel.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-100 DAO-ROW), on July 9, 2003, to Luis E. and Michelle Gonzalez. The petition for waiver was received by the SFWMD on May 13, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 21, May 23, 2003. No public comment was received.

This Order provides a waiver for an existing fence enclosure encroaching 33 feet from the top of canal bank within the north right of way of C-14, located at the rear of 6598 N. W. 1st Street (Lot 46, Block "H", Oriole Margate, Section 1), Section 36, Township 48 South, Range 41 East, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(6) and paragraph 40E-6.221(2)(j), Fla. Admin.



Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the existing facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Luis and Michelle Gonzalez from a violation of the principles of fairness.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: [jsluth@sffwmd.gov](mailto:jsluth@sffwmd.gov).

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-101 DAO-ROW), on July 9, 2003, to John P. and Elizabeth G. Lynn. The petition for waiver was received by the SFWMD on May 9, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 21, May 23, 2003. No public comment was received.

This Order provides a waiver for a proposed fence enclosure within the north right of way of the Hillsboro Canal at the rear of 1520 S. W. 21 Lane, Boca Raton, Section 36, Township 47 South, Range 42 East, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the proposed facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent John and Elizabeth Lynn from a violation of the principles of fairness.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-102 DAO-ROW), on July 9, 2003, to Thomas P. and Elise A. Ward. The petition for waiver was received by the SFWMD on May 9, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 21, May 23, 2003. No public comment was received.

This Order provides a waiver for a proposed fence at the top of bank within the north right of way of the Hillsboro Canal at the rear of 1500 S. W. 21 Lane, Boca Raton, Section 36, Township 47 South, Range 42 East, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsections 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the proposed facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Thomas and Elise Ward from suffering a substantial hardship and a violation of the principles of fairness.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-103 DAO-ROW), on July 9, 2003, to the Town of Lake Clarke Shores. The petition for waiver was received by the SFWMD on April 1, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 16, April 18, 2003. No public comment was received.

This Order provides a waiver for plantings to be located within the east right of way of C-51 beginning at the I-95 bridges and running northerly approximately 1.4 miles, ending approximately 600 feet south of Summit Boulevard, Sections 5, 8 and 9, Township 44 South, Range 43 East, Palm Beach County. Specifically, the Order grants a waiver from subsection 40E-6.221(9), F.A.C., which requires an applicant own the land adjacent to the work or land of the District

involved, and subsections 40E-6.011(4),(6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the proposed plantings will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the Town of Lake Clarke Shores from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-104 DAO-ROW), on July 9, 2003, to Henry A. Marquez. The petition for waiver was received by the SFWMD on May 1, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 21, May 23, 2003. No public comment was received.

This Order provides a waiver for a proposed fence enclosure to be placed 30 feet from the top of canal bank within the west right of way of C-100C, at the rear of 9951 S. W. 124th Terrace, Section 17, Township 55 South, Range 40 East, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the proposed facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Henry Marquez from suffering both a substantial hardship and a violation of the principles of fairness.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Office of the General Counsel, Department of Business and Professional Regulation, State of Florida, received a Petition for Variance or Waiver in Re: Petition for Variance of Rules 61-6.002 and 61-6.004, Florida Administrative Code, Elliot L. Whitney, Petitioner.

The Petitioner requests a variance of Rules 61-6.002 and 61-6.004, Florida Administrative Code, regarding the submission of professional license renewals.

A copy of the Petition for Variance or Waiver, Docket Number VW2003-043, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

Please refer all comments to: John P. R. Washington, II, Deputy General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that on July 25, 2003, the Board of Physical Therapy Practice filed an Order disposing of a Petition for Waiver from Rule 64B17-3.003, Florida Administrative Code, filed by Luz Marina Vilar. Rule 64B17-3.003, Florida Administrative Code, requires that an applicant for licensure endorsement, who fails to pass the national examination after five attempts, is precluded from licensure. The petition was filed with the Board on June 24, 2003, and was noticed in the Vol. 29, No. 27, July 3, 2003 issue of Florida Administrative Weekly. No public comments were received.

The Order provides in summary that the Board believes that the applicant, by failing the national examination more than five times, has not acquired, retained, or maintained the ability to practice at a level of reasonable skill and safety and has not experienced hardship greater than anyone else who is denied a

license to practice. Accordingly, the Petition for Waiver of Rule 64B17-3.003, Florida Administrative Code, has been DENIED.

A copy of the Order may be obtained from: Amy Carraway, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, Bin #C01, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251, (850)245-4121.

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NOTICE IS HEREBY GIVEN THAT ON July 25, 2003, the Board of Physical Therapy Practice filed an Order disposing of a Petition for Waiver from Rule 64B17-3.003, Florida Administrative Code, filed by Jaime Tatis. Rule 64B17-3.003, Florida Administrative Code, requires that an applicant for licensure endorsement, who fails to pass the national examination after five attempts, is precluded from licensure. The petition was filed with the Board on June 24, 2003, and was noticed in the Vol. 29, No. 27, July 3, 2003 issue of Florida Administrative Weekly. No public comments were received.

The Order provides in summary that the Board believes that the applicant, by failing the national examination more than five times, has not acquired, retained, or maintained the ability to practice at a level of reasonable skill and safety and has not experienced hardship greater than anyone else who is denied a license to practice. Accordingly, the Petition for Waiver of Rule 64B17-3.003, Florida Administrative Code, has been DENIED.

A copy of the Order may be obtained from: Amy Carraway, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, Bin #C01, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251, (850)245-4121.

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NOTICE IS HEREBY GIVEN THAT ON July 25, 2003, the Board of Physical Therapy Practice filed an Order disposing of a Petition for Waiver from Rule 64B17-3.003, Florida Administrative Code, filed by Fabiola Pacheco. Rule 64B17-3.003, Florida Administrative Code, requires that an applicant for licensure endorsement, who fails to pass the national examination after five attempts, is precluded from licensure. The petition was filed with the Board on June 24, 2003, and was noticed in the Vol. 29, No. 27, July 3, 2003 issue of Florida Administrative Weekly. No public comments were received.

The Order provides in summary that the Board believes that the applicant, by failing the national examination more than five times, has not acquired, retained, or maintained the ability to practice at a level of reasonable skill and safety and has not experienced hardship greater than anyone else who is denied a license to practice. Accordingly, the Petition for Waiver of Rule 64B17-3.003, Florida Administrative Code, has been DENIED.

A copy of the Order may be obtained from: Amy Carraway, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, Bin #C01, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251, (850)245-4121.

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NOTICE IS HEREBY GIVEN THAT ON July 25, 2003, the Board of Physical Therapy Practice filed an Order disposing of a Petition for Waiver from Rule 64B17-3.003, Florida Administrative Code, filed by Patricia Noriega. Rule 64B17-3.003, Florida Administrative Code, requires that an applicant for licensure endorsement, who fails to pass the national examination after five attempts, is precluded from licensure. The petition was filed with the Board on June 24, 2003, and was noticed in the Vol. 29, No. 27, July 3, 2003 issue of Florida Administrative Weekly. No public comments were received.

The Order provides in summary that the Board believes that the applicant, by failing the national examination more than five times, has not acquired, retained, or maintained the ability to practice at a level of reasonable skill and safety and has not experienced hardship greater than anyone else who is denied a license to practice. Accordingly, the Petition for Waiver of Rule 64B17-3.003, Florida Administrative Code, has been DENIED.

A copy of the Order may be obtained from: Amy Carraway, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, Bin #C01, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251, (850)245-4121.

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NOTICE IS HEREBY GIVEN THAT ON July 25, 2003, the Board of Physical Therapy Practice filed an Order disposing of a Petition for Waiver from Rule 64B17-3.003, Florida Administrative Code, filed by Angelica Morelli. Rule 64B17-3.003, Florida Administrative Code, requires that an applicant for licensure endorsement, who fails to pass the national examination after five attempts, is precluded from licensure. The petition was filed with the Board on June 24, 2003, and was noticed in the Vol. 29, No. 27, July 3, 2003 issue of Florida Administrative Weekly. No public comments were received.

The Order provides in summary that the Board believes that the applicant, by failing the national examination more than five times, has not acquired, retained, or maintained the ability to practice at a level of reasonable skill and safety and has not experienced hardship greater than anyone else who is denied a license to practice. Accordingly, the Petition for Waiver of Rule 64B17-3.003, Florida Administrative Code, has been DENIED.

A copy of the Order may be obtained from: Amy Carraway, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, Bin #C01, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251, (850)245-4121.

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The Board of Psychology hereby gives notice that it has received a petition from Jodi Stoner Moskowitz, on July 14, 2003 seeking a waiver or variance of Rule 64B19-11.001, F.A.C., with regard to the time limit for taking the examination for licensure.

Comments on this petition should be filed with Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For additional information or a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, at above address or telephone (850)245-4374.

The Board of Psychology hereby gives notice that it has received a Petition for Declaratory Statement filed by Robert S. Klein, Ph.D. The Petitioner seeks the Board's interpretation of Rule 64B19-18.006, F.A.C.

The Board will consider this petition at its meeting scheduled for August 22, 2003 at the Wyndham Westshore, 4860 West Kennedy Blvd., Tampa, FL 33609.

Copies of the Petition may be obtained from: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that the Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver.

NAME OF THE PETITIONER: Jubilee Community Development Corporation

DATE PETITION WAS FILED: May 8, 2003

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsections 67-47.120(1) and 67-47.150(1), Florida Administrative Code (1999), which states that loan proceeds shall be disbursed during the construction phase in an amount per draw on a pro-rata basis with other financing. The draw shall not exceed the ratio of the HOME Construction Loan to the total development cost.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, May 23, 2003, Vol. 29, No. 21

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: July 14, 2003

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the order is available for public inspection during normal business hours, 8:00 a.m. – 5:00

p.m., Monday through Friday, except legal holidays at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Request for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the address above, (850)488-4198 or e-mail: Sherry.Green@floridahousing.org.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: August 26, 2003, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims,

adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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## DEPARTMENT OF STATE

**NOTICE OF CHANGE** – The Department of State and the Department of Community Affairs announces a change in location of the meeting for Session 1 which was published in Vol. 29, No. 31, August 1, 2003, Florida Administrative Weekly.

Session 1:

**DATE AND TIME:** Thursday, August 14, 2003, 1:00 p.m. – 5:00 p.m.

**PLACE:** Church Street Station, Presidential Ballroom, 129 West Church Street, Orlando, Florida

Further information regarding these meetings can be accessed through the "Creating Opportunities for Quality Communities" website at <http://COQC.dos.state.fl.us> or by contacting: Christina Johnson, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6506 or e-mail: [COQC@dos.state.fl.us](mailto:COQC@dos.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, persons needing special accommodations to participate in the meetings, or who require language interpretation services, should contact Christina Johnson, (850)245-6506, at least three days in advance of the meeting.

Further information regarding the State Strategic Plan on Economic Development workshops can be accessed through the Enterprise Florida, Inc. website at [www.eflorida.com/strategicplan](http://www.eflorida.com/strategicplan) or by contacting: Enterprise Florida, (407)316-4600.

The **Department of State, Division of Historical Resources** announces a public notice Florida Main Street Ad Hoc Advisory Committee Teleconference, to which all persons are invited.

DATE AND TIME: Thursday, August 21, 2003, 8:00 a.m.

PLACE: City Hall, Commission Chambers, Palatka, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a review of applications received for designation of Florida Main Street communities for the year 2003.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Anyone wishing a copy of the agenda contact the agency. Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Florida Historical Commission** announces three public meetings to which all persons are invited.

DATES AND TIMES: Monday, September 15, 2003, 9:00 a.m.; Tuesday, September 16, 2003, 9:00 a.m.; Wednesday, September 17, 2003, 9:00 a.m.; Thursday, September 18, 2003, 9:00 a.m.

PLACE: R. A. Gray Building, Auditorium, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a general business meeting of the Florida Historical Commission and to review applications submitted to the Bureau of Historic Preservation by May 31, 2003 for Special Category grant assistance for historic preservation projects, and to recommend priority ranking and funding levels for grant awards.

A copy of the agenda may be obtained by writing: Mr. Robert C. Taylor, Historic Preservationist Supervisor, Bureau of Historic Preservation, Department of State, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250 or calling (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Bureau of Historic Preservation, (850)245-6333 or Fax (850)245-6437.

#### DEPARTMENT OF LEGAL AFFAIRS

The Resources Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: Wednesday, August 20, 2003, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

The Executive Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: August 21, 2003, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a meeting of the Animal Industry Technical Council.

DATE AND TIME: September 5, 2003, 1:00 p.m. – 4:00 p.m.

PLACE: Wyndham Palace Resort & Spa, Council Room, 1900 Buena Vista Drive, Lake Buena Vista, FL 32830, (407)827-2727

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss animal health issues of concern to the agricultural industry both intrastate and interstate and to provide a forum for the Department to keep agricultural industry groups abreast of state and national activities as they relate to animal health issues in Florida, and activities of other states and USDA, affecting Florida's agriculture animal industries.

A copy of the agenda can be obtained by contacting: Dr. Leroy Coffman, Florida Department of Agriculture and Consumer Services, 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.

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The **Department of Agriculture and Consumer Services** announces a meeting of the Pest Control Enforcement Advisory Council.

DATE AND TIME: September 18, 2003, 10:00 a.m.

PLACE: Mid-Florida Research and Education Center, 2725 Binion Road, Apopka, Florida 32703, (407)884-2034

GENERAL SUBJECT MATTER TO BE DISCUSSED: To discuss the business of the Council.

A copy of the agenda may be obtained by calling: Steven Dwinell, Florida Department of Agriculture and Consumer Services, (850)488-7447.

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The **Department of Agriculture and Consumer Services** announces a public meeting of the Florida Amusement Device and Attraction Advisory Committee to which all persons are invited.

DATE AND TIME: Tuesday, September 9, 2003, 10:00 a.m.

PLACE: Boardroom, Hilton Garden Inn – Orlando Airport, 7300 Augusta National Drive, Orlando, Florida 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Florida amusement device and Attraction Advisory Committee.

A copy of the agenda may be obtained by writing: Isadore Rommes, Chief, Bureau of Fair Ride Inspections, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, (850)488-9790.

Pursuant to 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: Isadore Rommes, (850)488-9790. If you are hearing or speech impaired please contact the agency by calling the State of Florida TDD line at 1(800)955-8771.

The **Department of Agriculture and Consumer Services, Division of Licensing** announces a public meeting for security agencies to which all persons are invited.

DATE AND TIME: Thursday, August 21, 2003, 8:00 a.m.

PLACE: Adam's Mark Orlando Hotel, 1500 Sand Lake Road, Orlando, Florida, (407)859-1500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Division will receive input regarding the possibility of the creation of multi-tiered classes of licenses for the security industry. Under the plan proposed by the Division, the existing license classes would be retained. Additional license classes would be added for highly specialized security professionals with advanced training. These upper-level class licensees would assume greater responsibility for comprehensive security and emergency response planning, business continuity and disaster recovery planning, etc.

Second, we will consider the issue of insurance requirements. The law currently requires all agencies to maintain a minimum of \$300,000 comprehensive general liability coverage. We will discuss whether the state should continue to mandate such coverage or whether agencies should to be allowed to determine insurance coverage requirements themselves based upon the nature of the services to be provided in accordance with the terms of the contract with their clients.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact the Director, Division of Licensing not later than 48 hours prior to the meeting at the address given on the notice. Telephone: (850)488-6982

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The **Private Investigation, Recovery and Security Advisory Council** announce a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 25, 2003, 9:00 a.m.

PLACE: West Palm Beach Marriott, 630 Clearwater Park Road, West Palm Beach, Florida, (561)833-1234

DATE AND TIME: Thursday, December 4, 2003, 9:00 a.m.

PLACE: Sheraton Studio City Hotel, 5905 International Drive, Orlando, Florida, (407)351-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Council pursuant to the requirement of Section 493.6104(4), Florida Statutes. The Council will conduct a general business meeting.

A copy of the agenda may be obtained by writing: April Howard, Department of Agriculture and Consumer Services, Division of Licensing, Post Office Box 6687, Tallahassee, Florida 32314-6687.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact the Director, Division of Licensing not later than 48 hours prior to the meeting at the address given on the notice. Telephone: (850)488-6982.

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#### DEPARTMENT OF EDUCATION

The State of Florida, **Education Standards Commission**, announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Thursday, September 4, 2003, 8:30 a.m. – 5:00 p.m.; Friday, September 5, 2003, 8:30 a.m. – 12:00 p.m.

**PLACE:** Nova Southeastern University, The Horvitz Administration Building, The Board, 3301 College Avenue, Fort Lauderdale, Florida, (954)275-5266

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Members of the Florida Education Standards Commission will meet and discuss issues related to the Commission's charge.

To obtain a copy of the agenda, please call or write: Florida Education Standards Commission, 325 West Gaines Street, Room 348, Turlington Building, Tallahassee, Florida 32399, (850)245-0441, Suncom 205-0441.

**SPECIAL ACCOMMODATIONS:** Persons with disabilities who require assistance to participate in this meeting are requested to contact Dr. Adeniji Odutola at the above address or telephone numbers.

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The public is invited to a workshop meeting of the **State Board of Education**.

**DATE AND TIME:** August 18, 2003, 1:00 p.m. – 5:00 p.m.

**PLACE:** Ballroom, Graham Center, Florida International University, Miami, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Workshop discussion of the Board's 2004-2005 Legislative Budget Request; and other matters pertaining to the State Board of Education.

A copy of the agenda may be obtained from the Commissioner of Education's website at <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

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The public is invited to a meeting of the **State Board of Education**.

**DATE AND TIME:** August 19, 2003, 9:00 a.m. – 5:00 p.m.

**PLACE:** Ballroom, Graham Center, Florida International University, Miami, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Minutes of Meeting held June 17, 2003; Commissioner's Report, including updates on Just Read, Florida!, the status of DOE Organization and Personnel, and the status of the Choice Office and Accountability for Scholarship Programs; Status

Reports from the K-20 Accountability Task Force, Educational Facilities Task Force, and Universal Prekindergarten Task Force; Presentations on the Relationship of School Grades and Student FCAT Scores, K-20 Accountability Guidelines, Guidelines for the Pilot Program for the Teacher Career Ladder, Guidelines for the Review of the Non-renewal/Termination of a Charter School Contract; Strategic Management Process for New Responsibilities; Consideration of: 2004-2005 Budget Recommendations; School Improvement Plans for Double "F" Schools; Proposed Amended Rule 6A-10.024, F.A.C., Articulation between Universities, Community Colleges, and School Districts; Proposed Amended Rule 6A-1.09941, F.A.C., State Uniform Transfer of High School Credits; Project Funding Recommendations for the College Reach-out Program; Approval of Settlement Agreement modifying the Consent Decree in LULAC, et. al. v. State Board of Education, et. al.; Site Designation, Special Purpose Center, City of Miramar, Broward Community College; Resolution of the State Board of Education Authorizing the Issuance of Not to Exceed \$32,500,000 Florida State University Financial Assistance, Inc., Refunding Revenue Bonds to Refund Certain Outstanding Obligations; Resolution of the State Board of Education Authorizing the Issuance of Not to Exceed \$50,000,000 Florida Gulf Coast University Financing Corporation, Inc., Revenue Bonds, Series 2003, to Finance Student Residences and Refund the Outstanding Certificates of Participation of the Florida Gulf Coast University Foundation, Inc.; Resolution of the State Board of Education Authorizing the Issuance of Florida A & M University Revenue Bonds, Series 2003, to Finance the Bragg Stadium Renovation and Expansion Project; Resolutions of the State Board of Education Authorizing the Issuance of Not Exceeding \$516,300,000 State of Florida, Full Faith and Credit, State Board of Education Public Education Capital Outlay Bonds, 2003 Series, and the Sale of Not Exceeding \$300,000,000 State of Florida, Full Faith and Credit, State Board of Education Public Education Capital Outlay Bonds, 2003 Series B; Resolution of the State Board of Education Requesting the Division of Bond Finance to Issue and Sell the Not Exceeding \$600,000,000 State of Florida, State Board of Education Lottery Revenue Bonds to Finance the Class Size Reduction Lottery Revenue Bond Program; Updates on the Legislative Session; Board of Governors Activities; Community College Activities; CEPRI Projects; and other matters pertaining to the State Board of Education.

A copy of the agenda may be obtained from the Commissioner of Education's website at <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

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The **Florida Atlantic University**, Board of Trustees announces a conference call meeting to which all persons are invited:

DATE AND TIME: Wednesday, August 13, 2003, 10:00 a.m.

PLACE: Majestic Palm Room, University Center, Boca Raton Campus, 777 Glades Road, Boca Raton, Florida 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: University/Trustee Business.

PUBLIC COMMENT: A public comment segment is scheduled immediately following the board meeting. Public comment will be taken on items on the board agenda. Presenters will be required to complete a public comment request card prior to the public hearing. Comment cards will be available at the meeting.

A copy of the agenda may be obtained by contacting: Dr. Anthony Lombardo, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-4030.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD No. (561)297-2130.

The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting, to which all persons are invited:

DATE AND TIME: August 22, 2003 12:00 Noon – 3:00 p.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, FAU MacArthur Campus at Jupiter, 5353 Parkside Drive, MAC #222, Jupiter, Florida 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting regarding Florida's Art in State Buildings Program for BR-665 Expansion Commons Dining Hall.

COMMITTEE: Art Selection Committee

For more information or to obtain a copy of the agenda, please contact: Patty Singer, Program Administrator, Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, AD Bldg., Room 392, Boca Raton, Florida 33431, (561)297-1064, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Patty Singer,

(561)297-1064, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT 1(800)955-8770.

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Membership Committee

DATES AND TIME: August 5, 2003; August 25, 2003, 10:00 a.m. – 11:00 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Membership Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

Any interested parties that need further information may contact Yolanda Manning at the above number.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Planning Committee

DATES AND TIME: August 20, 2003, 9:00 a.m. – 10:00 a.m.; September 17, 2003, 9:00 a.m. – 10:00 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Planning Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

Any interested parties that need further information may contact Yolanda Manning at the above number.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

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The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Conference Call Coordination Committee

DATES AND TIME: August 21, 2003; September 18, 2003, 10:00 a.m. – 11:00 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Coordination Committee.

A copy of the agenda may be obtained by contacting the Florida Rehabilitation Council at 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

Any interested parties that need further information may contact Yolanda Manning at the above number.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be

notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

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## DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meetings to which all persons are invited. The meetings will be held at:

Meeting of the Special Occupancy Technical Advisory Committee

DATE AND TIME: August 22, 2003, 9:00 a.m.

PLACE: Kelly Training Room, Room 305, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address the role and responsibility of the Special Occupancy Technical Advisory Committee generally and other related issues.

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing to: Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436 or the web site at [www.floridabuilding.org](http://www.floridabuilding.org).

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Kathryn Willis at the Department of Community Affairs (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs, Division of Emergency Management** announces the following public meeting:

COMMITTEE: Hurricane Loss Mitigation Program Advisory Council

DATE AND TIME: September 2, 2003, 9:30 a.m.

PLACE: Florida Department of Community Affairs Center, Randall Kelley Training Center, 2555 Shumard Oak Boulevard, Room 305, Tallahassee, FL 32399-2100, Conference Call Number – Local Calls 413-9245, SunCom 293-9245 or Toll Free 1(877)651-3473

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a Hurricane Loss Mitigation Program Advisory Council meeting pursuant to Section 215.559, Florida Statutes. The proposed SFY 2003-04 budget shall be reviewed. Recommendations for proposed projects, in addition to those included in the current project-array, shall be accepted for consideration.

For more information, please contact: Charles McCool, Planning Manager, Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)488-3141.

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 Division of Emergency Management.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact Charles McCool, Department of Community Affairs, (850)488-3141, 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).

#### DEPARTMENT OF TRANSPORTATION

NOTICE OF POSTPONEMENT – Sarasota County and the **Department of Transportation**, District 1, in association with Charlotte County announce the postponement of a public hearing which was scheduled as follows:

DATE AND TIME: Monday, August 25, 2003

PLACE: Englewood United Methodist Church, 700 E. Dearborn Street, Englewood, Florida 34223

The public hearing has been postponed. Notice of the public hearing was published in the Florida Administrative Weekly on August 1, 2003, Vol. 20, No. 31. Notification of a rescheduled hearing will be published in a future edition of the Florida Administrative Weekly.

#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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."

#### STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of two public meetings of the Florida Commission on Hurricane Loss Projection Methodology to which all persons are invited.

DATES AND TIME: Thursday and Friday, August 21 and 22, 2003, 9:00 a.m. – 4:00 p.m. (EDT)

PLACE: Room 116, Hermitage Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida (The conference call number, for those persons who cannot be physically present, is (850)921-2530 or Suncom 291-2530)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and adopt standards for the year 2003 and to address other general business of the Commission.

Anyone wishing a copy of the agenda should contact: Donna Sirmons, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to contact Donna Sirmons, (850)413-1349, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATE AND TIME: Thursday, October 9, 2003, 9:00 a.m. – 4:00 p.m. (EDT)

PLACE: Room 116, Hermitage Conference Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida (The conference call number, for those persons who cannot be physically present, is (850)921-2560 or Suncom 291-2560)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the October bonding estimates and to address other general business of the Council.

Anyone wishing a copy of the agenda should contact: Patti Elsbernd, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to contact Patti Elsbernd, (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

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### FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 20, 2003, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C., Third Floor, 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.

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### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 030349-TP – Complaint by Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. regarding BellSouth's alleged use of carrier to carrier information.

DATE AND TIME: August 29, 2003, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the complaint by Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. regarding BellSouth's alleged use of carrier to carrier information, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on August 4, 2003. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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### EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Office of Tourism, Trade and Economic Development** announces a public meeting to which all persons are invited.

MEETING: The Governor's Council of Economic Advisors

DATE AND TIME: Thursday, August 21, 2003, 2:00 p.m. – 5:00 p.m.

PLACE: The Cypress Room, The Ritz-Carlton Golf Resort, 2600 Tiburon Drive, Naples, Florida 34109, (239)593-2000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Office of Tourism, Trade and Economic Development will convene the Governor's Council of Economic Advisors to discuss with government and business leaders the impact of local, national and global economic forces currently influencing the state.

For further information contact: Katherine Morrison, Office of Tourism, Trade and Economic Development, The Capitol, Suite 2001, Tallahassee, FL 32399-0001, (850)487-2568.

Any person requiring a special accommodation at this meeting because of a disability should contact Katherine Morrison, (850)487-2568, no later than 48 hours prior to the meeting. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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Volunteer Florida, the **Governor's Commission on Volunteerism and Community Service** is pleased to announce a public conference call to which all persons are invited.

DATE AND TIME: Thursday, August 14, 2003, 2:00 p.m.

PLACE: Call (850)921-5172 for call-in number and pass code

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission Business.

Please contact Gwen Erwin, 401 S. Monroe Street, Tallahassee, FL 32301-2034, for a copy of the agenda.

If you require a reasonable accommodation to participate in the conference call, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

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Volunteer Florida, the **Governor's Commission on Volunteerism and Community Service** is pleased to announce a public conference call to which all persons are invited.

DATE AND TIME: August 19, 2003, 11:00 a.m.

PLACE: Call (850)921-5172 for call-in number and passcode

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission business.

Please contact Gwen Erwin, Volunteer Florida, 401 S. Monroe Street, Tallahassee, FL 32301-2034, for a copy of the agenda.

If you require a reasonable accommodation to participate in the conference call, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

The Office of Film and Entertainment and the **Florida Film Advisory Council**, Executive Committee will convene in a conference call meeting of the Committee. This is a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 13, 2003, 12:00 Noon

PLACE: The Governor's Office of Film and Entertainment, 400 South Monroe Street, Suite 2002, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss a "road map for new legislation."

A copy of the agenda may be obtained by writing: Niki Christopher, Executive Assistant, Office of Film and Entertainment, State of Florida, Executive Office of the Governor, Suite 2002, The Capitol, Tallahassee, Florida 32399-0001, (850)410-4765.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

## REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a teleconference/meeting of the Finance Committee to which all persons are invited.

DATE AND TIME: August 18, 2003, 10:00 a.m.

PLACE: North Central Florida Regional Planning Council Office, 2009 N. W. 67 Place, Suite A, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The review of Fiscal Year 2003-2004 budget for amendment consideration.

Any person deciding to appeal any decision of the Committee with respect to any matter considered at the meetings may need to ensure that a verbatim record of the proceedings are made.

A copy of the agenda may be obtained by writing: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, August 21, 2003, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The Region IX, **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited:

DATE AND TIME: August 28, 2003, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and implement provisions of the Emergency Planning and Community Right to Know Act.

A copy of the Agenda may be obtained by contacting: Executive Director David Y. Burr, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

## WATER MANAGEMENT DISTRICTS

NOTICE OF CANCELLATION – Notice is hereby given that the Public Hearing on the **Northern Coastal Basin Surface Water Improvement Management Plan (SWIM)** previously scheduled for August 12, 2003, 1:30 p.m. has been cancelled and will be rescheduled at a later date. Notice of this public hearing was originally advertised in the August 1, 2003 issue of the Florida Administrative Weekly.

If you have any questions, please contact: Sonia Kuecker, St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177, (386)329-2330.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: September 4, 2003, 9:00 a.m.

PLACE: International College, Room 210, 2655 North Brooke Drive, Naples, FL 34119

GENERAL SUBJECT MATTER TO BE CONSIDERED: Southern Golden Gate Estates Hydrologic Restoration Project Delivery Team Meeting.

A copy of the agenda may be obtained at: (1) District Website – <http://www.sfwmd.gov/agenda.html>; (2) writing South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Janet Starnes, Southern District Restoration Project, District Office, 3201 McGregor Blvd., Mail Stop Code 1520, Fort Myers, FL 33901, (239)338-2929.

**REGIONAL UTILITY AUTHORITIES**

The **Withlacoochee Regional Water Supply Authority** announces that the Authority has cancelled its regular August meeting. The Authority will hold its regular September meeting as scheduled. This is a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, September 17, 2003, 4:30 p.m.

PLACE: Sumter County Courthouse, Commission Meeting Room 222, 209 N. Florida Street, Bushnell, FL 33513

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, FL 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

**DEPARTMENT OF ELDER AFFAIRS**

The Florida **Department of Elder Affairs** announces a series of public meetings to which all persons are invited. All times are Eastern Standard Time unless noted.

DATE AND TIME: August 18, 2003, 1:00 p.m. – 3:00 p.m. (Central Standard Time)

PLACE: Bay County COA, 1116 Frankford Ave., Panama City, FL 32401

DATE AND TIME: August 19, 2003, 1:00 p.m. – 3:00 p.m.

PLACE: Louis Dinah Senior Center, 1805 Flag St., Jacksonville, FL 32209

DATE AND TIME: August 20, 2003, 9:00 a.m. – 11:00 a.m.

PLACE: University Village Retirement Center, 12401 N. 22nd Street, Tampa, FL 33612

DATE AND TIME: August 21, 2003, 9:00 a.m. – 11:00 a.m.

PLACE: Southwest Focal Point Senior Center, 301 N. W. 103 Ave., Pembroke Pines, FL 33026

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Office of Long-Term Care Policy to discuss the redesign of the long-term care delivery system in Florida and methods for improvement.

To obtain a copy of the agenda, please contact: Jennifer Sindt, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2091, email: [Sindtj@elderaffairs.org](mailto:Sindtj@elderaffairs.org).

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: Jennifer Sindt, (850)414-2091. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** would like to announce a teleconference meeting of the Family Practice Physician Recruitment and Retention Advisory Committee to which all interested persons are invited to participate.

DATE AND TIME: Monday, August 25, 2003, 7:30 a.m. – 9:00 a.m.

PLACE: Anyone interested in participating may call (850)487-9552, Suncom 277-9552

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to review the draft in preparation for publishing the 2003 Annual Report for the Legislature. Authority for this Committee granted by Section 395.807, Florida Statutes.

For additional information please contact: Dennis Halfhill, (850)921-5505, e-mail: [halfhild@fdhc.state.fl.us](mailto:halfhild@fdhc.state.fl.us).

The **Agency for Health Care Administration** announces a meeting of the Ad Hoc Work Group on Complaint Data to which all interested parties are invited.

DATE AND TIME: Tuesday, September 9, 2003, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the publication of complaint data for consumer information.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

The **Agency for Health Care Administration** announces a meeting of the Pharmaceutical and Therapeutics Committee to which all interested parties are invited.

DATE AND TIME: Wednesday, September 3, 2003, 10:30 a.m. – 3:00 p.m.

PLACE: Marriott Hotel, Tampa International Airport, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Make recommendations for drugs to be included on Preferred Drug List.

Any attendee requiring special accommodation because of a disability or physical impairment should contact the Marriott, (813)879-5151, at least five days prior to the meeting.

Members of the public who wish to testify at this meeting must call Julie Davis, (850)487-4441 by August 25, 2003. The number of speakers will be limited and will be accommodated in order of notification to Ms. Davis. The procedures for speakers to follow are available on the Agency's website at [www.fdhc.state.fl.us](http://www.fdhc.state.fl.us).

#### DEPARTMENT OF MANAGEMENT SERVICES

The **Digital Divide Council** will hold a one-day meeting to which all persons are invited.

DATE AND TIME: Friday, August 15, 2003, 10:00 a.m. – 12:00 Noon

PLACE: Room, 110, Senate Office Building, 400 South Monroe Street, Tallahassee, Florida 32399 (To participate by telephone call (850)410-0966, Suncom 210-0966)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The primary purpose of the meeting will be to address any changes in the Digital Divide Council chair, provide updates to the pilot projects and Clearinghouse, further discuss the mission statement and address the subcommittees and their recommendations for the new fiscal year.

Any additional information as to this meeting will be provided on the Digital Divide website at [http://www.myflorida.com/myflorida/sciencetechnology/tech\\_pte/digital\\_divide/index.html](http://www.myflorida.com/myflorida/sciencetechnology/tech_pte/digital_divide/index.html) or contact: Meg Brown, State Technology Office, Building 4030 Esplanade Way, Suite 125 I, Tallahassee, Florida 32399, (850)488-1849 or (850)410-4777.

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 Council at least 48 hours before the meeting by contacting Meg Brown at the above stated number.

The State of Florida, **State Technology Office** announces a Chief Information Officer (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Monday, August 18, 2003, 10:00 a.m. – 12:00 Noon

PLACE: Conference Room 124, Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Elaine Womble, [Elaine.womble@myflorida.com](mailto:Elaine.womble@myflorida.com) or call (850)922-2680.

The **State Technology Office** announces a workshop and public meeting of the Board of Directors of the Joint Task Force on State Agency Law Enforcement Communications to which all persons are invited.

DATE AND TIME: August 19, 2003, 9:30 a.m.

PLACE: Shared Resource Center (SRC), 2585 Shumard Oak Blvd., Room 124, Tallahassee, FL 32399 (The conference call number is (850)488-5776 or Suncom 278-5776)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Linda Fuchs, State Technology Office, 4030 Esplanade Way, Suite 235, Tallahassee, Florida 32399-0950 or [linda.fuchs@myflorida.com](mailto:linda.fuchs@myflorida.com).

If a person decided to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring some accommodation at this hearing because of a physical impairment should call the State Technology Office, (850)922-7435, at least five calendar days

prior to the meeting. If you are hearing or speech-impaired, please contact the State Technology Office by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The **State Technology Office** announces a Joint Task Force Joint Dispatch Committee meeting to which all persons are invited.

DATE AND TIME: August 20, 2003, 10:00 a.m.

PLACE: Florida Highway Patrol, 11305 North McKinley Drive, Tampa, Florida 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matters for the Joint Dispatch Centers.

For more information about the agenda, please call: Captain Jeff Merritt, Bureau of Fire and Arson Investigations, Division of State Fire Marshal's Office, (850)413-3907.

The State of **Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: August 18-19, 2003, 8:30 a.m.

PLACE: Adam's Mark Hotel Jacksonville, 225 East Coast Line Drive, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950, (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Board of Accountancy** announces the following meeting of the Rules Committee to which all persons are invited:

DATE AND TIME: Wednesday, August 20, 2003, 2:00 p.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss rule changes relating to several violations for which there are no disciplinary guidelines.

A copy of the agenda may be obtained by writing: John W. Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76 Drive, Suite A, Gainesville, FL 32607.

NOTE: If a person decided to appeal any decision made by the board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting by contacting: John Johnson, (352)333-2505. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited. Portions of the probable cause proceedings are not open to the public.

DATE AND TIME: August 19, 2003, 9:30 p.m. or the soonest thereafter

PLACE: Zora Neale Hurston Building, North Tower, Suite 901-N, 400 West Robinson Street, Orlando, Florida

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact: Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** (FREC) announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, August 19, 2003, 1:00 p.m.; reconvening Wednesday, August 20, 2003, 8:30 a.m.

PLACE: Division of Real Estate; Conference Room 901-N, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Chapter 61J2, Florida Administrative Code, rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.



A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite 802, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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#### DEPARTMENT OF JUVENILE JUSTICE

The Florida **Department of Juvenile Justice**, Juvenile Justice and Delinquency Prevention State Advisory Group announce a meeting.

DATES AND TIME: August 21-22, 2003, 9:00 a.m. – 5:00 p.m.

PLACE: Eden Roc Renaissance Miami Beach Resort, 4525 Collins Avenue, Miami Beach, Florida 33140

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the State Advisory Group.

A copy of the agenda may be obtained by calling: Ana Valdes, Office of Prevention and Victim Services, (850)410-2577.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Department of Juvenile Justice, Office of Prevention and Victim Services, (850)488-3302, no later than (7) days prior to the meeting at which such special accommodation is required.

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#### DEPARTMENT OF HEALTH

The **Department of Health, Board of Respiratory Care** announces meetings to which all persons are invited.

General Board Meeting

DATE AND TIME: September 26, 2003, 8:30 a.m. or soon thereafter

PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Blvd., Jacksonville, FL 32207, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel and General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Correctional Medical Authority** announces a meeting to be held at Tallahassee, Florida, to which all persons are invited: DATE AND TIME: August 15, 2003, 8:30 a.m. – 12:30 p.m.

PLACE: Correctional Medical Authority, Conference Room, 1632 Metropolitan Circle, Tallahassee, Florida 32308, (850)410-1450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, Bin #B04, Tallahassee, FL 32399-1732, (850)410-1450.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

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The **Correctional Medical Authority** announces a Mental Health Committee meeting to which all persons are invited:

DATE AND TIME: August 22, 2003, 9:00 a.m. – 1:00 p.m.

PLACE: Correctional Medical Authority, 1632 Metropolitan Circle, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to mental health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, Bin #B04, Tallahassee, FL 32399-1732 or calling (850)410-1450.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

**DEPARTMENT OF FINANCIAL SERVICES**

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: August 29, 2003, 9:30 a.m.

PLACE: City Council Chambers, 201 N. Holly Ave, Orange City, FL 32763

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Historical Building Task Force to consider the application of the Gerald L. Hill and Nan Hill for an exemption to Section 509.215, Florida Statutes, pertaining to the property located at 215 East French Avenue, Orange City, Florida.

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.

**FLORIDA TELECOMMUNICATIONS RELAY**

The **Florida Telecommunications Relay**, Inc. announces the annual membership meeting to be followed by a regular meeting of the Board of Directors.

DATE AND TIME: Monday, August 11, 2003, 10:00 a.m.

PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual membership meeting followed by a regular meeting of the Board of Directors. Note that the Board of Directors meeting will convene immediately after conclusion of the membership meeting.

A copy of the agenda may be obtained by writing: Mr. James Forstall, Executive Director, 1820 E. Park Avenue, Suite 101, Tallahassee, Florida 32301.

The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

**FLORIDA ASSOCIATION OF COURT CLERKS**

The **Clerk of Court**, Operations Conference announces a public meeting to which all persons are invited.

DATE AND TIME: August 15, 2003, 11:00 a.m.

PLACE: Florida Association of Court Clerks, 3544 Maclay Blvd., Tallahassee, Florida 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Organizational Operations and Review of Clerks' Budgetary Operations.

A copy of the agenda may be obtained by contacting: Beth Allman, Florida Association of Court Clerks, (850)921-0808.

**FLORIDA SELF-INSURERS GUARANTY ASSOCIATION**

The **Florida Self-Insurers Guaranty Association**, Inc. announces a meeting of the Claims Committee of its Board of Directors in which all interested persons are invited to attend.

DATE AND TIME: Thursday, August 21, 2003, 4:00 p.m.

PLACE: Courtyard by Marriott – Tampa Westshore, 3805 W. Cypress, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Claims servicing and other matters.

Information on the meeting may be obtained by contacting: Brian Gee, Florida Self-Insurers Guaranty Association, 200 W. College Avenue, Suite 115, Tallahassee, Florida 32301, (850)222-1882.

The **Florida Self-Insurers Guaranty Association**, Inc. announces a telephone conference meeting of its Board of Directors in which all interested persons are invited to attend.

DATE AND TIME: Monday, August 25, 2003, 3:00 p.m.

PLACE: Florida Hotel and Motel Association Building, 200 W. College Avenue, Suite 115, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Claims servicing and other matters.

Information on the meeting may be obtained by contacting: Brian Gee, Florida Self-Insurers Guaranty Association, 200 W. College Avenue, Suite 115, Tallahassee, Florida 32301, (850)222-1882.

**DEPARTMENT OF MILITARY AFFAIRS**

The **Department of Military Affairs** announces a meeting to which all interested persons are invited.

DATE AND TIME: Saturday, August 23, 2003, 1:00 p.m. – 3:00 p.m.

PLACE: Adjutant General's Conference Room, St. Francis Barracks, 82 Marine Street, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Armory Board Meeting. The Armory Board will consider action on contracts, leases, agreements and other business relative to real property and facility management issues under its control.

If a person decides to appeal any decision made by the Armory Board with respect to any matter considered at this meeting, that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**OFFICES OF NABORS, GIBLIN & NICKERSON**

The **Offices of Nabors, Giblin & Nickerson, P.A.** hereby announce a public hearing will be held as follows:

DATE AND TIME: August 26, 2003, 10:00 a.m. or as soon thereafter as the same may be heard

PLACE: Offices of Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: with respect to the issuance by the Florida Local Government Finance Commission (the "Issuer") of its Florida Local Government Finance Commission Pooled Commercial Paper Notes, Series B (AMT Issue) (the "Notes") in the aggregate principal amount of not exceeding \$6,000,000 and the loan of the proceeds thereof (the "Loan") to the Manatee County Port Authority (the "Port Authority"). The Hearing will be conducted by Counsel to the Issuer. The proceeds of the Notes will be loaned to the Port Authority and applied to finance the cost of certain additions, extensions and improvements to facilities located at Port Manatee and described as follows:

Intermodal Transit Warehouse – Construct an intermodal transit warehouse of approximately 145,000 square feet to be located east of Berth 9 and north of South Dock Street at Port Manatee.

The Port Authority now owns, operates and maintains a navigable port of entry known as the "Port Manatee" including storage, dockage and terminal facilities, an administrative building, warehouses, docks, jetties, quaywalls, slips, roadways and parkways and other facilities, by means of which general import and export, storage and passenger cruise line businesses are conducted (herein collectively, the "Port Facilities"). The Port Facilities are located in the northwestern portion of Manatee County, Florida (the "County") at Port Manatee whose headquarters are located at 300 Regal Cruise Way, Suite 1, Palmetto, Florida 34221, on approximately 1,150 acres of land being bounded on the East by CSX railroad tracks, on the West by the Gulf of Mexico, on the South by State owned land, and on the North by the Hillsborough County line. The Port Authority will own all improvements to the Port Facilities financed with the Loan.

The Notes do not constitute a general indebtedness or obligation of the Issuer within the meaning of any constitutional or statutory provision or limitation, but shall be generally payable from and secured by the loan repayments made by the Port Authority to the Issuer pursuant to the Loan. The Loan is payable from and secured by the net revenues of the Port Authority and will also be secured by a covenant of the County to budget and appropriate non-ad valorem revenues whenever the other sources are insufficient or unavailable. The Loan will not be or constitute an indebtedness or obligation of the Port Authority, the County, the State of Florida or any political subdivision thereof within the meaning of any constitutional, statutory or other limitation of indebtedness.

The aforementioned meeting shall be a public meeting and all persons who may be interested will be given an opportunity to be heard concerning the same. Written comments may also be submitted to John Yonkosky, Chairman, Florida Local Government Finance Commission, c/o Collier County Department of Revenue, 2802 North Horseshoe Drive, Naples, Florida 34112 and Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, prior to the hearing. All persons for or against said proposal can be heard at said time and place.

If a person decides to appeal any decision made by the issuer with respect to such hearing or meeting, (s)he will need to ensure that a verbatim record of such hearing or meeting is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, 813-281-2222, no later than seven days prior to the proceeding.

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**CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM**

The **Charlotte Harbor National Estuary Program** announces a scheduled Policy Committee meeting to which all persons are invited:

DATE AND TIME: Wednesday, August 27, 2003, 9:30 a.m.

PLACE: Venice Community Hall, 401 W. Venice Avenue, Venice, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the CHNEP Policy Committee.

Please note that if a person decides to appeal any decision made by the Charlotte Harbor National Estuary Program Policy Committee with respect to any matter considered at the above cited workshop, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

A copy of the agenda may be obtained by writing: Ms. Darcy Bowen, CHNEP, 4980 Bayline Dr., N. Ft. Myers, FL 33917, (239)955-1777, Ext. 214.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations due to disability or physical impairment should contact Ms. Darcy Bowen, (239)955-1777, Ext. 214, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. David Burr using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**FLORIDA INDEPENDENT LIVING COUNCIL**

The **Florida Independent Living Council** announces the following meetings:

MEETING: Finance Committee Meeting

DATE AND TIME: Wednesday, August 27, 2003, 10:30 a.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Executive Committee Meeting

DATE AND TIME: Wednesday, August 27, 2003, 12:30 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or toll free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

**FLORIDA SPORTS FOUNDATION**

The **Florida Sports Foundation** announces its Board of Directors Meeting to which all persons are invited.

DATE AND TIME: Friday, September 12, 2003, 9:00 a.m. – 2:00 p.m.

PLACE: Hyatt Regency-Orlando International Airport, Orlando, Florida 32827

Please make note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on July 25, 2003, from Master Mechanical Services, Inc. regarding a manufacturer’s obligation to “design” equipment and tie-downs pursuant to Section 301.13, Florida Building Code, Mechanical Volume (revised 2003).

It has been assigned the number DCA03-DEC-217.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on July 25, 2003, from Weathermaster Building Products, Inc. regarding the requirements for approval of circumstances where firm glass supports are provided on less than all sides pursuant to Section 2406 Florida Building Code, Building Volume (2001).

It has been assigned the number DCA03-DEC-219.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on July 24, 2003, from Wilson & Company, Inc. regarding whether concrete slabs designed to have expansion and crack control joints require synthetic fiber reinforcement or welded wire reinforcement pursuant to Section 1909.3, Florida Building Code, Building Volume (2001).

It has been assigned the number DCA03-DEC-214.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Office of the Fire Code Official of Collier County, on January 27, 2003. It was assigned the number DCA03-DEC-005.

The Commission determined that in the areas of the schools described in the petition, ranges with residential-type hoods are permissible if vented to the outside pursuant to the Florida Building Code but that the Commission was without authority to determine what requirements of the Florida Fire Prevention Code applied.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Juliana Salas, P.E., Miami-Dade County Building Department on January 6, 2003. It was assigned the number DCA03-DEC-008.

The Commission determined that the maximum travel distance to an exit in unsprinklered low hazard storage buildings must be 200 feet.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Robert R. Bullard, P.E., on January 23, 2003. It was assigned the number DCA03-DEC-025.

The Commission determined that the Florida Building Commission allows for both design options (mechanically anchored and non-roof penetrating support) as long as the design meets the requirements of the Florida Building Code, Building Volume, for stability and wind resistance. However, all applicable sections of Chapter 15 must be met.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Andy Brill and MI Home Products, Inc., on January 27, 2003. It was assigned the number DCA03-DEC-028.

The Commission determined that Section 2405.3 of the Florida Building Code, Building Volume, does not limit window glass ratio to 5:1.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Kathy Spafford and Town of Indian River Building Department, on January 31, 2003. It was assigned the number DCA03-DEC-032.

The Commission determined that it is not the intent of the Florida Building Code to regulate playground or recreational equipment in private residences, and therefore such equipment is not required to be permitted under the Florida Building Code.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Commonwealth Engineering Corp., on March 19, 2003. It was assigned the number DCA03-DEC-063.

The Commission determined that combining factored loads using strength design is not the correct load combination method to use for determining the ultimate load requirement of products whose design strength is determined by laboratory tests of full scale specimens. Load combinations are only applicable for structures or products designed using rationale engineering analysis. According to Section 1707.4.2, the ultimate load requirement for the door in question (tested door) is 1.5 times the design wind pressure.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Door and Access Systems Manufacturers Association, on March 4, 2003 and subsequently amended on March 21, 2003. It was assigned the number DCA03-DEC-073.

The Commission determined that the provisions of Section 1626.4, Note 3, Florida Building Code, Building Volume, does not apply to a 9' x 7' garage door with 26 gauge, non-insulated door sections was successfully tested to TAS 201, TAS 202 and TAS 203. Demonstrating compliance through testing to TAS 201, TAS 202 and TAS 203 meets the minimum requirements

of the Florida Building Code and compliance with s. 1626.4, Note 3, Florida Building Code, Building Volume, is not required.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Charlotte County Community Development Department, on March 7, 2003. It was assigned the number DCA03-DEC-078.

The Commission determined that Exposure Category C can apply to the sites identified by the Petitioner, despite the fact that there is no coastal construction control line defined for that area.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Door and Access Systems Manufacturers Association, on March 4, 2003 and subsequently amended on March 24, 2003. It was assigned the number DCA03-DEC-083.

The Commission determined that certification of independence as required by subsection 9B-72.110(1), Florida Administrative Code, requires that a testing laboratory execute a certificate of independence when such laboratory is also the entity issuing the test report demonstrating compliance with the standard specified in the Code. The referenced rule does not necessarily apply to entities witnessing the test. The Commission also determined that an evaluation from an approved evaluation entity or Florida registered architect or professional engineer may determine compliance with the Code based on data obtained from testing at a manufacturer's in-house facility using a test report that doesn't certify code compliance.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued an Order Dismissing Petition for Declaratory Statement in response to a request received from United FireSpray, on April 29, 2003. It was assigned the number DCA03-DEC-086.

The Commission determined that the Petition requested approval of a product that is subject to approval pursuant to Chapter 9B-72, Florida Administrative Code, and was not subject to a declaratory statement.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Bliss & Nyitray, Inc., on April 3, 2003 and amended on May 5, 2003. It was assigned the number DCA03-DEC-091.

The Commission determined that the use of an allowable stress increase of 1/3 when designing masonry walls on a project located in a High Velocity Hurricane Zone is proper provided that the load reduction of ASCE 7-98, Section 2.4.3 is not applied.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Florida Association of the American Institute of Architects, on December 18, 2002. It was assigned the number DCA02-DEC-370.

The Commission determined that there is no conflict between the permit-by-affidavit provisions of the Florida Building Code and the alternate plan review services provisions of Florida Statutes. The requirements developed by a building official for permit-by-affidavit and third-party inspections pursuant to the code can not be applied in the context of the statutory private provider scheme. If a property owner and their service provider comply with the requirements of Section 553.791, Florida Statutes, then the building official will be required to issue a building permit or certificate of occupancy, as applicable, and is prohibited from requiring compliance with any additional or alternate requirements.

A copy of the Declaratory Statement be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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 BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a declaratory statement in In Re: Petition for Declaratory Statement, Lennar Homes, Inc., Petitioner; Docket Number 2003045065.

The Division found that Lennar Homes, Inc.'s proposed declaration of condominium or purchaser contract may not contain the proposed mandatory mediation and binding arbitration provisions because these provisions are inconsistent with Sections 718.111(3), 718.303 and 718.506, Florida Statutes (2002), and therefore, prohibited by Section 718.104(4)(m), Florida Statutes.

A copy of the declaratory statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

The Construction Industry Licensing Board hereby gives notice that it has received a Petition for Declaratory Statement filed by Kenneth E. Eriksen. Mr. Eriksen asks whether he needs a state license pursuant to Section 489.111, 489.113 or 489.117, Florida Statutes, or any combination thereof, to perform the normal functions of a marine contractor. Mr. Eriksen was a state licensed Marine Contractor from 1991 through 1993, when the state stopped issuing such licenses. He took a Special Marine Examination given by Block and Associates on July 20, 1988, and passed with a grade of 86.7%. He holds a Certificate of Competency as a dock/seawall contractor in Volusia County. He also works in Flagler County. Flagler County does not issue a competence card for marine construction.

Mr. Eriksen wants the Board to rule that under these circumstances, he is not required to be licensed pursuant to Section 489.105, 489.113 or 489.117, Florida Statutes, or any combination thereof. Petitioner will be adversely affected by having to stop all work, if a state license is required under any of these statutory sections.

The Board will consider this petition at its meeting scheduled for August 13-15, 2003, at the Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, Florida.

Copies of the petition may be obtained by writing: Tim Vaccarro, Executive Director, Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that on July 29, 2003 the Board of Chiropractic Medicine received a Petition for Declaratory Statement from Edward G. Fleming, D.C. The Petition seeks the agency's opinion regarding Section 460.403(9)(f), Florida Statutes, and whether a non-acupuncture certified physician may provide a peer review of the use of acupuncture services.

A copy of the Petition for Declaratory Statement may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN that the Petition for Declaratory Statement filed July 9, 2003, by King House, Inc., with the Department of Financial Services, Division of State Fire Marshal, has been withdrawn. No further action will be taken on said petition.

A copy of the withdrawal may be obtained by writing: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, Fax (850)922-1235 or calling Kimberly Riordan, (850)413-3170.

**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:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

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

Florida State University, State of Florida, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No.: BR-271  
Project and Location: West Campus Dining Facility  
Florida State University  
Tallahassee, Florida

The project consists of a new kitchen/cafeteria facility on the west side of campus to serve students, faculty and staff. The building site is located on Call Street between Salley Hall and the Stone Building, across from the new College of Medicine complex. The facility is expected to be approximately 14,589 gross square feet. The project will include relocating a parking lot along with the construction of other related site improvements. The selected firm will provide design, construction documents and administration for the referenced project which is budgeted at \$3,500,000 for construction. The project delivery system will be construction management. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000.00, and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

- 1. A completed Florida State University "Professional Qualifications Supplement." Please use the version for this project posted on the website, www.fpc.fsu.edu

- 2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit six (6) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for Florida State University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained through our website, www.fpc.fsu.edu or by contacting: Lynetta Mills, Facilities Design and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

For further information on the project, contact: Daryl Ellison, Senior Project Manager, at the address and phone listed above. Submittals must be received in the above office, by 2:00 p.m., local time, on Friday, September 5, 2003. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

COMPETITIVE SOLICITATION

Sealed solicitation shall be received by the Florida State University Purchasing Department until the dates and times shown for the following projects. Solicitations may be brought to the solicitation opening or sent to:

Purchasing Department  
Suite A1400, University Center  
Florida State University  
Tallahassee, FL 32306-32370

prior to solicitation opening. Responders must reference solicitation number, opening date and time on outside of solicitation package to insure proper acceptance. Solicitations submitted by facsimile are not acceptable. For information relating to the Competitive Solicitation contact the Purchasing Agent identified in the solicitation.



K 4730-5: Remove and Install Wood  
Gymnasium Flooring  
Public Solicitation Opening: 2:30 p.m., Tuesday,  
August 26, 2003  
Suite A1400, University Center  
Purchasing Department  
Florida State University

**BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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.”

**EXPRESSWAY AUTHORITIES**

NOTICE OF INVITATION TO BID  
MDX WORK PROGRAM NO. 11208.060

The Miami-Dade Expressway Authority (“MDX”) is seeking the services of a certified landscape contractor (“Bidder”) for the installation of landscape planting materials on SR112 between N. W. 32nd Avenue and Okeechobee Road (the “Project”). The Work for the Project consists of, but is not limited to, providing all labor, Materials, Equipment and incidentals necessary for the ground preparation, installation, staking and guying and establishment of trees, shrubbery and ground covers within the limits of the MDX Right of Way. The Bidder should be aware that portions of the Work associated with the Project shall be done during off peak hours (9:30 a.m. to 3:30 p.m. and 9:00 p.m. to 6:00 a.m.).

Sealed Bids will be received at the MDX Headquarters Building, located at 3790 N. W. 21st Street, Miami, Florida 33142 (“MDX Headquarters Building”), until 2:00 p.m., Friday, October 17, 2003. A Bidder must be prequalified by the State of Florida Department of Transportation in accordance with Rule Chapter 14-22, Florida Administrative Code, or certified with Miami-Dade County to provide landscape contractor services on the submittal date for the Bids in order to submit a Bid. A Bidder that is not prequalified in accordance with Rule Chapter 14-22, Florida Administrative Code, or certified with Miami-Dade County on the date of the Bids submittal, shall be declared “NON RESPONSIVE” and the Bid will be REJECTED.

Copies of the Plans, Specifications and the Bid Blank book will be available on Friday, September 5, 2003 after 12:00 noon at the MDX Headquarters Building located at 3790 N. W. 21st Street, Miami. The cost of these documents is \$25.00 per

set. Make checks payable to the Miami-Dade Expressway Authority. No refunds will be made for the above charges for any of the documents.

The construction cost estimate for the Project is \$776,924.500 (Seven Hundred Seventy-Six Thousand Nine Hundred Twenty-Four Dollars and Fifty Cents) and Contract time for this Project is set for one-hundred twenty (120) calendar days from the date a Notice to Proceed is issued.

MDX has scheduled a Mandatory Pre-Bid Conference to discuss the Project with interested Bidders on Thursday, September 18, 2002, at 2:00 p.m., at the MDX Headquarters Building located at 3790 N. W. 21st Street, Miami, Florida. Please be advised that attendance at this meeting is Mandatory. Any Bidder not attending the Mandatory Pre-Bid Conference will be declared “Non-Responsive”.

If you have any questions regarding this notice, or would like additional information, please contact:

Ms. Helen M. Cordero  
MDX Procurement Officer  
Ph. (305)637-3277  
Fax (305)637-3298  
E-mail: [Hcordero@mdx-way.com](mailto:Hcordero@mdx-way.com)

All sealed Bids must be received by MDX at 3790 N. W. 21st Street, Miami, Florida 33142, no later than 2:00 p.m., Friday, October 17, 2003.

EQUAL EMPLOYMENT OPPORTUNITIES AND SMALL BUSINESS ENTERPRISES PROGRAM: MDX, in accordance with the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §200c et seq., the Florida Civil Rights Act of 1992, as amended, §760.10 et. seq., Fla. Stat. (1996) and other federal and state discrimination statutes, prohibits discrimination on the basis of race, color, sex, age, national origin, religion, and disability or handicap. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women as employees in the work force.

MDX strongly encourages small, minority and women-owned business to have full opportunity to submit bids and proposals in response to solicitation documents issued by MDX, and commits that bidders and Proposers will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain an M/WBE participation of twenty-five percent (25%) for the aggregate of its projects. However, compliance with MDX’s overall goal is not a pre-requisite for bidders or Proposers on MDX projects. Please be advised that MDX has adopted a Small Business Enterprise Policy, and a 10% Small Business Goal shall be required for the Project (see Prerequisite Criteria above.)

The 25% goal can be satisfied by Disadvantaged Business Enterprises that are currently certified as such with the State or County.

Satisfaction of the 10% Small Business Participation Goal can be counted towards this goal.

MDX RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS RECEIVED

**DEPARTMENT OF ELDER AFFAIRS**

Request for Information (RFI)

The Area Agency on Aging for North Florida, Inc. Nutrition Program is seeking sources interested in providing pre-plated frozen meals to senior citizens organizations in Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Liberty, Madison, Wakulla and Washington Counties. Prospective sources must be established and have current or previous experience in providing the pre-plated frozen meals to public or private entities. If a contract is awarded for this effort, the Area Agency on Aging for North Florida, Inc. anticipates duration of not more than one year with two, one-year renewal options pending continued funding availability. Responsibilities include, but are not limited to:

- utilization of approved kitchen facilities
- employment of qualified staff to oversee facility operation and meal production
- delivery of frozen pre-plated meals to individual sites in the counties listed above
- supplying meals that meet 33 1/3 of the recommended dietary allowances (RDA)
- provision of disposable supplies to delivery sites

Deadline: Written responses to this RFI are due to the Area Agency on Aging for North Florida, Inc. on August 18, 2003 by 4:00 p.m., EST. Only written responses will be accepted.

Contact: Area Agency on Aging for North Florida, Inc.  
 Attention: Lisa Bretz  
 2639 North Monroe Street, Suite 145-B  
 Tallahassee, Florida 32303

The responses to this Request for Information (RFI) will be used to identify those organizations that are qualified and interested in providing pre-plated frozen meals for the Area Agency on Aging for North Florida, Inc. Nutrition Programs in Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Liberty, Madison, Wakulla and Washington Counties. The Area Agency on Aging for North Florida, Inc. does not plan to award a contract or pay for information provided as a result of this request. This RFI is a preliminary step to the release of an Invitation to Bid package on August 22, 2003. Receipt of a "no response" by the deadline specified in this Notice shall constitute as a "not interested" response.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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."

**FLORIDA SHERIFFS ASSOCIATION**

REVISED

BID ANNOUNCEMENT

BID NUMBER: 03-11-0825  
 BID TITLE: PURSUIT, ADMINISTRATIVE  
 NON-PURSUIT, UTILITY  
 VEHICLES, TRUCKS & VANS, &  
 OTHER FLEET EQUIPMENT

REVISED ADVERTISEMENT DATES:

AUGUST 8, 2003;  
 AUGUST 15, 2003

PRE-BID CONFERENCE:

AUGUST 6, 2003, 10:00 a.m.

PRE-BID CONFERENCE TO BE HELD AT:

MARION COUNTY SHERIFF'S  
 OFFICE  
 CONFERENCE ROOM  
 692 N.W. 30TH AVENUE  
 OCALA, FL 34475-5608

REVISED BID OPENING DATE:

SEPTEMBER 9, 2003, 11:00 a.m.  
 CHANGED FROM AUGUST 25, 2003

BID OPENING TO BE HELD AT:

FLORIDA SHERIFFS ASSOCIATION  
 COOPERATIVE BID  
 COORDINATOR'S OFFICE  
 2617 MAHAN DR. (32308)  
 P. O. BOX 12519  
 TALLAHASSEE, FL 32317-2519

BIDS MUST BE CONTAINED IN A SEALED ENVELOPE ADDRESSED TO THE FLORIDA SHERIFFS ASSOCIATION. INDICATE ON THE OUTSIDE OF THE ENVELOPE THE BID NUMBER, TITLE, OPENING DATE AND TIME. ALL BIDS MUST BE RECEIVED ON OR BEFORE THE DATE AND TIME NOTED ABOVE.

ALL QUESTIONS PERTAINING TO THIS BID, SHOULD BE DIRECTED TO LYNN MEEK OR PEGGY GOFF WITH THE FLORIDA SHERIFFS ASSOCIATION AT (850) 877-2165.

**DEPARTMENT OF MILITARY AFFAIRS**

**ADVERTISEMENT FOR BIDS**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS, LICENSED BY THE STATE OF FLORIDA, FOR THE CONSTRUCTION OF:

PROJECT NO: CFMO-120142 ACCOUNTING CODE:  
 PROJECT NAME AND LOCATION:  
 ADDITION/ALTERATION OF ORGANIZATIONAL MAINTENANCE SHOP, National Guard Armory, 308, West North Street, Bonifay, Florida.

PROJECT DESCRIPTION: Addition and Alteration of existing Organizational Maintenance Shop (OMS) Facility, from 2,800 Sq. Ft to approximately 6,500 Sq. Ft, consisting of masonry construction. Existing facility includes administrative offices, vehicle work bays, storage space, restrooms and locker facilities. Project to also encompass necessary site preparation, paving and utility work.

FOR: Department of Military Affairs, Construction and Facility Management Office, Florida Army National Guard.

MINORITY PROGRAM: Utilization of MBE participation is highly encouraged from all Bidders.

QUALIFICATIONS: General Contractors licensed by the State of Florida. General Contractors must be registered with MyFloridaMarketplace.com in accordance with state contracting requirements.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person, or affiliate, who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

BID SECURITY: If the bid proposal amount is \$100,000 or less, a bid security (5%) is not required.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and Labor and Material Payment Bond are not required.

There will be a MANDATORY PRE-BID meeting: 2:00 p.m. CST, August 27, 2003.

SEALED BIDS will be received and publicly read aloud on: September 10, 2003.

DATE AND TIME: 2:00 p.m. (CST), September 10, 2003  
 PLACE: 308, West North Street, NATIONAL GUARD ARMORY, BONIFAY, FLORIDA.

PROPOSAL: Bids must be submitted to the Department of Military Affairs, CFMO, ATTN: Mr. Wayne Reese, 308 West North Street, Bonifay, Florida 32425, in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions, and Contractual Conditions, which may be examined and obtained, as of August 8, 2003, from Heffernan Holland Morgan, ARCHITECTS. (850)433-2799 for \$100.00 per set, for shipped Plans add \$7.00 (non-refundable).

NOTE: All Technical questions shall be directed to the ARCHITECTS/ENGINEERS until close of business September 9, 2003.

ARCHITECT-ENGINEER: Heffernan Holland Morgan, Architects, 312 South Alcaniz Street, Pensacola, Florida 32501, telephone (850)433-2799, Mr. Byrne Lambkin.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at the location where the bids were opened. In the event that the Bid tabulation and Notice of Award Recommendation can not be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

AWARD OF CONTRACT IS CONTINGENT UPON THE AVAILABILITY OF FUNDS.

**Section XII  
 Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No.: DCA03-OR-212  
 STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF GROVELAND LAND  
 DEVELOPMENT REGULATIONS ADOPTED BY  
 CITY OF GROVELAND  
 ORDINANCE NO. 2003-06-28

**FINAL ORDER**

The Department of Community Affairs ("Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and (11), Fla. Stat., (2002), approving City of Groveland Ordinance No. 2003-06-28, as set forth below.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and the City of Groveland is a local government within the Green Swamp Area.

2. On July 5, 2003, the Department received for review City of Groveland Ordinance No. 2003-06-28 ("Ordinance"), which was adopted by the City Council of the City of Groveland. The Ordinance was adopted on June 29, 2003. The Ordinance rezones 22.8+/- acres from R-2 to GS-1. The property is more fully described as:

That property owned by Shannon Dupont and Sharri Gittens and located at S.R. 33 Groveland, Lake County, Florida.

3. The Ordinance is consistent with the City's 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 Green Swamp Area of Critical State Concern. Sections 380.05(6) and (11), Fla. Stat.

5. The City of Groveland is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, Fla. Stat. and Rule Chapter 28-26, Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Fla. Stat. The regulation adopted by the Ordinance is a land development regulation.

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 for that area. Section 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 guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Fla. Admin. Code. ("Principles").

8. The Ordinance is consistent with the Principles in Rule 28-26.003, Fla. Admin. Code.

WHEREFORE, IT IS ORDERED that Ordinance No. 2003-06-28 is found to be consistent with the Principles for Guiding Development of the Green Swamp 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.

\_\_\_\_\_  
 Charles Gauthier, 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 July, 2003.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
The Honorable Doris Thompson  
Mayor, City of Groveland  
156 S. Lake Avenue  
Groveland, FL 34736

Jason Yarborough  
City Manager  
City of Groveland  
156 S. Lake Avenue  
Groveland, FL 34736

Teresa Greenham  
Urban & Regional Planners, Inc.  
2001 Old U.S. Highway 441, Ste. 1  
Mount Dora, FL 32757

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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**DEPARTMENT OF HEALTH**

On July 28, 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 Lori Cutright, R.N., license number RN 2027692. 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.

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On July 25, 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 Lorine Hurd, R.N., license number RN 2813332. 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.

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**NOTICE OF FUND AVAILABILITY FOR THE FISCAL YEAR 2003-2004 FLORIDA EMERGENCY MEDICAL SERVICES (EMS) COUNTY GRANTS**

AGENCY: Department of Health (DOH)

GRANT TITLE: Florida EMS County Grants

PURPOSE AND EFFECT: To provide grants for prehospital EMS in Florida

AUTHORITY: Chapter 401, Part II, Florida Statutes (F.S.)

ELIGIBILITY: Boards of County Commissioners (grantees) may apply to receive their EMS County Grants by submitting their completed Emergency Medical Services County Grant Application and County Resolution to the Department at the address below.

TO OBTAIN AN APPLICATION: An application is being mailed to the chairperson of each county commission. If you do not receive the application, please call Ed Wilson, (850)245-4440, Ext. 2737 or write: EMS County Grant Program, ATTN: Ed Wilson, 4052 Bald Cypress Way, BIN #C18, Tallahassee, Florida 32399-1738.

DEADLINE: Applications will be accepted beginning with the date of this notice. Completed applications and county resolutions must be received by the Department of Health, Bureau of Emergency Medical Services no later than 5:00 p.m. (EST), January 16, 2004.

P. O. # QT0020

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

Amended Notice

The Notice that was previously filed with the Department of Children and Family Services, on July 2, 2003, by Renfrew Centers, Inc. reference subparagraph 65E-4.016(6)(b)2., F.A.C. but should have reference paragraph 65E-4.016(2)(r), F.A.C.

A copy of the Petition may be obtained by writing: Office of the Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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**DEPARTMENT OF FINANCIAL SERVICES**

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation, on May 16, 2003, issued a Notice of Intent to Enter a Final Order Approving Payment from the Securities Guaranty Fund in Administrative Proceeding No. 3432-S-03/02 to Vonda Barbour White regarding the activities of MORGAN GRANT CAPITAL CORPORATION f/k/a WORTHINGTON CAPITAL GROUP CORP., CRD #28595 and denying her claims as presented against INVESTOR ASSOCIATES, INC., CRD #958 and DAVID C. BARON, JR., CRD #1501891. Those persons whose substantial interests

may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Sections 120.569 and 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301 or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk  
Office of Financial Regulation  
Fletcher Building, Suite 526  
200 East Gaines Street  
Tallahassee, Florida 32399-0379

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE OFFICE WILL ISSUE ITS FINAL ORDER TAKING ACTIONS SET FORTH IN THE NOTICE OF INTENT.

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SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation, on June 2, 2003, issued a Notice of Intent to Enter a Final Order Approving Payment from the Securities Guaranty Fund in Administrative Proceeding No. 3521-S-8/02 to Raymond Ghoads, Mike Sumon and Parvin Fazel Bakhshshi regarding the activities of JAFAR AMIRAHMADI a/k/a JEFF AMIR, CRD #1837176. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Sections 120.569 and 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301, or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk  
Office of Financial Regulation  
Fletcher Building, Suite 526  
200 East Gaines Street  
Tallahassee, Florida 32399-0379

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE OFFICE WILL ISSUE ITS FINAL ORDER TAKING ACTIONS SET FORTH IN THE NOTICE OF INTENT.

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial regulation has received the following applications.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., August 29, 2003):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Legacy Trust Company, Ponte Vedra Beach, Florida

Proposed Purchasers: Lawrence P. Huang, Ponte Vedra Beach, Florida, Rodney A. McLauchlan, Ponte Vedra Beach, Florida, Kristin D. McLauchlan, Ponte Vedra Beach, Florida, David F. Evans, Jr., Ponte Vedra Beach, Florida, Mary Biggers Knauer, Jacksonville, Florida

Received: July 25, 2003

The Office of Financial Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at [http://www.dbf.state.fl.us/banking/cu\\_expansion.html](http://www.dbf.state.fl.us/banking/cu_expansion.html).

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Central Credit Union of Florida, Post Office Box 17048, Pensacola, Florida 32522-7048

Expansion Includes: Geographic area

Received: July 23, 2003



**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN July 21, 2003  
 and July 25, 2003**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF INSURANCE**  
**Division of State Fire Marshal**

4A-61.001	7/24/03	8/13/03		29/15
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**DEPARTMENT OF EDUCATION**  
**Florida A and M University**

6C3-5.003	7/25/03	8/14/03	Newspaper	
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**Florida International University**

6C8-5.006	7/22/03	8/11/03	Newspaper	
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**State Board of Nonpublic Career Education**

6F-1.001	7/25/03	8/14/03		29/23
6F-2.001	7/25/03	8/14/03		29/23
6F-2.0015	7/25/03	8/14/03		29/23
6F-2.0016	7/25/03	8/14/03		29/23
6F-2.0017	7/25/03	8/14/03		29/23
6F-2.002	7/25/03	8/14/03		29/23
6F-2.0024	7/25/03	8/14/03		29/23
6F-2.0026	7/25/03	8/14/03		29/23
6F-2.003	7/25/03	8/14/03		29/23
6F-2.004	7/25/03	8/14/03		29/23
6F-2.006	7/25/03	8/14/03		29/23
6F-3.001	7/25/03	8/14/03		29/23
6F-3.002	7/25/03	8/14/03		29/23
6F-4.001	7/25/03	8/14/03		29/23

**DEPARTMENT OF TRANSPORTATION**

14-40.020	7/21/03	8/10/03		29/23
14-40.022	7/21/03	8/10/03		29/23
14-40.023	7/21/03	8/10/03		29/23

**DEPARTMENT OF CORRECTIONS**

33-302.104	7/24/03	8/13/03	29/20	29/25
33-302.105	7/24/03	8/13/03	29/20	
33-602.207	7/21/03	8/10/03	29/20	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**WATER MANAGEMENT DISTRICTS**  
**South Florida Water Management District**

40E-1.607	7/21/03	8/10/03		29/17
40E-1.607	7/25/03	8/14/03		29/24
40E-4.101	7/25/03	8/14/03		29/23
40E-5.011	7/25/03	8/14/03		29/17
40E-5.021	7/25/03	8/14/03		29/17
40E-5.041	7/25/03	8/14/03		29/17
40E-5.051	7/25/03	8/14/03		29/17
40E-5.101	7/25/03	8/14/03		29/17
40E-5.301	7/25/03	8/14/03		29/17
40E-5.321	7/25/03	8/14/03		29/17
40E-5.331	7/25/03	8/14/03		29/17
40E-5.381	7/25/03	8/14/03		29/17
40E-21.651	7/25/03	8/14/03		29/17

**DEPARTMENT OF ELDER AFFAIRS**  
**Administation of Federal Aging Programs**

58A-2.004	7/21/03	8/10/03	29/19	29/25
58A-2.005	7/21/03	8/10/03	29/19	29/25
58A-2.0236	7/21/03	8/10/03	29/19	29/25
58A-2.025	7/21/03	8/10/03	29/19	29/25

**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Medicaid Program Office**

59G-4.160	7/25/03	8/14/03		29/19
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**DEPARTMENT OF MANAGEMENT SERVICES**  
**Division of Retirement**

60S-2.002	7/24/03	8/13/03		29/17
60S-2.004	7/24/03	8/13/03		29/17
60S-2.0041	7/24/03	8/13/03		29/17
60S-2.005	7/24/03	8/13/03		29/17
60S-2.006	7/24/03	8/13/03		29/17
60S-2.007	7/24/03	8/13/03		29/17
60S-2.010	7/24/03	8/13/03		29/17
60S-2.013	7/24/03	8/13/03		29/17
60S-2.015	7/24/03	8/13/03		29/17
60S-3.002	7/24/03	8/13/03		29/17
60S-3.003	7/24/03	8/13/03		29/17
60S-3.0035	7/24/03	8/13/03		29/17
60S-3.006	7/24/03	8/13/03		29/17

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60S-3.008	7/24/03	8/13/03	29/17	
60S-3.011	7/24/03	8/13/03	29/17	
60S-3.012	7/24/03	8/13/03	29/17	
60S-3.013	7/24/03	8/13/03	29/17	
60S-4.002	7/24/03	8/13/03	29/17	
60S-4.0025	7/24/03	8/13/03	29/17	
60S-4.003	7/24/03	8/13/03	29/17	
60S-4.0035	7/24/03	8/13/03	29/17	
60S-4.004	7/24/03	8/13/03	29/17	
60S-4.005	7/24/03	8/13/03	29/17	
60S-4.006	7/24/03	8/13/03	29/17	
60S-4.007	7/24/03	8/13/03	29/17	
60S-4.008	7/24/03	8/13/03	29/17	
60S-4.010	7/24/03	8/13/03	29/17	
60S-4.011	7/24/03	8/13/03	29/17	
60S-4.012	7/24/03	8/13/03	29/17	
60S-4.015	7/24/03	8/13/03	29/17	
60S-6.001	7/24/03	8/13/03	29/17	
60S-7.009	7/24/03	8/13/03	29/17	
60S-7.010	7/24/03	8/13/03	29/17	
60S-7.050	7/24/03	8/13/03	29/17	
60S-7.060	7/24/03	8/13/03	29/17	
60S-7.070	7/24/03	8/13/03	29/17	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-304.500	7/25/03	8/14/03	29/25	
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**Office of the Secretary**

62S-4.001	7/22/03	8/11/03	29/17	29/19
62S-4.004	7/22/03	8/11/03	29/17	29/19
62S-4.0045	7/22/03	8/11/03	29/17	29/19
62S-4.005	7/22/03	8/11/03	29/17	29/19
62S-4.0055	7/22/03	8/11/03	29/17	29/19
62S-4.007	7/22/03	8/11/03	29/17	29/19

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

64B10-15.002	7/22/03	8/11/03	29/25	
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