

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

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 CORRECTIONS

RULE TITLE: Meritorious Gain Time

RULE NO.: 33-601.102

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow award of meritorious gain time for assistance to law enforcement agencies under specified circumstances.

SUBJECT AREA TO BE ADDRESSED: Meritorious gain time.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.275 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.275 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.102 Meritorious Gain Time.

(1) Eligibility. An inmate who is otherwise eligible for meritorious gain time may be recommended by the warden for up to 60 days gain time when he has performed an outstanding deed such as:

(a) through (b) No change.

(c) Assisting law enforcement agencies by providing relevant information for investigations or participating in requested activities that may result in arrest or prosecution, when recommended by the state attorney or law enforcement agency and when such would be in accordance with the rehabilitative interests of the inmate.

(2) through (3) No change.

Specific Authority 20.315, 944.09, 944.275 FS. Law Implemented 20.315, 944.09, 944.275 FS. History—New 2-26-80, Formerly 33-11.09, Amended 1-12-83, 1-31-85, 10-7-85, 4-28-87, 4-17-94, Formerly 33-11.009, Amended

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Drivers

RULE NO.: 33-601.605

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete provisions allowing inmates to drive state vehicles to transport inmates in a work release program in accordance with Senate Bill 278.

SUBJECT AREA TO BE ADDRESSED: Inmate drivers.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 322.03, 322.04, 322.15, 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:

33-601.605 Inmate Drivers.

(1) Definitions.

(a) through (d) No change.

~~(e) Work Release Center (WRC), where used herein, refers to a facility where a community based transition program for approved minimum custody inmates prior to release from custody is conducted.~~

(2) License Requirements for Inmate Drivers.

~~(a) Any inmate who operates a work release center vehicle must have a valid Florida Driver's License.~~

~~(b) No inmate will be authorized to operate a vehicle that qualifies as a commercial motor vehicle without a valid Florida Commercial Driver's License.~~

~~(3) Selection Criteria for WRC Inmate Drivers:~~

~~(a) The inmate must meet the criteria for the work release program and not have a current or prior conviction in any of the following categories:~~

~~1. Any degree of murder or attempted murder;~~

~~2. Homicide;~~

~~3. Manslaughter;~~

~~4. Driving under the influence;~~

~~5. Driving while licensed suspended or revoked;~~

~~6. Kidnapping;~~

~~7. False imprisonment;~~

~~8. Escape, or a disciplinary report for escape or attempted escape for which the inmate was found guilty, or~~

~~9. Vehicle theft.~~

~~(b) The inmate must have demonstrated stability, maturity and satisfactory institutional adjustment for a period of six months.~~

~~(c) The inmate must be in minimum custody and have proven his or her trustworthiness by performing in an outside minimum custody assignment ninety days prior to his or her selection.~~

~~(d) The inmate must hold a valid Florida Driver's License or be eligible for licensing.~~

~~(e) The inmate must have a favorable driving record which does not reflect any moving violations within the last three years prior to incarceration.~~

~~(4) The classification officer considering an inmate as a work release center driver shall review the inmate's driving history utilizing the Kirkman Data Center database. Questions or concerns regarding the Kirkman Data Center database are to be directed to the work release coordinator in the Bureau of Classification and Central Records for resolution.~~

~~(5) Prior to driving a department vehicle, a WRC inmate driver must be authorized in writing by the approving authority.~~

~~(6) Obtaining licenses for non-licensed inmate drivers.~~

~~(a) When an inmate who does not have a valid Florida Driver's License on file is assigned as a WRC inmate driver, the classification officer shall contact the nearest DHSMV Driver's License Office by telephone and arrange for the license examination.~~

~~(b) A correctional officer shall escort the inmate to DHSMV for the scheduled appointment and shall remain with the inmate while he or she completes the license examination.~~

~~(c) Routine fees for driver's examinations, licenses and renewals will be paid by the work release center where the inmate is assigned at the time the fee is incurred. Any additional costs to obtain a driver's license will be the financial responsibility of the inmate and will be paid directly to the DHSMV Driver's License Office.~~

~~(d) Once the license is obtained, the correctional officer shall return with the inmate to the work release center, secure the driver's license in the control room and provide the classification officer with any paperwork received from DHSMV for the inmate's file.~~

~~(7)(a) Issuance of WRC Inmate Driver's Licenses. The correctional officer working in the control room shall issue the license and the keys to the inmate upon departure from the work release center, and shall ensure that the license and the keys are returned to the control room upon the inmate's return to the work release center at the end of his or her driving duty shift. The correctional officer in control room shall document on the control room log every time a driver's license and keys are given to and received from an inmate. For security reasons, both items will be stored in the control room when not in use.~~

~~(b) The Correctional Officer in the control room will make the appropriate documentation on the Control Room Log, DC6-207, every time a driver's license and keys are given to and received from an inmate. Form DC6-207 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is August 29, 2000.~~

~~(8) Supervision of WRC Inmate Drivers. A correctional officer sergeant at the work release center will be assigned to ensure the inmate driver fulfills the driving duties in the prescribed manner:~~

~~(a) The responsibilities of the assignment will be thoroughly explained to the inmate and the inmate will be required to sign the Inmate Driver Agreement Form, DC6-116. Form DC6-116 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is August 29, 2000.~~

~~(b) The sergeant shall thoroughly familiarize the inmate with the route(s) he or she is to follow and shall accompany the inmate on his or her first run of the route. If, after one run, the correctional officer sergeant believes the inmate is not familiar enough with the route, the correctional officer sergeant shall continue to accompany the inmate on the route until the inmate is familiar enough with the route to drive it by himself.~~

~~(c) The inmate driver is restricted to authorized transportation duties only, shall not be permitted to drive for any non-department business duties, and shall not be required to drive a department vehicle for more than 12 hours per every 24 hour period. Under no circumstances will the inmate be permitted to operate a vehicle outside of the state.~~

~~(d) If an inmate is involved in an accident with a department vehicle, the shift supervisor at the work release center will notify the Florida Highway Patrol so that they can investigate the accident. If an inmate driver receives a traffic citation or is involved in an accident, the inmate's driving privileges will be immediately suspended pending a review by the approving authority. Reinstatement as an inmate driver will require written authorization by the approving authority.~~

~~(e) The sergeant at the work release center shall review each inmate's driver's license at least quarterly to ensure that the license is still valid and no traffic infractions (citations) have occurred since the inmate was authorized to drive. Should the license be invalid or any new traffic infractions (citations) discovered, notice shall be given to the approving authority who shall reassess the inmate's authorization to drive. The~~

approving authority shall, in writing, advise the correctional officer major or classification officer at the work release center whether the inmate is to remain an inmate driver.

~~(f) A department vehicle will be assigned to only one inmate at a time. The vehicle will be searched and inspected at the beginning and conclusion of the assigned inmate's driving duty shift and at each intermittent stop at the work release center for contraband and any excess mileage driven by the inmate. The correctional officer searching the vehicle shall document the search on the control room log, Form DC6-207. Any contraband or mileage infractions will be handled through the disciplinary process.~~

~~(g) Each time an inmate driver returns to the work release center a correctional officer shall conduct a physical search of the inmate for the detection of contraband and shall document the search on the control room log. An inmate found with contraband will have his or her driving privileges immediately suspended pending review by the approving authority and shall be subject to the disciplinary process.~~

~~(3)(9) No change.~~

~~(4)(10) Commercial Vehicle Driving Vocational Program.~~

(a) In order to qualify for the Commercial Vehicle Driving Vocational Program designed to prepare an inmate for employment as a tractor trailer or truck driver, an inmate must exhibit a safe driving record, be at least 21 years of age, comply with State and Federal licensing requirements, and meet the following eligibility requirements: be otherwise eligible pursuant to subsection (3) of this rule.

1. The inmate must meet the criteria for the work release program and not have a current or prior conviction in any of the following categories:

- a. Any degree of murder or attempted murder.
- b. Homicide.
- c. Manslaughter.
- d. Driving under the influence.
- e. Driving while licensed suspended or revoked.
- f. Kidnapping.
- g. False imprisonment.
- h. Escape, or a disciplinary report for escape or attempted escape for which the inmate was found guilty, or
- i. Vehicle theft.

2. The inmate must have demonstrated stability, maturity and satisfactory institutional adjustment for a period of six months.

3. The inmate must be in minimum custody and have proven his or her trustworthiness by performing in an outside minimum custody assignment ninety days prior to his or her selection.

4. The inmate must hold a valid Florida Driver's License or be eligible for licensing.

5. The inmate must have a favorable driving record which does not reflect any moving violations within the last three years prior to incarceration.

(b) An inmate who does not have a valid Florida Driver's License on file shall be permitted to obtain his driver's license in order to participate in the Commercial Vehicle Driving Vocational Program. ~~The license will be obtained as described in subsection (6) of this rule.~~ The inmate will be required to purchase the license and Commercial Driver's License (CDL) at his own expense and pay such fees to the DHSMV Driver's License Office.

1. When an inmate who does not have a valid Florida Driver's License on file is assigned to the Commercial Vehicle Driving Vocational Program, the classification officer shall contact the nearest DHSMV Driver's License Office by telephone and arrange for the license examination.

2. A correctional officer shall escort the inmate to DHSMV for the scheduled appointment and shall remain with the inmate while he or she completes the license examination.

3. Once the license is obtained, the correctional officer shall return with the inmate to the facility, secure the driver's license, and provide the classification officer with any paperwork received from DHSMV for the inmate's file.

(c) through (d) No change.

Specific Authority ~~944.09, 945.091~~ FS. Law Implemented 20.315, 322.03, 322.04, 322.15, ~~944.09, 945.091~~ FS. History—New 8-29-00, Amended 1-1-01, _____

DEPARTMENT OF CORRECTIONS

RULE TITLE: RULE NO.:

Placement of Inmates into Community 33-601.606
Release Programs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to extend the time periods during which an inmate will be eligible for community release programs to allow inmates to be placed within a longer period of time prior to release.

SUBJECT AREA TO BE ADDRESSED: Community release programs.

SPECIFIC AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 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

listed membership of the ICT is the makeup of the ICT at the designated CM facilities when considering the placement, continuance, modification, or removal of inmates from close management units. For these purposes, multiple ICTs consisting of the following members can be utilized:

1. Warden, chief of security or a correctional officer with a rank and position no less than CM housing lieutenant, and the classification supervisor or a senior classification officer who does not have the inmate on his or her caseload; or

2. Assistant Warden for Operations, chief of security or a correctional officer with a rank and position no less than CM housing lieutenant, and the classification supervisor or in his or her absence from the institution the acting classification supervisor; or

3. Assistant Warden for Programs, chief of security or in his or her absence from the institution the acting chief of security, and the classification supervisor or a senior classification officer who does not have the inmate on his or her assigned caseload.

(l) No change.

(m) Major Rule Violation – for the purpose of this rule only, any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; and any escape or escape attempt.

(n) through (p) No change.

(q) State Classification Office (SCO) – a staff member at the central office level who is responsible for the review of inmate classification decisions. Duties include approving, modifying or rejecting ICT recommendations.

(r) CM Orientation – the information and instructions provided to inmates upon assignment to CM regarding the operation of CM units and expected behavior of CM inmates.

(2) Levels of Close Management (CM status).

(a) Close Management I (CMI).

1. No change.

2. An inmate assigned to CMI will be ineligible for a work assignment. An inmate may be placed in CMI without having previously been in CMII or III. Any of the following factors constitutes a basis for placement of an inmate in CMI status:

a. through k. No change.

~~1. An inmate who meets the criteria for placement in CMII or CMIII and has been in close management previously during the current period of incarceration;~~

~~1.m. An inmate who is currently a in CMII or CMIII team decision and shows an inability to adjust as evidenced by subsequent major rule violation(s) continued disciplinary actions or unsatisfactory ratings;~~

~~m.n. No change.~~

(b) Close Management II (CMII).

1. No change.

2. An inmate may be placed into CMII without having previously been placed in CMIII. Any of the following factors constitutes a basis for placement of an inmate in CMII status:

a. through h. No change.

~~i. Has met the criteria for placement in CMIII and has been in close management previously during the current period of incarceration; and~~

~~1.j. Is currently a in CM III team decision and shows an inability to adjust as evidenced by subsequent major rule violation(s) continued disciplinary action or unsatisfactory ratings.~~

(c) No change.

(3) Procedures for Placement in Close Management.

(a) through (b) No change.

(c) The classification officer shall complete section I of the Report of Close Management, Form DC6-233C. Form DC6-233C is incorporated by reference in subsection (19) of this rule. Upon completion of section I, the classification officer shall forward Form DC6-233C to the classification supervisor. The classification officer shall ensure that the inmate receives a copy of the Report of Close Management, Form DC6-233C, to prepare for the close management review. The inmate will be given a minimum of 48 hours to prepare for the review unless waived by completing a Close Management Waiver, Form DC6-265. Form DC6-265 is incorporated by reference in subsection (19) of this rule. The inmate may present information verbally or in writing for consideration by the ICT. The staff member delivering Form DC6-233C to the inmate shall document on Form DC6-233C that the inmate was informed of his or her allotted time to prepare for the review.

~~(d)(e) Prior to docketing an inmate's case for close management review, the classification supervisor will submit a referral to the senior psychologist for evaluation of the inmate utilizing the Close Management Referral Assessment, DC6-128. Form DC6-128 is incorporated by reference in subsection (19) of this rule.~~

~~(e)(d) No change.~~

(f)(e) Upon receiving the completed close management referral assessment, the classification supervisor will submit the case for ICT Docket. The ICT will evaluate the recommendations for close management placement and the mental health assessment, interview the inmate, and document its findings and recommendations on the Report of Close Management, Form DC6-233C. Form DC6-233C is incorporated by reference in subsection (19) of this rule. The inmate will be given a minimum of forty-eight hours to prepare for the review unless waived by completing a Close Management Waiver, Form DC6-265. Form DC6-265 is incorporated by reference in subsection (19) of this rule. The inmate may present information verbally or in writing for consideration by the ICT. The team will document on Form DC6-233C that the inmate was informed of his or her allotted

time to prepare for the review. The ICT is authorized to postpone the case review to allow an inmate additional time to prepare. If an extension of time is given, the team will document such postponement on form DC6-233C.

~~(f) A staff assistant will be assigned to assist an inmate when the team determines the inmate is illiterate or does not understand English, has a disability that would hinder his ability to represent himself, or when the complexity of the issue makes it unlikely that the inmate will be able to properly represent himself or herself. This assistance can also be offered at the inmate's request. In such event, it is the responsibility of the staff member to explain the close management recommendation and procedures to the inmate. Even though the staff member will be authorized to assist an inmate during the hearing and aid the inmate in presenting his or her position, the staff member will not take the position of an advocate or defense attorney for the inmate.~~

(g) ICT Hearing. The ICT shall evaluate the recommendations for close management placement and the mental health assessment, interview the inmate, and consider the information provided by the inmate. The ICT shall ensure that the inmate was given a minimum of 48 hours to prepare for the review unless waived by completing a Close Management Waiver, Form DC6-265. The team shall document on Form DC6-233C that the inmate was allowed at least 48 hours to prepare for the review. The ICT shall inquire whether or not the inmate is in need of staff assistance. A staff assistant shall be assigned to assist an inmate when the team determines that the inmate is illiterate or does not understand English, has a disability that would hinder the inmate's ability to represent him or herself, or when the complexity of the issue makes it unlikely that the inmate will be able to properly represent him or herself. This assistance can also be offered at the inmate's request. In such event, it is the responsibility of the staff member to explain the close management recommendation and procedures to the inmate. Even though the staff member will be authorized to assist an inmate during the hearing and aid the inmate in presenting his or her position, the staff member shall not take the position of an advocate or defense attorney for the inmate. The ICT is authorized to postpone the case review to allow an inmate additional time to prepare. If an extension of time is given, the team shall document the postponement on Form DC6-233C. The inmate will appear at the hearing unless he or she demonstrates disruptive behavior, either before or during the hearing, that impedes the process or the inmate waives his or her right to be present at the close management hearing. If the inmate waives his or her right to be present at the close management hearing, the Close Management Waiver, Form DC6-265, shall be completed. In such cases, the review will be completed without the inmate, and, ~~the absence, or removal, or presence~~ of the inmate will be documented on Form DC6-233C. After the interview and review of all pertinent information including the mental health assessment, the ICT will make a

recommendation to the SCO. This recommendation will be documented on Form DC6-233C. The ICT will inform the inmate of the basis for its decision and provide a copy of the team's decision to the inmate after the conclusion of the hearing. The ICT classification member supervisor will ensure that enter the team results are entered in OBIS.

(h) The SCO will review the recommendations of the ICT, the Close Management Referral Assessment, Form DC6-128, and other pertinent information before making the final decision regarding close management placement. This review will be on site and the SCO may interview the inmate, except in situations requiring more immediate action. In these cases, the SCO will review the documentation in OBIS. The SCO will approve, disapprove, or modify the ICT's recommendation or obtain further information from the team before reaching a final decision. If the team's recommendation is disapproved or modified by the SCO, the inmate will be informed of the decision in writing by the SCO. Inmate notification will not be required when the SCO has approved the ICT's recommendation. After the review is complete, the SCO will document its decision in OBIS. A copy of Form DC6-233C will be kept in the inmate record file.

(4) Transfers From a Non-CM Institution.

(a) Once a CM team decision recommendation is made, the ICT team will also enter a transfer the recommendation in OBIS and provide a copy of the DC6-233C reflecting the decision and signatures to the SCO. A copy of the DC6-233C will be kept in the inmate record file.

(b) The inmate will remain in administrative or current confinement status pending review and final decision of the SCO. If the inmate's release date from disciplinary confinement expires, the inmate shall be placed in administrative confinement until the review and decision is made by the SCO. ~~The SCO will review the recommendation from the ICT and either approve or disapprove the recommendation.~~

(c) If placement in CM is approved, the SCO will document its decision in OBIS and notify the Bureau of Sentence Structure and Transportation for future transfer of the inmate to an appropriate CM facility.

(d) If the CM recommendation is disapproved, the SCO will determine if a transfer for other management reasons should be approved. The SCO will document its decision in OBIS. If a transfer is approved, the SCO will notify the Bureau of Sentence Structure and Transportation for future transfer of the inmate to an appropriate non-CM facility provide written notification to the ICT of the requesting institution on its decision not to transfer. After the review is complete, the SCO will document its decision in OBIS.

(5) Transfers of While Inmate is in CM team decision inmates between CM institutions Status.

(a) No change.

(b) To transfer an inmate in close management status to another close management facility, the following will occur:

1. No change.

2. Transfers will be limited to those inmates in close management:

a. Who are being recommended for a close management level that the sending institution is not capable of providing, based on institutional mission or close management stratification issues, or

b. Situations that involve special reviews. Inmates with protection or threat reviews involving inmates housed at the same CM facility will be handled within the CM unit and, unless exceptional circumstances exist, will not be transferred from one CM institution to another based solely on these reviews, or

c. Situations that require an inmate to be moved to a higher level facility.

(c) The recommendation by the ICT to transfer a close management inmate will be decided by the SCO. If approved, the SCO will submit notification to the Bureau of Sentence Structure and Transportation for transfer of the inmate. ~~(d)~~ The receiving institution shall then place the inmate directly into the approved close management status without completing an additional evaluation.

(d) If the transfer recommendation is disapproved, the SCO will provide written notification to the ICT of the requesting institution of its decision not to transfer.

(e) After the review is complete, the SCO will document its decision in OBIS.

(6) Close Management Facilities.

(a) through (d) No change.

(e) Water Supply to CM Units. All close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. Misbehavior is defined as any activity exhibited by an inmate which causes an interruption in the water system and its proper function, such as intentionally clogging a toilet bowl or sink with paper in order to then flood the housing area. It also includes the intentional misuse of the water for such purposes as throwing it on staff or other inmates, or mixing it with another substance for an unauthorized purpose (inmate mixes water with soap or shampoo and apply to the floor or himself or herself to hinder cell extraction). In such event, the inmate will be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action can be taken in addition to formal disciplinary action being taken against the inmate pursuant to established procedures regarding disciplinary action. Any misbehavior from an inmate and subsequent action by security staff will be documented on the Close Management Daily Record of Segregation, Form DC6-229A. Form DC6-229A is incorporated by reference in subsection (19) of this rule.

(f) No change.

(g) The close management cells will be physically separate from other confinement cells; whenever possible given the physical design of the Facility and the number of inmates housed in a close management cell shall not exceed the number of bunks in the cell. Whenever such location is not possible, and have physical barriers shall be placed to preclude the reduce cross association of those in close management with those in other statuses confinement when such locations are not possible. Close management cells shall ~~They will~~ be built to permit verbal communication and unobstructed observation by the staff. ~~The close management cells will not exceed the number of bunks in the cell, whenever possible, given the physical design of the facility and the number of inmates housed in close management.~~

(h) Inmates shall be weighed upon entering close management, at least once a week while in close management, and upon leaving close management. The weight of the inmate shall be documented on Form DC6-229A, Close Management Daily Record of Segregation.

(7) Individualized Service Plan (ISP).

(a) through (c) No change.

(d) The An ~~An~~ ISP shall be established within 14 days of the CM team decision placement of each inmate who suffers from mental impairment, or who is at significant risk for developing such impairment, as determined by mental health staff.

(e) If an ISP exists at the time of the CM team decision at a non-CM facility placement, it shall be updated within 14 days of CM placement at the receiving CM facility to reflect current problems, goals, services, and providers. The ISP shall also be updated within 14 days of an inmate's transfer between CM institutions.

(f) through (g) No change.

(8) Behavioral Risk Assessment.

(a) The MDST shall determine behavioral risk of each CM team decision inmate by completing the Behavioral Risk Assessment (BRA), Form DC4-729. Form DC4-729 is incorporated by reference in subsection (19) of this rule.

(b) Behavioral risk shall be determined as follows:

1. through 2. No change.

3. Within 120 days of the initial (14 day) assessment; and every 180 days thereafter. Each time that the MDST reviews the ISP.

(c) The BRA shall be completed at the above intervals regardless of S-grade or housing assignment, including, for example, when the CM inmate is housed outside the CM unit in order to access necessary medical or mental health care.

~~(e)(d)~~ The ICT shall consider results from the behavioral risk assessment and other information relevant to institutional adjustment, staff and inmate safety, and institutional security when making recommendations for modification of the inmate's CM team decision status.

(d)(~~e~~) No change.

(f)(~~e~~) The SCO shall consider results from all ~~the~~ behavioral risk assessments, and all results from mental health evaluations that have been completed since the inmate's last formal assessment and evaluation, and other information relevant to institutional adjustment, staff and inmate safety, and institutional security in its review of ICT recommendations made after the initial CM team decision placement.

(9) Mental Health Services.

(a) Chapter 33-404, F.A.C., Mental Health Services, shall apply to CM team decision inmates except where otherwise specified herein.

(b) CM team decision inmates shall be allowed out of their cells to receive mental health services as specified in an ISP unless, within the past 4 ~~48~~ hours, the inmate has displayed hostile, threatening, or other behavior that could present a danger to others. Security staff shall determine the level of restraint required while CM team decision inmates access services outside their cells.

(10) Conditions and Privileges While Housed in CM Status.

(a) Clothing – Inmates in close management shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229A and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229A, Close Management Daily Record of Segregation. Under no circumstances shall an inmate be left without a means to cover himself or herself.

(b) Bedding and linen – Bedding and linen for inmates in close management shall be issued and exchanged the same as is provided to the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift supervisor or the senior correctional officer must approve the action initially. Such exceptions shall be documented on Form DC6-229A and the chief of security shall make the final decision in regard to action no later than the next working day following the action.

(c) Personal Property – Inmates shall be allowed to retain personal property including stamps, watches, rings, writing paper, envelopes and health and comfort items unless there is a indication of a security problem. Close management inmates at all levels shall be allowed to possess a “walkman” type radio with approved headphones as is allowed for general population

inmates. Exceptions or removal of any item will be documented on the DC6-229A. An Inmate Impounded Personal Property List, Form DC6-220, will be completed by security staff and signed by the inmate designating what personal items were removed. The original will then be placed in the inmate's property file and a copy of the form will be given to the inmate for his or her records. If items of clothing, bedding or personal property are removed in order to prevent the inmate from inflicting injury to himself or herself or others, ~~or~~ to prevent the destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. Form DC6-220 is incorporated by reference in Rule 33-602.220, F.A.C.

(d) Comfort Items – Inmates in close management shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses or hearing aids, except when security requirements dictate otherwise. Inmates in close management shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. In the event certain items that inmates in close management are not normally prohibited from possessing are removed, the senior correctional officer shall be notified and must approve the action taken, or the item must be returned to the inmate. Action taken shall be recorded on the Close Management Daily Record of Segregation, Form DC6-229A, which must be reviewed by the chief of security. When any personal property is removed, an Inmate Impounded Personal Property List, Form DC6-220, designating what personal items were removed, shall be completed by security staff and signed by the inmate. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, and feminine hygiene products for women, and toilet tissue.

(e) Personal Hygiene – Inmates in close management shall meet the same standards in regard to personal hygiene as required of the general inmate population.

1. At a minimum each inmate in close management confinement shall shower three times per week and on days that the inmate works.

2. through 3. No change.

(f) Diet and Meals – All inmates in close management shall receive normal institutional meals as are available to the general inmate population except that if any item on the regular menu might create a security problem in the close management confinement area, then another item of comparable quality shall be substituted. An alternative meal (special management meal) may be provided for any inmate in close management

who uses food or food service equipment in a manner that is hazardous to himself or herself, staff, or other inmates. The issuance of a special management meal will be in strict accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service is to be documented by security staff on the Close Management Daily Record of Segregation, Form DC6-229A.

(g) Canteen Items.

1. Inmates in CMI and II, following 30 days in close management status and having no major rule violations during this period satisfactory adjustment, will be allowed to make canteen purchases once per week unless restricted by disciplinary action. Inmates in CMI and II will be allowed to purchase up to five non-food items and five food items. In making this determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three security pens counts as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item.

2. Inmates in CMIII, following 30 days in close management status and having no major rule violations during this period satisfactory adjustment, will be allowed to make canteen purchases once each week unless restricted by disciplinary action. Inmates in CMIII will be allowed to purchase up to five non-food items and ten food items. In making the determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three packages of cookies count as three items, not one item.

3. No change.

(h) Religious Accommodations. Inmates with a in close management team decision status shall be allowed to participate in religious ceremonies that can be accomplished at cell-side (for example, communion). Additionally, close management inmates shall be allowed to possess religious literature and have access to a spiritual advisor or clergy visit with citizen clergy persons at a time and location approved by the warden.

(i) Legal Access – An inmate in close management will have access to his or her personal legal papers and law books and have correspondence access with the law library. Access to the law library will be obtained through delivery of research materials to an inmate's cell, and access to visits with research aides. Although the inmate may not be represented by an attorney at any administrative hearing under this rule, access to an attorney or aide to that attorney will be granted for legal visits at any reasonable time during normal business hours. Indigent inmates will be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent will be allowed to purchase paper and envelopes for this purpose by completing Form DC6-251, CMI and II Canteen Order, or Form DC6-252, CMIII Canteen Order, within the stated time

frames. Forms DC6-251 and DC6-252 are incorporated by reference in subsection (19) of this rule. Typewriters or typing services are not considered required items and will not be permitted in close management confinement cells. Inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader). An inmate who is provided an auxiliary aid shall also be allowed access to a research aide for the purpose of preparing legal documents, legal mail, and filing grievances.

(j) No change.

(k) Writing utensils – Inmates in close management shall possess only security pens. Other types of pens or pencils shall be confiscated and stored until the inmate is released from close management status. Inmates who are placed in close management who are in possession of a working pen or pencil shall be issued a security pen. Inmates who are not indigent shall be allowed to purchase security pens by completing Form DC6-251, CMI and CMII Canteen Order, or Form DC6-252, CMIII Canteen Order, within the stated timeframes. If a security pens are is not available, the inmate shall be allowed to sign out a regular pen from the close management confinement unit officer. All care shall be taken to ensure that an indigent inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances. An inmate who has been provided a "writer/reader" will be allowed access to such for the purpose of reading and preparing correspondence.

(l) Reading materials – Reading materials, including scriptural or devotional materials and books that are in compliance with admissibility requirements, are allowed in close management units unless there is an indication of a threat to the safety, security, or sanitation of the institution. If it is determined that there is a safety, security or sanitation risk, the items will be removed. Such removal of reading materials will be documented on Form DC6-229A, Close Management Daily Record of Segregation. If items are removed in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. An inmate who receives services from the Bureau of Braille and Talking Book library will be allowed to have his tape player, devotional or scriptural material tapes, and other books on tape which are in compliance with Rule 33-501.401, F.A.C.

(m) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the

wellness specialist or the close management confinement officer shall provide the inmate with an in-cell exercise guide and document such on the Close Management Daily Record of Segregation, Form DC6-229A. However, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. Such exercise periods shall be documented on Form DC6-229A. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in this rule. ~~In this instance, a major rule violation is defined as: any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt.~~ Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on the Close Management Daily Record of Segregation, Form DC6-229A. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him that will accomplish the need for exercise and take into account the particular inmate's limitations. Close management inmates shall be allowed equal access to outdoor exercise areas with exercise stations.

(n) No change.

(11) Programs and Privileges in Close Management Units.

(a) No change.

(b) CMI. Privileges for an inmate assigned to CMI ~~who maintains a satisfactory adjustment~~ are as follows:

1. through 3. No change.

4. Subscribe to one magazine and newspaper ~~as provided for in Rule 33-210.101, F.A.C.~~, and possess no more than four issues of each at any given time; an inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to receive up to four issues of a magazine;

5. Make one telephone call of the length allowed by Rule 33-602.205, F.A.C. every 30 days following 30 days in close management status and having no major rule violations during this period of satisfactory adjustment as well as emergency telephone calls and telephone calls to an attorney as explained in Rule 33-602.205, F.A.C.;

6. Unless restricted pursuant to Rule 33-601.731, F.A.C., CMI inmates shall be eligible to receive one two-hour non-contact personal visit by appointment;

a. ~~After~~ After completing 30 days in close management status and having no major rule violations during this period.

b. If found guilty of any major rule violations while assigned to CMI, the inmate is eligible to be considered for visits 30 days following release from disciplinary confinement or the disciplinary hearing, if a penalty other than disciplinary confinement was imposed;

c.7. The inmate is eligible to receive one two-hour non-contact personal visit by appointment after each subsequent 30 day period with no major rule violations while in the status unless security or safety concerns would preclude a visit.

d. All visits for CMI inmates will be non-contact visits.

(c) CMII. In addition to the programs provided for CM I inmates and those privileges outlined in (11)(b)1.-4. of this rule, the following privileges are authorized:

1. Unless restricted pursuant to Rule 33-601.731, F.A.C., CMII inmates will be eligible to receive one two-hour non-contact personal visit by appointment:

a. After completing 30 days in close management status and having no major rule violations during this period ~~since being assigned to close management.~~

b. If found guilty of any major rule violations while assigned to CMII, the inmate is eligible to be considered for a visit 30 days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed, ~~with no major rule violations.~~

c. The inmate is eligible to receive personal visits by appointment after each subsequent 14 day period with no major rule violations while in the status unless security and safety concerns would preclude a visit.

d. All visits for inmates in CMII will be non-contact visits.

2. CMII inmates shall be allowed to make one telephone call of the length allowed by Rule 33-602.205, F.A.C. every 14 days after 30 days in close management status and having no major rule violations during this period of satisfactory adjustment as well as emergency telephone calls and calls to attorneys as provided in Rule 33-602.205, F.A.C.

3. CMII inmates, following 30 days in close management status and having no major rule violations during this period satisfactory adjustment, shall be allowed access to the day room area for social purposes to include watching television programs for up to two days per week, not to exceed 4 hours per occasion or to extend beyond 10:00 PM. This is allowed only when it does not conflict with organized program activities. The number of participants at any one time will be determined by the senior correctional officer shift supervisor in consultation with the duty warden. This determination will be based on considerations such as day room size, availability of seating, and safety and security issues associated with the availability of supervising staff as well as staff available for response should a problem develop. CMII inmates will be

restrained during the above-described dayroom access unless determined by the senior correctional officer chief of security that the inmate can safely participate without restraints.

4. Participation in educational and program opportunities shall be in-cell or out of cell as determined by security and programs staff.

(d) CMIII. In addition to the programs provided above for CM I inmates, and those privileges outlined in (11)(b)1.-4. of this rule, the following privileges are authorized:

1. CM III inmates will be entitled to:

a. Unless restricted pursuant to Rule 33-601.731, F.A.C., CMIII inmates shall be eligible to receive one two-hour contact personal visit by appointment after completing 30 days in close management status and having no major rule violations during this period since being assigned to close management.

b. CMIII inmates shall be subject to placement on non-contact status as outlined in Rule 33-601.709, F.A.C.

~~c.~~ If found guilty of a disciplinary infraction while assigned to CM III, the inmate is eligible to be considered for visits 14 days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed, ~~and the inmate has no major rule violations.~~

~~d.~~ The inmate is eligible to receive one two-hour contact personal visit by appointment after each subsequent 14 day period with no major rule violations during this period while in the status unless security or safety concern would preclude a visit. The warden will determine the level of supervision and restraint required.

2. CMIII inmates, following Day room privileges after 30 days in close management status and having no major rule violations during this period satisfactory adjustment shall be allowed access to the day room area for social purposes to include watching television programs for up to five days per week, not to exceed 4 hours per occasion or to extend beyond 10:00 PM. This is allowed only when it does not conflict with organized program activities. The number of participants at any one time will be determined by the senior correctional officer shift supervisor in consultation with the duty warden. This determination will be based on considerations such as day room size, availability of seating, and safety and security issues associated with the availability of supervising staff as well as staff available for response should a problem develop. CMIII inmates shall not be restrained for dayroom activities unless security or safety concerns require otherwise.

3. CMIII inmates shall be allowed to make one telephone call of the length allowed by Rule 33-602.205, F.A.C. every seven days after 30 days in close management status and having no major rule violations during this period of satisfactory adjustment as well as emergency telephone calls and calls to attorneys as provided in Rule 33-602.205, F.A.C.

(12) Suspension of Privileges. The ICT shall suspend an inmate's privileges if security and safety concerns would preclude an inmate from receiving certain privileges. Any action taken by the ICT regarding the suspension or limiting of privileges will be documented on the Close Management Daily Record of Segregation, Form DC6-229A. Privileges suspended by the ICT in excess of 30 days will require the review and approval of the SCO.

(13) through (14) No change.

(15) Contact by Staff.

(a) The following staff members shall be required to officially inspect and tour the close management unit. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is incorporated by reference in subsection (19) of this rule. The staff member shall also document his or her visit on the Close Management Daily Record of Segregation, Form DC6-229A, if there is any discussion of significance, action or behavior of the inmate, or any other important evidential information which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

1. through 9. No change.

(16) Review of Close Management.

(a) An ICT member shall review inmates with a in close management team decision at least once every week for the first 60 days and once every 30 days thereafter. For the purposes of this review the ICT member shall be the warden, assistant warden for operations or programs, chief of security, or classification supervisor. The purpose of this review shall be toward reducing the inmate's team decision status to the lowest management level or returning the inmate to general population as soon as the facts of the case indicate that this can be done safely, and, if applicable, review the inmate's disciplinary confinement status as outlined in subsection 33-602.222(8), F.A.C. If, upon completion of the ICT member's weekly or 30 day review, an ICT review for modification of the close management team decision, release to general population, or release from disciplinary confinement status is indicated, the ICT member shall notify the classification supervisor. The classification supervisor shall ensure that the case is placed on the docket for ICT review. During the review, the ICT shall consider the results of the behavioral risk assessments and mental health evaluations that have been completed prior to the review, and other information relevant to institutional adjustment, staff and inmate safety, and institutional security.

(b) All services provided by any mental health or program staff member shall be recorded on the Close Management Daily Record of Segregation, Form DC6-229A, which shall be kept in the ~~officers' station of the CM unit. When the form has been completely filled out or the inmate has been released from the CM unit, a copy shall be placed in the inmate file and the original shall be filed in the mental health record.~~

(c) When an inmate has not been released to general population and is in any close management status or has a CM team decision for six months, the classification officer shall interview the inmate and shall prepare a formal assessment and evaluation on the Report of close management. Such reports shall include a brief paragraph detailing the basis for the CM team decision ~~confinement~~, what has transpired during the six-month period, and whether the inmate should be released, maintained at the current level, or modified reduced to another a lower level of management. The case shall be forwarded to the classification supervisor who shall docket the case for ICT review.

(d) The ICT shall review the report of close management prepared by the classification officer, consider the results of behavioral risk assessments and mental health evaluations and other information relevant to institutional adjustment, staff and inmate safety, and institutional security, and insert any other information regarding the inmate's status ~~and interview the inmate~~. If applicable, the ICT shall review the inmate's disciplinary confinement status in accordance with subsection 33-602.222(8), F.A.C. The inmate shall be present for an interview unless he or she demonstrates disruptive behavior, either before or during the hearing, that impedes the process, or the inmate waives his or her right to be present at the close management hearing, the Close Management Waiver, Form DC6-265, shall be completed. In such cases, the review will be completed without the inmate. The absence, removal or presence of the inmate will be documented on Form DC6-233C. The ICT's CM and, if applicable, Disciplinary confinement status recommendations shall be documented in OBIS and the Report of Close Management, Form DC6-233C. If it is determined that no justifiable safety and security issues exist for the inmate to remain in close management the ICT shall forward their recommendation for release to the SCO for review. For an inmate to remain in close management the ICT shall justify the safety and security issues or circumstances that can only be met by maintaining the inmate at the current level or modifying the inmate to another a lower level of management.

(e) The SCO shall conduct an onsite interview with each inmate at least once every six months or as often as necessary to determine if continuation, modification, or removal from close management status is appropriate. The SCO shall review all reports prepared by the ICT concerning an inmate's close management and, if applicable, disciplinary confinement status, consider the results of behavioral risk assessments and mental health evaluations and other information relevant to institutional adjustment, staff and inmate safety, and institutional security. The SCO shall and may interview the inmate unless exceptional circumstances exist or the inmate is approved for release to general population before determining the final disposition of the inmate's close management status. If it is determined that no justifiable safety and security issues exist for the inmate to remain in close management the SCO

shall cause the inmate to be immediately released. For an inmate to remain in close management, the SCO shall determine based on the reports and documentation that there are safety and security issues or circumstances for maintaining the inmate at the current level or at a modified lower level of management. If applicable and in accordance with subsection 33-602.222(8), F.A.C., the SCO shall determine whether the inmate is to continue or be removed from disciplinary confinement status. The SCO's decisions shall be documented in OBIS and the Report of Close Management, Form DC6-233C. The ~~SCO ICT~~ shall advise the inmate of its the SCO's decision.

(17) Close Management Records.

(a) No change.

(b) A Close Management Daily Record of Segregation, Form DC6-229A, shall be maintained for each inmate as long as he is in close management. Form DC6-229A shall be utilized to document any activities, including cell searches, items removed, showers, recreation, haircuts and shaves. If items that inmates in close management are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the senior correctional officer must approve the action initially. The Central Office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229A and the chief of security shall make the final decision in regard to the action no later than the next working day following the action. Staff shall re-assess the need for continued restriction every 72 hours thereafter as outlined in subsection (10) of this rule. The close management unit confinement housing officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229A shall be maintained in the housing area for 30 days. After each 30 day review of the inmate by a member of the ICT, Form DC6-229A shall be forwarded to ~~the ICT for review. Once reviewed, these forms shall be forwarded to~~ classification to be filed in the institutional inmate record.

(c) A Daily Record of Segregation – Supplemental, Form DC6-229B, shall be completed and attached to the current Form DC6-229A whenever additional written documentation is required concerning an event or incident related to the specific inmate.

(d)(e) An Inspection of Special Housing Record, Form DC6-228, shall be maintained in each close management unit area. Each staff person shall sign the record when entering and leaving the close management unit confinement area. Prior to leaving the close management unit confinement area, each staff member shall indicate any specific problems. No other unit activities will be recorded on Form DC6-228. Upon

completion, Form DC6-228 shall be maintained in the housing area and forwarded to the chief of security on a weekly ~~daily~~ basis where it shall be maintained on file pursuant to the current retention schedule.

(e) A Housing Unit Log, Form DC6-209, shall be maintained in each close management unit. Officers shall record all daily unit activities on Form DC6-209, to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review.

(18) Staffing Issues.

(a) Officers assigned to a close management confinement unit shall be reviewed every 18 months by the chief of security to determine whether a rotation is necessary. The shift supervisor or the close management lieutenant shall initiate the review by having the officer complete section I of the Special Housing Unit Rotation Review, Form DC6-295. The required supervisor shall conduct an interview with the officer and complete section II of Form DC6-295 and forward the form to the chief of security. The chief of security shall review personnel records, to include performance appraisals, incident reports, uses of force, and any other documentation relevant to the officer's assignment and job performance; interview the officer and the officer's supervisors for the period of review; and shall make a recommendation to the warden as to the necessity of a rotation. The chief of security shall, upon completion of his or her review, complete section III of Form DC6-295 and forward the recommendation to the warden. The warden shall review the recommendation, request additional information, if necessary, and make the final determination as to whether the officer continues in the current assignment or is rotated to another assignment. The warden's decision shall be documented in section IV of Form DC6-295 and shall be returned to the chief of security for action. The chief of security shall maintain the completed Form DC6-295. Any officer assigned to a close management confinement post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

(b) No change.

(19) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) Form DC6-128, Close Management Referral Assessment, effective date December 16, 2001.

(b) through (e) No change.

(f) Form DC6-229A, Close Management Daily Record of Segregation, effective date _____.

(g) Form DC6-229B, Daily Record of Segregation – Supplemental, effective date _____.

(h)(f) Form DC6-233C, Report of Close Management, effective date December 16, 2001.

(i)(g) Form DC6-251, CMI and II Canteen Order, effective date December 16, 2001.

(j)(h) Form DC6-252, CMIII Canteen Order, effective date December 16, 2001.

(k)(i) No change.

(l)(j) Form DC4-729, Behavioral Risk Assessment, effective date December 16, 2001.

(m) Form DC6-295, Special Housing Unit Rotation Review, effective date _____.

(n) Form DC6-209, Housing Unit Log, effective date _____.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-601.801-.813, substantially amended 2-1-01, Amended 12-16-01, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: _____ RULE NO.: _____

Maximum Management 33-601.820

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to ensure the efficient and timely review for maximum management and the on-site monitoring of inmates in this status to ensure their level of supervision is reduced as soon as their level of threat to the safety and security of the staff, inmates and the institution indicates that action is appropriate.

SUBJECT AREA TO BE ADDRESSED: Maximum management.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 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:

33-601.820 Maximum Management.

(1) No change.

(2) Definitions.

(a) No change.

(b) Institutional Classification Team (ICT) for Maximum Management Review – refers to the team responsible for making local classification decisions. The Institutional Classification Team shall be comprised of the ~~Warden or~~ Assistant Warden who shall serve as Chairperson, Classification Supervisor, Chief of Security, and other members as necessary when appointed by the warden or designated by rule.

(c) through (d) No change.

(e) Maximum Management Review Team (MMRT) – refers to the committee in Central Office that has approval authority for recommendations for placement in maximum management. The MMRT shall consist of the following staff or those acting in that capacity: Chief, Bureau of Classification and Central Records (Chairperson); Chief, Bureau of Security Operations; Deputy Director of Health Services (Clinical), and the applicable Regional Director.

~~(e)(f)~~ Shift Supervisor – the highest-ranking Correctional Officer of the on-duty shift.

~~(f)(g)~~ No change.

~~(h) State Classification Office (SCO) — refers to a staff member at the central office level who is responsible for the review of the inmate classification decisions. Duties include approving or rejecting Institutional Classification Team (ICT) recommendations.~~

(3) Maximum Management Placement Criteria.

(a) No change.

(b) Whenever an inmate has met at least one of the conditions above, and the Shift Supervisor believes that the inmate cannot be controlled in a status less than maximum management, the Shift Supervisor shall recommend immediate placement in maximum management by completing Section 1 of Form DC6-101, Referral for Maximum Management. Form DC6-101 is incorporated by reference in subsection (6) of this rule. Approval from the warden or Duty Warden shall be received prior to placement of the inmate in maximum management.

(c) The warden or Duty Warden shall approve or disapprove the immediate placement of an inmate in maximum management by signing Form DC6-101, Referral for Maximum Management.

(d) Whenever an inmate has met at least one of the conditions in subsection 33-601.820(3)~~(a)~~, F.A.C., and the Shift Supervisor believes that the inmate should be reviewed for but not immediately placed in maximum management at the present time, then the Shift Supervisor shall recommend placement by completing Section 1 of Form DC6-101, Referral for Maximum Management. The Shift Supervisor shall notify the Classification Supervisor in writing of the recommendation no later than the following administrative workday.

(e) The Classification Supervisor shall docket the inmate's hearing before the Institutional Classification Team for considering placement in maximum management status in accordance with subsection 33-601.820(3)~~(6)~~, F.A.C.

(4) Conditions of Placement in Maximum Management.

(a) During initial placement of an inmate into maximum management the following will be provided:

1. through 2. No change.

3. Solid Door – Should an inmate's behavior require that the solid door be closed for security reasons, the Shift Supervisor may authorize this immediate restriction. The Shift

Supervisor shall notify the ICT the following day and the ICT shall approve, disapprove or modify this restriction. The ICT shall notify the warden ~~State Classification Office Chairperson~~ for final approval, disapproval or modification of the ICT decision as described in subsection (5) of this rule.

4. through 10. No change.

(b) Inmates in maximum management status shall not be allowed to make routine bank transactions or canteen purchases, with the exception of stamp, paper and envelope purchases for mail.

(c) The conditions set forth in paragraph (a) and (b) above shall be reviewed at least weekly by the ICT, and when the ICT determines the inmate has sufficiently demonstrated positive adjustment, consideration shall be given to adjusting the inmate's conditions to the extent authorized for Close Management I inmates. The Institutional Classification Team shall document their justification for adjustment on Form DC6-101, Referral for Maximum Management. ~~The State Classification Office, upon their review, may also consider adjusting the inmate's conditions. Any adjustment to the conditions made by the State Classification Office shall be documented on Form DC6-101.~~

(5) Maximum Management Conditions After Initial Placement. Should the inmate's behavior require alteration of initial placement conditions or previously relaxed conditions as described in paragraphs (4)(a) and (b), the Institutional Classification Team shall make the recommendation to the warden ~~State Classification Office chairperson~~ on Form DC6-101, Referral for Maximum Management. The warden ~~State Classification Office chairperson~~ shall approve, disapprove or modify the recommendations.

(6) No change.

(7) Conducting the Hearing.

(a) through (h) No change.

(i) If the Institutional Classification Team approves placement, the decision will be forwarded to the warden ~~Chairperson of the State Classification Office~~ who will ~~schedule the referral for review by the~~ recommendation ~~MMRT.~~

(8) Final Review of Placement.

(a) The warden ~~MMRT~~ shall approve or disapprove the ICT recommendation based on the criteria in paragraph (3)(a). If the ICT recommendation is incomplete or additional data is needed, the warden ~~MMRT~~ shall return the recommendation to the ICT for additional information.

(b) If the warden ~~MMRT~~ disapproves placement, the inmate shall immediately be reclassified to his original status; ~~unless the Institutional Classification Team appeals the decision of the MMRT as outlined in subsection 33-601.820(10), F.A.C.~~

(9) No change.

~~(10) Appeal of An MMRT Decision.~~

~~(a) The Institutional Classification Team may appeal an MMRT decision to the Deputy Director of Institutions (Classification).~~

~~(b) The inmate shall remain in maximum management status pending the Institutional Classification Team appeal.~~

~~(c) The Deputy Director shall approve or modify the MMRT decision or reclassify the inmate.~~

~~(10)(11) Security Requirements.~~

(a) All security requirements outlined in Rules 33-601.800, F.A.C. ~~33-601.801 through 33-601.813~~ for close management inmates are applicable for all maximum management inmates.

(b) No change.

~~(11)(12) Other Conditions of Confinement.~~

(a) through (d) No change.

(e) Inmates who are housed in Maximum Management will have health care services to the same extent as all ~~other~~ close management inmates. Monitoring of inmates will be as described in Rule 33-601.8009, F.A.C., ~~Close Management—Case Management Responsibilities.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 12-7-00, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Telephone Use

RULE NO.: 33-602.205

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify requirements for attorney/client calls, restrictions on third party or shared calls, and to provide for the use of telephone devices for the deaf.

SUBJECT AREA TO BE ADDRESSED: Inmate telephone use.

SPECIFIC AUTHORITY: 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:

33-602.205 Inmate Telephone Use.

(1) This ~~rule subsection~~ sets forth the minimum telephone privileges that shall be granted to inmates housed in institutions or facilities other than community correctional centers, or inmates housed on death row. All inmate calls, with the exception of those calls placed to attorneys pursuant to

paragraph (3)(a) shall be subject to monitoring and recording. Due to the high level of security needs on death row, the only telephone privileges available to death row inmates are those set forth in paragraph (3)(a), private calls to attorneys, and subsection (4), calls made in the event of family crisis.

(2) Inmate telephone procedures will be conducted as follows:

(a) To initiate telephone privileges, inmates shall complete Form DC6-223, Inmate Telephone Agreement and Number List. Each inmate is limited to no more than 10 names and numbers of persons he or she wishes to access. Inmates shall not be allowed to telephone any person not on this list except as outlined in paragraph (3)(a) and subsection (4) of this rule. Inmates shall not make three-way telephone calls nor make calls to numbers on the list which are then transferred to other telephone numbers ~~not on the list.~~

(b) through (j) No change.

(k) Records and recordings of monitored calls shall be kept in an area where staff access is controlled. Records and recordings of monitored calls shall be retained for a minimum of one year. Access to records and recordings shall be limited to the following persons:

1. Secretary or Deputy Secretary;
2. Director of Institutions or her or his designee;
3. Regional directors or designees;
4. Inspector General or designee;
5. The warden of each institution or his or her designee;
6. Correctional officer senior inspectors;
7. Inspector supervisors;
8. The correctional officer inspector of each institution.

(l) No change.

(3) Calls to attorneys.

(a) Inmates shall be allowed to make private telephone calls to attorneys upon presentation to the warden or his designee of evidence that the call is necessary. Such evidence shall be a letter from the attorney (transmission by FAX is acceptable) requesting the return call or a court order containing a deadline the inmate cannot meet if he must communicate by letter with the attorney. An attorney shall also be permitted to make prior arrangements by letter or FAX with the warden or warden's designee to have the inmate client receive a private telephone call from the attorney on an unmonitored telephone. Except as authorized by warrant or order of court, telephone calls to attorneys made pursuant to this section shall not be monitored or electronically recorded. These calls will be placed on telephones designated for this purpose and shall be collect calls; there shall be at least one telephone at each institution that is not connected to the monitoring system for these calls.

(b) No change.

(4) through (11) No change.

(12) Misuse of telephone privileges.

(a) No change.

(b) Inmates shall be subject to having telephone privileges restricted or revoked for abuse of telephone communication services. Examples of abuse include:

1. through 4. No change.

5. Making three-way telephone calls. This includes calls that are placed and then transferred to another telephone number ~~of a person not on the approved calling list.~~

6. through 8. No change.

9. Sharing calls or placing calls for another inmate and allowing him or her to converse with a party not on that inmate's approved list.

(c) through (d) No change.

(13) No change.

(14) Telephone devices for the deaf.

(a) Each institution shall have at least one telephone device for the deaf.

(b) Usage of telephone devices for the deaf shall be limited to thirty minutes per call.

(c) Inmates who can hear, but wish to call persons who are deaf or hearing impaired must provide or cause to be provided documentation that the person being called is deaf or hearing impaired. This documentation shall be used only for the purpose of verifying the need for use of telephone devices for the deaf or hearing impaired. The following documentation will be considered acceptable and will be placed in the inmate's institutional file and marked confidential:

1. Letter from the person's medical doctor stating the impairment:

2. Letter from the Social Security Administration recognizing the impairment.

(d) All inmates using telephone devices for the deaf will be informed, before the call is made, that the call will be monitored.

(e) The tape used by the telephone device will be removed after each call and provided to the institutional inspector for review.

(f) The telephone device for the deaf will be utilized in an office in the classification department. Its use will be requested utilizing Form DC6-236, Inmate Request, and coordinated with the inmate's classification officer. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

~~(15)~~(14) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03,

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE CHAPTER TITLE: Agency Coordination with Statewide and Local Advocacy Councils
RULE CHAPTER NO.: 59-2

PURPOSE AND EFFECT: The Agency proposes to develop Chapter 59-2, Florida Administrative Code, consistent with provisions of s. 402.167, F.S. that became effective July 1, 2000. The legislation provides for development of rules related to the duties of state agencies that provide client services.

SUBJECT AREA TO BE ADDRESSED: The proposed rule chapter, Chapter 59-2, Florida Administrative Code, will address the procedures by which Agency staff will refer reports of abuse, will make client information available, and will incorporate recommendations from the statewide and local advocacy councils into Agency policies and procedures.

SPECIFIC AUTHORITY: 402.167(1) FS.

LAW IMPLEMENTED: 402.167(1)(a),(b),(c) 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., September 15, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)922-5455

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE TITLE: MyFloridaMarketPlace Transaction Fee
RULE NO.: 60A-1.031

PURPOSE AND EFFECT: To amend the rule identified above, including related form PUR 3776.

SUBJECT AREA TO BE ADDRESSED: Assessment and reporting of the transaction fee associated with MyFloridaMarketPlace, the state-wide program for on-line procurement of commodities and contractual services.

SPECIFIC AUTHORITY: 287.042(12), 287.057(23) FS.

LAW IMPLEMENTED: 287.032, 287.042, 287.057 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: Frederick J. Springer, Department of Management Services, Division of State Purchasing, 4050 Esplanade Way, Suite 350, Tallahassee, FL 32399-0950, (850)487-1898, fred.springer@myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60A-1.031 MyFloridaMarketPlace Transaction Fee.

(1) Each agency shall include language substantially similar to the following in the terms and conditions of all agency purchasing transactions involving commodities and contractual services as defined in Section 287.012, Florida Statutes (including formal solicitations, contracts, and purchase orders), unless the transaction is exempt from the Transaction Fee pursuant to Rule 60A-1.032, F.A.C.

MyFloridaMarketPlace Transaction Fee

The State of Florida, through the Department of Management Services, has instituted MyFloridaMarketPlace, a statewide eProcurement system. Pursuant to Section 287.057(23), Florida Statutes (2002), all payments shall be assessed a Transaction Fee of one percent (1.0%), which the vendor shall pay to the State.

For payments within the State accounting system (FLAIR or its successor), the Transaction Fee shall, when possible, be automatically deducted from payments to the vendor. If automatic deduction is not possible, the vendor shall pay the Transaction Fee pursuant to subsection 60A-1.031(2), F.A.C. By submission of these reports and corresponding payments, vendor certifies their correctness. All such reports and payments shall be subject to audit by the State or its designee.

The vendor shall receive a credit for any Transaction Fee paid by the vendor for the purchase of any item(s) if such item(s) are returned to the vendor through no fault, act, or omission of the vendor. Notwithstanding the foregoing, a Transaction Fee is non-refundable when an item is rejected or returned, or declined, due to the vendor's failure to perform or comply with specifications or requirements of the agreement.

Failure to comply with these requirements shall constitute grounds for declaring the vendor in default and recovering procurement costs from the vendor in addition to all outstanding fees. **VENDORS DELINQUENT IN PAYING TRANSACTION FEES SHALL ~~MAY~~ BE EXCLUDED FROM CONDUCTING FUTURE BUSINESS WITH THE STATE.**

(2) On a monthly calendar basis, each vendor registered in MyFloridaMarketPlace shall report its business activity relating to State agreements using Form PUR 3776 (09/03) ~~(07/03)~~, which is hereby incorporated by reference.

(a) through (b) No change.

(c) ~~A For all vendors that have a current State or agency term contract, a report is required even if there are no sales. For all other vendors, a report is required only when fee-eligible payments have been received during the reporting period (no report is required if all payments are exempt from the Transaction Fee); provided, however, that if total Transaction Fees due are less than \$50, a such vendors may carry over the balance to the next reporting period.~~

(d) All information provided by the vendor is material and will be relied upon by the Department in administering MyFloridaMarketPlace. Failure to file a report shall be deemed a representation by the vendor that it received no reportable payments for the quarter and that it owes no Transaction Fees. Any knowing and material misstatement shall be treated as fraudulent concealment from the State of the true facts relating to the conduct of the vendor's business with the State. A misrepresentation shall be punishable under law, ~~including, but not limited to, Chapter 817 of the Florida Statutes,~~ and shall be grounds for precluding the vendor from doing future business with the State.

Specific Authority 287.042(12), 287.057(23) FS. Law Implemented 287.032, 287.042, 287.057 FS. History--New 7-1-03, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Definitions	61D-11.001
Cardroom Games	61D-11.002
Dealer Responsibilities	61D-11.004
Prohibitions	61D-11.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement changes in accordance with House Bill 1059, which became law on August 6, 2003.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the operation of cardrooms in that these rules provide definitions; establish playing rules for authorized card games; regulate behavior and actions to ensure public confidence in the integrity of authorized cardrooms; and establish management and audit procedures for conducting the games in compliance with Section 849.086, Florida Statutes, and Chapter 550, Florida Statutes.

SPECIFIC AUTHORITY: 550.0125(2), 550.0251(12), 849.086(4) FS.

LAW IMPLEMENTED: 849.086 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. – 4:00 p.m., September 16, 2003

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

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: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Inspection of Premises, Records	61D-11.006
Cardroom Operator License	61D-11.007
Cardroom Business Occupational License	61D-11.008
Cardroom Employee Occupational License	61D-11.009
Duties of Cardroom Operators	61D-11.012

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement changes relating to cardroom operations and licensing.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the operation of cardrooms and regulation of cardroom licenses.

SPECIFIC AUTHORITY: 550.0251(2), 849.086(4) FS.

LAW IMPLEMENTED: 849.086 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. – 4:00 p.m., September 16, 2003

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impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

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 Medical Quality Assurance

RULE TITLE:	RULE NO.:
Diagnostic Testing	64B-3.004

PURPOSE AND EFFECT: Senate Bill 32-A (2003) authorized the Department of Health, in consultation with the appropriate professional licensing boards, to adopt a list of diagnostic tests deemed not to be medically necessary for use in the treatment of persons sustaining bodily injury covered by personal injury protection benefits. The Department will be holding a rule development workshop to receive public input and implement the rule making process.

SUBJECT AREA TO BE ADDRESSED: Diagnostic testing.

SPECIFIC AUTHORITY: 627.736 FS.

LAW IMPLEMENTED: 627.736 FS.

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

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

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 182, Tallahassee, Florida 32399

Any person requiring a special accommodation at this workshop because of a disability or physical impairment should contact Chelle Martin, (850)245-4131, at least five calendar days prior to the workshop. If you are hearing or speech impaired, please contact Chelle Martin using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this meeting, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin C03, Tallahassee, Florida 32399
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Fees for Continuing Education Providers
 RULE NO.: 64B5-15.022
 PURPOSE AND EFFECT: The Board proposes the rule amendments to update fees for continuing education providers.
 SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments increase the initial and the biennial renewal fees for continuing education providers from \$125.00 to \$200.00.
 SPECIFIC AUTHORITY: 456.025(2) FS.
 LAW IMPLEMENTED: 456.025(2), 466.014 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON SEPTEMBER 26, 2003 IN GAINESVILLE, FLORIDA.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-15.022 Fees for Continuing Education Providers.

(1) The initial fee for approval as a continuing education provider shall be \$200.00 ~~\$125.00~~.

(2) The biennial renewal fee for an approved continuing education provider shall be \$200.00 ~~\$125.00~~.

Specific Authority 456.025(2) FS. Law Implemented 456.025(2), 466.014 FS. History—New 5-2-91, Formerly 21G-15.022, 61F5-15.022, 59Q-15.022, Amended _____.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: HIV/AIDS and Medical Error Prevention
 Education for Initial Licensure
 RULE NO.: 64B11-2.007
 PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments are necessary.
 SUBJECT AREA TO BE ADDRESSED: HIV/AIDS and medical error prevention education for initial licensure.
 SPECIFIC AUTHORITY: 456.013(7), 456.033, 468.204 FS.
 LAW IMPLEMENTED: 456.013(7), 456.033 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: HIV/AIDS and Medical Error Prevention
 Education for Initial Licensure
 RULE NO.: 64B11-3.005
 PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments are necessary.
 SUBJECT AREA TO BE ADDRESSED: HIV/AIDS and medical error prevention education for initial licensure.
 SPECIFIC AUTHORITY: 456.013(7), 456.033, 468.204 FS.
 LAW IMPLEMENTED: 455.033, 456.013(7) FS.

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

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

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

**Section II
 Proposed Rules**

DEPARTMENT OF REVENUE

RULE TITLES: Form of Consent Agreements 12-16.003
 Delegation of Authority 12-16.004
 Requirements for Consent Agreements 12-16.005
 SUMMARY: The proposed amendments to Rule 12-16.003, F.A.C. (Form of Consent Agreements) revise the taxpayer-related information that must be included on a consent agreement (form DR-872). The proposed changes to

Rule 12-16.004 (Delegation of Authority) adjust the references to the positions within the Department that are authorized to negotiate and sign consent agreements on behalf of the Department, and add a provision enabling the Executive Director to delegate temporary authority to negotiate and sign such agreements to other employees not specified in this rule. The proposed revisions to Rule 12-16.005 (Requirements for Consent Agreements) update the procedures the Department uses to establish and execute consent agreements.

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

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

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 213.23 FS.

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

TIME AND DATE: 10:30 a.m., September 23, 2003

PLACE: Room 435, Conference Room, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Nancy Purvis at (850)488-0712. 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)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Green, Tax Law Specialist, Rules and Policy Administrative Process, Department of Revenue, Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32314-6668, (850)922-4830, e-mail: greenl@dor.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

12-16.003 Form of Consent Agreements.

(1) Consent agreements executed under this chapter shall specify the:

(a) Taxpayer's ~~taxpayer's~~ name, federal employer identification or social security account identification number, mailing address, and case number and business partner number, if applicable and address of the taxpayer;

(b) Type type of tax or taxes, and the taxable period(s) covered; and

(c) Date date of expiration of the consent agreement; and

(d) Consent agreement number.

(2) The Department prescribes Form DR-872, Consent to Extend the Time to Issue an Assessment or to File a Claim for Refund, ~~dated December, 1998,~~ as the form to be used for the purposes of this chapter. The Department will provide this form to the taxpayer with the information specified in subsection (1) of this rule already entered on the form, and incorporates this form by reference. A copy of this form may be obtained, without cost, by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (http://sun6.dms.state.fl.us/dor/revenue.html). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

Specific Authority 213.06(1) FS. Law Implemented 213.23 FS. History--New 12-28-88, Amended 3-16-93, _____.

12-16.004 Delegation of Authority.

(1) In addition to the statutory authority granted by Section s: 213.23, Florida Statutes F.S., the Executive Director of the Department has authority to enter into consent agreements or extensions of consent agreements with taxpayers under authority granted by the Governor and Cabinet acting as the head of the Department. Cross Reference: Rule 12-3.007, F.A.C.

(2) The Executive Director of the Department hereby delegates authority to enter into consent agreements and extensions of consent agreements with taxpayers under Section s: 213.23, Florida Statutes F.S., to the Assistant Executive Director, the General Counsel, and the Deputy General Counsel of the Department and to the following designated positions in the Department:

(a) The Deputy Executive Director, the General Counsel, the Deputy General Counsel, and attorneys designated by the General Counsel. Within the Division of Taxpayer Assistance:

1. The Director and Assistant Director of the Division of Taxpayer Assistance;

2. The Chief of the Bureau of Hearings and Appeals; and,

3. The Chief of the Bureau of Technical Assistance and Training.

(b) Within the Office of Technical Assistance and Dispute Resolution: Within the Division of Audits:

1. The Director of Technical Assistance and Dispute Resolution, and; and Assistant Director of the Division of Audits;

2. All Revenue Program Administrators, Senior Attorneys, Attorneys, Tax Law Specialists, and Senior Tax Specialists in the Office of Technical Assistance and Dispute Resolution; The Chief and the Assistant Chief of the Bureau of Central Audit and Selection;

3. The Chiefs and the Assistant Chiefs of the Bureaus of In State Audit and Multi State Audit;

4. The Chief and Assistant Chief of the Bureau of Audit Standards; and;

5. All Field Audit Supervisors, Senior Audit Supervisors, Audit Group Supervisors and Tax Auditors within the Bureaus of In State Audit, Multi State Audit, and Central Audit and Selection.

(c) Within the General Tax Administration (GTA) Program; Division of Collection and Enforcement:

1. The GTA Program Director and the Deputy Program Director, Director and the Assistant Director of the Division of Collection and Enforcement;

2. The Process Manager of the Compliance Enforcement Process, and all Revenue Program Administrators, Regional Managers, Service Center Managers, Senior Revenue Consultants, Revenue Administrators II, Senior Tax Specialists, Tax Law Specialists, Tax Audit Supervisors, Tax Auditors, Tax Specialists, and Revenue Specialists II and III, Chief and the Deputy Bureau Chiefs of the Bureau of Collections;

3. The Process Manager and all Revenue Program Administrators, Tax Specialist Administrators, Tax Law Specialists, Government Analysts II, and Senior Tax Specialists in the Compliance Support Process, Chief and the Deputy Bureau Chiefs of the Bureau of Enforcement;

4. The Process Manager of the Taxpayer Services Process and all Revenue Program Administrators, Revenue Administrators, Revenue Specialist Supervisors and Tax Specialist Administrators in the Taxpayer Services Process Chief and the Assistant Chief of the Bureau of Field Services.

5. The Process Manager of the Refunds and Distribution Process and all Revenue Program Administrators, and all Senior Tax Audit Administrators, Senior Tax Specialists, Tax Audit Supervisors, and Tax Auditors in the Refunds and Distribution Process.

6. The Executive Director has discretionary authority to delegate authority to enter into consent agreements to specific employees or positions which are not enumerated in these rules. However, a delegation of authority to an employee or position beyond those described herein shall be in writing, signed by the Executive Director, and shall be for a specified time period. Such delegations may be renewed in writing. Copies of any such written delegations of authority shall be maintained on file with the agency clerk in the Office of General Counsel.

12-16.005 Requirements for Consent Agreements.

(1) The Department ~~will~~ ~~may~~ enter into a consent agreement with a taxpayer when additional time is deemed necessary to conduct or complete an audit, examination, or review of the taxpayer's account to determine whether a liability or overpayment exists or whether there has been compliance with a revenue law of this state, unless the provisions of paragraph (3)(b) of this rule apply.

(2) A consent agreement must be executed before the expiration of the statutory period for issuance of an assessment or the period for filing a refund claim with respect to a revenue law of this state covered by the agreement.

(3)(a) The consent agreement ~~will~~ ~~may~~ extend the time for issuance of an assessment or for filing of a refund claim for a stated any reasonable period which is mutually agreed upon by the Department and the taxpayer. The time for making an assessment or filing of a refund claim may be extended for additional periods, provided the Department and the taxpayer, prior to the expiration of the period previously agreed upon, execute another consent agreement reflecting the new expiration date.

(b) The Department will enter into a consent agreement or an extension of a consent agreement as authorized in paragraph (a) of this subsection, unless the Department determines, based on the taxpayer's actions or the best information available, that: the taxpayer does not intend to provide the required documentation, books, or records; or, the taxpayer intends to delay the issuance of an assessment; or, there is significant endangerment to the revenues involved.

(4) A consent agreement or an extension of a consent agreement shall first be signed and dated on behalf of the Department by a person with delegated authority to enter into a consent agreement or an extension of a consent agreement under Rule 12-16.004, F.A.C.

(5) A consent agreement or an extension of a consent agreement shall be signed and dated by the taxpayer or the taxpayer's duly authorized representative with authority to enter into the agreement or extension of the agreement on behalf of the taxpayer.

(a) In the case of a corporate taxpayer, an officer of the corporation shall print and sign his or her name and title and print or type the name of the corporation on the consent agreement or the extension of the consent agreement ~~and the corporate seal, if any, shall be affixed and attested by the secretary of the corporation~~ unless paragraph (c) of this subsection is applicable.

(b) An officer's ~~or fiduciary's~~ signature on a consent agreement or an extension of a consent agreement made by or for a taxpayer shall be prima facie evidence that such individual was authorized to sign the agreement or the extension of the agreement on behalf of the taxpayer.

(c) A consent agreement or an extension of a consent agreement will be accepted by the Department if it is ~~may be~~ signed by a representative of the taxpayer who files with the Department a power of attorney which grants the representative authority to execute the agreement or the extension of the agreement on behalf of the taxpayer.

(6)(a) A consent agreement or an extension of a consent agreement is ~~will become~~ effective when it has been signed and dated by the taxpayer or authorized representative and received by the Department, unless the agreement as originally signed by the Department has been subsequently altered by the taxpayer.

(b) The Department will use the date the agreement or extension is signed and dated by the taxpayer to determine whether the agreement is timely.

(c) A consent agreement or an extension of a consent agreement will remain in effect until both parties mutually agree to nullify or extend it, or until the consent agreement period has expired ~~executed by both parties.~~

(7) A consent agreement or an extension of a consent agreement, signed and dated by the taxpayer or authorized representative, is binding and sufficient when transmitted by electronic means or facsimile. Cross Reference: Section 475.5018, Florida Statutes.

Specific Authority 213.06(1) FS. Law Implemented 213.23 FS. History—New 12-28-88, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Rules and Policy Administrative Process, Department of Revenue, Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32314-6668, (850)922-4830, e-mail: greenl@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeff Kielbasa, Deputy Executive Director, Department of Revenue, Tallahassee, Florida 32314, (850)488-2321

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2003.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 30, 2003, Vol. 29, No. 22, pp. 2169-2171. A workshop was held on June 17, 2003. No one appeared at the workshop and no written comments have been received by the Department.

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 MANAGEMENT SERVICES

Commission on Human Relations

RULE TITLE: Conducting Proceedings by Communications Media Technology

RULE NO.: 60Y-1.002

PURPOSE AND EFFECT: The rule chapter provides for the commission meetings and operations. A new section is added to provide for conducting commission proceedings by Communications Media Technology.

SUMMARY: Commission meetings and operations, particularly conducting proceedings by Communications Media Technology.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 760.06 (12) FS.

LAW IMPLEMENTED: 120.525, 120.54(5) FS.

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

TIME AND DATE: 9:00 a.m. (EDT), Wednesday, September 24, 2003

PLACE: The Commission’s Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-1.002 Conducting Proceedings by Communications Media Technology.

The Commission shall follow and conform to Chapter 28-108, F.A.C., with respect to conducting proceedings by communications media technology.

Specific Authority 760(12) FS. Law Implemented 120.54(5) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: William James Tait, Jr.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cecil Howard

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Florida Commission on Human Relations

RULE TITLES:	RULE NOS.:
General	60Y-2.001
General Description of the Commission	60Y-2.003
General Description of Organization and Functions of Commission Staff	60Y-2.004
General Information	60Y-2.005
Statutory Chapter and Rules	60Y-2.006
Public Information and Inspection and Copying of Documents	60Y-2.007
List of Forms and Instructions	60Y-2.009
Petitions for Variances or Waivers from Rules	60Y-2.011
Commission Orders; Numbering, Indexing; and Maintenance	60Y-2.012

PURPOSE AND EFFECT: The rule chapter provides for the commission organization and general information.

SUMMARY: Amendments have updated commission information, new address and personnel, current organizational patterns and forms, provision for electronic filing and new sections relating to variances or waivers from rules and commission orders, numbering, indexing and maintenance in accordance with the Uniform Rules of Procedure and statutory guidance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.52, 120.53, 120.54, 760.06(12), 760.11(14), 760.32(5) FS.

LAW IMPLEMENTED: 120.52, 120.53, 120.533, 120.54, 120.542, 509.092, 23.167, 119, 760.01, 760.03, 760.05, 760.06, 760.10, 760.11, 760.30 FS.

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

TIME AND DATE: 9:00 a.m. (EDT), Wednesday, September 24, 2003

PLACE: The Commission's Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301, (850)488-7082, Ext. 1071

THE FULL TEXT OF THE PROPOSED RULES IS:

60Y-2.001 General.

The Florida Commission on Human Relations is established pursuant to the Human Rights Act of 1977, as amended by the Florida Civil Rights Act of 1992, Chapter 760, F.S., to secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, ~~disability handicap~~, or marital status and thereby to protect their interests in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights and privileges of individuals within the state.

Specific Authority 760.06(12) FS. Law Implemented 760.01(2), 760.03, 760.05 FS. History--New 11-2-78, Amended 8-12-85, Formerly 22T-6.01, 22T-6.001, Amended _____.

60Y-2.003 General Description of the Commission.

(1) The Commission is comprised of 12 members appointed by the Governor, subject to confirmation by the Senate.

(2) Commissioners are appointed to staggered terms of 4 years, except for ~~certain, original appointments and for~~ appointments described in subsection (3).

(3) A Commissioner appointed to fill a vacancy other than by expiration of a term is appointed for the unexpired term of the member whom such appointee is to succeed.

(4) A Commissioner is eligible for reappointment.

(5) In every odd-numbered year, the Commission shall hold an organizational meeting to elect from its membership a Chairperson and a Vice-chairperson. The biennial organizational meeting shall be held as soon as practical after the new Commissioners for that year have been appointed.

(6) The Chairperson of the Commission serves for a term of 2 years and has the following duties:

(a) Call Commission meetings and set the agenda for same;

(b) Preside at Commission meetings;

(c) Appoint one or more Panels of not less than 3 Commissioners to exercise, as provided in Chapters 60Y-4 and 60Y-5, F.A.C., Commission powers under subsection 760.06, F.S.;

(d) Appoint and define the role of such committees as are necessary or expedient to advise the Commission or its Executive Director;

(e) Perform such other functions as the Commission may assign by rule or order.

(7) The Vice-chairperson serves for a term of 2 years, the term to run concurrently with that of the Chairperson. The Vice-chairperson performs the duties of the Chairperson in the Chairperson's absence and performs such other duties as the Chairperson may assign.

(8) If a vacancy occurs in the Office of Chairperson, the Vice-chairperson shall become the Chairperson for the unexpired term of the Chairperson. If a vacancy occurs in the Office of Vice-chairperson, the Commission will select another member to fill the unexpired term of the Vice-chairperson.

(9) A special meeting of the Commission shall be called by the Chairperson, ~~or by~~ ~~the~~ Executive Director, upon the written request of not fewer than 5 Commissioners.

(10) Seven members shall constitute a quorum for the conduct of Commission business.

(11) A majority of the members of a Panel shall constitute a quorum for the conduct of business assigned to a Panel.

(12) In the presence of a quorum, Commission or Panel business shall be conducted by majority vote.

Specific Authority 760.06(12) FS. Law Implemented 760.03 FS. History--New 11-2-78, Formerly 22T-6.03, 22T-6.003, Amended _____.

60Y-2.004 General Description of Organization and Functions of Commission Staff.

(1) The staff units of the Commission consist of:

- (a) Office of Executive Director;
- (b) Office of General Counsel;
- (c) Office of Employment Investigations;
- (d) Office of Community Relations ~~and Housing Investigations~~;
- (e) Office of Housing Investigations ~~the Clerk~~;
- (f) Office of Customer Service ~~Intake~~;
- (g) Office of Management and Information Processing; ~~and~~
- (h) Office of Mediation.

(2) The Executive Director is the chief administrative officer of the Commission and is responsible for implementing policy of the Commission. The Executive Director is appointed by the Commission and may be removed by the Commission for cause. The Executive Director has the following duties:

- (a) Employ staff;
- (b) Prepare, defend and manage agency budget;
- (c) Negotiate and execute contracts and agreements on behalf of the Commission, except as limited by Rule 60Y-5.002, F.A.C.;
- (d) Issue subpoenas necessary for investigations pursuant to subsection 760.06(6), F.S.;
- (e) Make determinations as provided by Rule 60Y-5.004, F.A.C.;
- (f) Dismiss complaints, as provided by Rule 60Y-5.006, F.A.C.;
- (g) Promote favorable public and community relations;
- (h) Administer the day-to-day business of the Commission;
- (i) Perform such other functions as the Commission may assign by rule or order.

(3) The Office of General Counsel represents the agency in all legal proceedings before state and federal courts and agencies. The Office of General Counsel has the following additional duties:

- (a) Advise the Commission and Executive Director on legal matters;
- (b) Make such legal reports and recommendations, written and oral, as are requested by the Commission, a Commissioner or the Executive Director;
- (c) Make recommendations concerning determinations, as provided by Rules 60Y-5.004, F.A.C.;
- (d) Prosecute Commission complaints;
- (e) Within the Office of General Counsel shall be the Clerk to the Commission who shall:

1. Maintain all complaints, petitions, pleadings and other legal documents filed with the Commission;

2. Maintain all forms and instructions used by the Commission;

3. Maintain all petitions for variances and waivers of agency rules pursuant to Chapter 28-104, F.A.C.;

4. Assemble, certify and transmit records on appeal to appellate courts for review;

5. Respond to requests for information or copies of documents relevant to Commission cases;

6. Bill and collect monies for records on appeal and reproduced documents;

7. Certify and issue orders by the Commission or a Panel of Commissioners; and

8. Prepare and maintain a topical index of Commission or Panel decisions;

~~(f)(e)~~ Perform such other functions as the Commission or Executive Director may direct.

(4) The Office of Employment Investigations investigates and seeks to conciliate complaints of discriminatory practices in employment, public accommodations and whistleblower retaliation. The Office of Employment Investigations has the following additional duties:

- (a) Seek to encourage settlement between parties;
- (b) Make reports and recommendations as provided by Rule 60Y-5.004, F.A.C.;
- (c) Provide fact-finding at the direction of the Executive Director; and

~~(d)(e)~~ Perform such other functions as the Executive Director may direct.

(5) The Office of Community Relations ~~and Housing Investigations~~ provides technical assistance to local commissions on human relations, local governments and to other persons to facilitate progress in human relations and the amelioration of intergroup tensions.

~~(6) The This~~ Office of Housing Investigations investigates and seeks to conciliate complaints of discriminatory practices in housing.

(6) The Office of the Clerk has the following duties:

(a) Maintain all complaints, petitions, pleadings and other legal documents filed with the Commission;

(b) Assemble, certify and transmit records on appeal to appellate courts for review;

(c) Respond to requests for information or copies of documents relative to Commission cases;

(d) Bill and collect monies for records on appeal and reproduced documents;

(e) Certify and issue orders by the Commission or Panel;

(f) Prepare and maintain a topical index of Commission or Panel decisions;

(g) Perform such other functions as the Commission or the Executive Director may direct.

(7) The Office of Customer Service Intake receives and docket complaints, provides counseling for potential complainants, frames and perfects complaint allegations, provides Commission record-keeping and responds to requests for information.

(8) The Office of Management and Information Processing provides electronic word and data processing services to the Commission, including strategic planning, budget reports, complaint tracking, performance analysis, statistical reports and complaint investigation correspondence.

(9) The Office of Mediation provides voluntary mediation services.

Specific Authority 760.06(12), 760.11(14), 760.31(5) FS. Law Implemented 120.54, 760.03(7), 760.05, 760.06, 760.11, 760.30 FS. History—New 11-2-78, Amended 6-16-83, 8-12-85, Formerly 22T-6.04, Amended 4-20-87, Formerly 22T-6.004, Amended 4-20-00, _____.

60Y-2.005 General Information.

(1) The location of the principal office of the Commission is: 2009 Apalachee Parkway, Suite 100, 325 John Knox Road, Suite 240, Building F, Tallahassee, Florida 32301-4857 32303 4149.

(2) The office is open from 8:00 a.m. to 5:00 p.m. (Eastern Time) of each working day.

(3) All requests for specific forms and information may be submitted to the Executive Director at the above address.

(4) Applications for employment may be obtained from the office of the Commission or from the Department of Management Services.

(5) All complaints, petitions and appeals from Commission action may be filed electronically by facsimile with the Commission. The original physically signed document shall be sent the same day by US Mail or other official delivery agent. The party who elects to file a document by electronic transmission shall be responsible for any delay, disruption, or interruption of the electronic signals and must accept full risk that the document may not be properly filed with the Commission as a result. The filing date for an electronically transmitted document shall be the date the Commission receives the complete document. All complaints

may be sent by facsimile to the Manager of Customer Service at (850)488-5291. All petitions and appeals from Commission action may be sent by facsimile to the Clerk at (850)487-9363.

(6) The Clerk to the Commission is Violet Crawford, Clerk to the Commission, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301-4857, phone number (850)488-7082.

Specific Authority 760.06(12) FS. Law Implemented 120.54, 760.06 FS. History—New 11-2-78, Formerly 22T-6.05, 22T-6.005, Amended _____.

60Y-2.006 Statutory Chapter and Rules.

The mission and duties of the Commission are carried out pursuant to statutory authority delineated in Chapter 760, F.S. The following additional statutory chapters and rule chapters directly affect and govern the operations of the Commission:

(1) Chapter 120, F.S.

(2) Sections 112.3187-112.31985, inclusive, F.S.

(3) Section 509.092, F.S.

(4)(2) Chapters 60Y-1 through 60Y-10 and 60Y-25, F.A.C.

(5)(3) Chapters 28-101 through 28-106, 28-108, 28-109, F.A.C.

Specific Authority 760.06(12), 760.11(14), 760.31(5) FS. Law Implemented 120, 509.092, 760 FS. History—New 11-2-78, Amended 8-12-85, Formerly 22T-6.06, 22T-6.006, Amended 7-26-00, _____.

60Y-2.007 Public Information and Inspection and Copying of Documents.

(1) All public records within the meaning of Chapter 119, F.S., and not otherwise restricted by law, may be inspected upon approval of a written request. Any written request must specifically identify the requested material. Requests for information may be directed to the Office of Customer Service.

(2) All complaints filed pursuant to Rule 60Y-5.001, F.A.C., and all related records and documents in the custody of the Commission which relate to and identify a person shall be confidential, unless the record or document is made part of the record of any hearing or court proceeding. Access to confidential records and documents, by the parties to a complaint or proceeding, is provided in subsections 60Y-5.001(9), 60Y-5.003(9) and 60Y-5.004(7), F.A.C.

(3) Copies of public records maintained by the Commission are available on the following basis:

(a) Two dollars (\$2.00) per instrument for preparation and transmittal of original records on appeal with no charge for postage or certification;

(b) One dollar (\$1.00) for the first page copied from a Commission file; fifteen cents (\$0.15) per page for any additional page from the same file;

(c) Actual postage costs are charged for mailing copies other than original records on appeal; provided that no charge will be made for mailing one ounce by first class mail;

(d) Transcripts of Commission proceedings may be obtained by independent contract of a court reporter at the ordering party's expense;

(e) Payment must be made in advance by cash, check or money order made payable to the Florida Commission on Human Relations;

(f) Commission orders and subject matter indices thereto are published by Florida Administrative Law Reports and by The Florida Bar, Labor and Employment Law Section.

Specific Authority 760.06(13) FS. Law Implemented 760.06, 760.10(14), 119, 120.54 FS. History—New 11-2-78, Amended 2-10-80, 8-12-85, Formerly 22T-6.07, Amended 4-20-87, Formerly 22T-6.007, Amended _____.

60Y-2.009 List of Forms and Instructions.

The following listed forms and instructions are hereby incorporated by reference, are used by the Commission and are furnished without charge. Copies may be obtained from the Commission’s website, <http://fchr.state.fl.us> or by writing or calling the Clerk to the Commission or the Office of Customer Service at the address listed in Rule 60Y-2.005, F.A.C., making reference to the desired form by form number or title.

FORM NUMBER	TITLE OR DESCRIPTION
FCHR Form 1	<u>Technical Assistance Questionnaire for discrimination complaints</u>
<u>FCHR Form 2</u>	<u>Complaint of Employment Discrimination</u>
<u>FCHR Form 3</u>	<u>Complaint of Public Accommodation Discrimination</u>
<u>FCHR Form 4</u>	<u>Complaint of Housing Discrimination</u>
<u>FCHR Form 5</u>	<u>Complaint of Whistle-blower’s Act Retaliation Discrimination</u>
FCHR Form 6 2	<u>Petition for Relief from an Unlawful Employment Practice, a Housing Discriminatory Practice or a Public Accommodations Discriminatory Practice</u>
<u>FCHR Form 7A</u>	<u>Election of Rights for Employment and Public Accommodations Discrimination Complaints</u>
<u>FCHR Form 7B</u>	<u>Election of Rights for Housing Discrimination Complaints</u>
<u>FCHR Form 8</u>	<u>Registration of Housing for Older Persons</u>

Use of the FCHR forms described in this section is not obligatory, and any complaint or Petition for Relief from an Unlawful Employment Practice, a Housing Discriminatory Practice, a Public Accommodations Discriminatory Practice or a Whistle-blower’s Act Retaliatory Discriminatory Practice which meets the requirements of the rules of the Commission will be accepted. The requirements for a complaint are set forth in Rule subsections 60Y-3.001(4), 60Y-6.001(17), Rule 60Y-10.003 and Rule 60Y-5.001, F.A.C. The requirements for a Petition for Relief ~~from an Unlawful Employment Practice~~ are set forth in Rule 28-106.201, Rule 28-106.301, Rule 60Y-5.008, subsection 60Y-6.001(48) and Rules 60Y-8.001 60Y-4.009, F.A.C.

Specific Authority 120.52, 760.06(13) FS. Law Implemented 120.52, 120.54, 760.06, 23.167 FS. History—New 11-2-78, Formerly 22T-6.09, 22T-6.009, Amended _____.

60Y-2.011 Petitions for Variances or Waivers from Rules. The Commission shall follow and conform to Chapter 28-104, F.A.C., with respect to variances and waivers from its Rules. Petitions conforming to Rule 28-104.102, F.A.C., shall be filed with the Clerk to the Commission.

Specific Authority 120.54, 760.06(13) FS. Law Implemented 120.542 FS. History—New _____.

60Y-2.012 Commission Orders; Numbering, Indexing; and Maintenance.

(1) All orders issued by the Commission shall be numbered and indexed

(2) The orders shall be sequentially numbered and rendered using a two-part number separated by a dash with the first part before the dash indicating the year and the second part indicating the numerical sequence of the order issued for that year beginning with the number 001 each new calendar year. The assigned agency designation prefix, FCHR, shall precede the two-part number.

(3) The agency clerk shall index orders which shall be cumulative, updated and made accessible to the public at least each calendar year.

(4) Orders that comprise official agency action and that must be indexed pursuant to this Rule shall be permanently maintained by the agency pursuant to the retention schedule approved by the Department of State.

(5) These rules regarding the indexing, management and availability of orders are issued pursuant to Section 120.533, F.S. and Chapter 1S-6, F.A.C., and have been approved by the Department of State pursuant to Section 120.53(3)(c), F.S. The purpose of this Rule is to provide public access to, and availability of, Commission Orders. The agency clerk shall assist the public in obtaining information pertaining to Commission Orders. The agency maintains and stores such orders and subject matter index in the main offices of the agency located in Tallahassee, Florida at the address set forth in Rule 60Y-2.005, F.A.C.

Specific Authority 120.53, 760.06(12) FS. Law Implemented 120.53, 120.533, 760.06, 760.10(14) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: William James Tait, Jr.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cecil Howard

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE TITLE: RULE NO.:

Definitions 60Y-3.001

PURPOSE AND EFFECT: The rule section provides for definitions.

SUMMARY: Amendments have updated several definitions to recognize recent court and commission decisions and rule changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.54, 760.06(12), 760.11(14), 760.32(5) FS.

LAW IMPLEMENTED: 120.54, 760.03, 760.05, 120.53, 120.533 FS.

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

TIME AND DATE: 9:00 a.m. (EDT), Wednesday, September 24, 2003

PLACE: The Commission's Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Florida Commission on Human Relations, Attn.: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-3.001 Definitions.

As used in the rules of the Commission:

(1) "Act" means the Florida Civil Rights Act of 1992, as amended; Chapter 760, F.S.

(2) "Chairperson" or "Chair" means the Chairperson of the Commission or Chairperson of a Panel, as the context may indicate.

(3) "Clerk" means the person designated by the Executive Director as heading the Office of the Clerk.

(4) "Complaint" means a written statement which alleges the occurrence of an unlawful employment practice, and includes an amended complaint.

(5) "Complainant" means a person filing a complaint.

(6) "Commission" means Florida Commission on Human Relations.

(7) "Commissioner" or "member" means a member of the Commission.

(8) "Division of Administrative Hearings" means the Division of Administrative Hearings of the Department of Management Services.

(9) "Document" means data compilations from which information can be obtained and includes, for example: writings, e-mail, drawings, charts, photographs, and phone records.

(10) "Employer" means any person employing 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person.

(11) "Employment Agency" means any person regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunity to work for an employer, and includes an agent of such a person.

(12) "Executive Director" means the Executive Director of the Commission.

(13) "~~Disability~~" "~~Handicap~~" means a condition that is an impairment that substantially limits one or more of the major life activities ~~prevents normal functioning in some way; a person with a handicap does not enjoy the full and normal use of his or her sensory, mental or physical faculties.~~

(14) "General Counsel" means the General Counsel of the Commission.

(15) "Hearing Officer" or "Administrative Law Judge" means the person assigned to conduct a hearing upon a petition filed with the Commission.

(16) "Intervenor" means any person permitted by the Commission, a Panel, or a hearing officer to intervene in a proceeding upon a petition.

(17) "Marital Status" does not include the identity of the spouse and the relationship to the aggrieved person, but rather ~~not merely~~ the fact that the aggrieved person is married, single, divorced, separated, widowed, etc.

(18) "Labor Organization" means any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in connection with employment.

(19) "Panel" means a panel of three or more Commissioners appointed pursuant to subsection 760.03(5), F.S., and paragraph 60Y-2.003(6)(c), F.A.C.

(20) "Party" means any person designated as a party to a proceeding before the Commission, pursuant to rule of the Commission.

(21) "Person" includes an individual, association, corporation, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, unincorporated organization, any other legal or commercial entity, the state or any governmental entity or agency.

(22) "Petition" means a writing, other than a written motion, filed with the Commission pursuant to rule of the Commission asking that specified action be taken by the Commission or a Panel.

(23) "Petitioner" means the person filing a petition with the Commission pursuant to rule of the Commission.

(24) "Respondent" means (a) in the case of a complaint, the employer, employment agency, labor organization, joint labor-management committee, or person designated in the complaint as responsible for the alleged unlawful employment practice. or (b) in the case of a petition, the person against whom relief is requested.

(25) "Registered Mail" includes certified mail with return receipt requested.

(26) "Unlawful Employment Practice" means any practice so designated by Section 760.10, F.S.

(27) "Verified" means under oath or affirmation or by the signing of the written declaration prescribed by Section 92.525(2), F.S.

(28) "Date of determination" means the date the Determination was signed by the Executive Director or his delegatee.

(29) "Date of filing" means a completed complaint is received by the Commission prior to 5:00 p.m. (Eastern time) as provided by Rule 28-106.104, F.A.C.

(30) "Electronic filing" pursuant to subsection 60Y-2.005(5), F.A.C., means filing by facsimile.

(31) "Familial status" means whether or not children under the age of 18 are living with the complainant and/or whether the Complainant is pregnant, has a pending adoption, or not.

Specific Authority 760.06(12) FS. Law Implemented 92.525, 760.02, 760.03, 760.04, 760.05, 760.06, 760.10, 760.11 FS. History—New 11-2-78, Amended 8-12-85, Formerly 22T-7.01, 22T-7.001, Amended 9-1-93, 4-17-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William James Tait, Jr.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cecil Howard

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE TITLES:	RULE NOS.:
Form of Documents	60Y-4.003
Filing and Copies	60Y-4.004
Proof of Simultaneous Service upon	
Other Parties	60Y-4.005
Service by Commission	60Y-4.006
Computation of Time Periods	60Y-4.007
Representation	60Y-4.008

Petitions	60Y-4.009
Miscellaneous Petitions	60Y-4.010
Answers	60Y-4.011
Parties	60Y-4.012
Intervention	60Y-4.013
Joinder of Parties	60Y-4.014
Assignment of Hearings	60Y-4.016
Motions	60Y-4.017
Consolidation	60Y-4.018
Discovery	60Y-4.019
Pre-hearing Conference	60Y-4.020
Notice of Hearing	60Y-4.021
Subpoenas	60Y-4.022
Witness Fees	60Y-4.023
Introduction of Evidence; Rights of Parties	
at Hearing	60Y-4.024
Transcript of Hearing	60Y-4.025
Recommended Orders	60Y-4.026
Exceptions and Briefs	60Y-4.027

PURPOSE AND EFFECT: The rule chapter provides for general procedures of the commission.

SUMMARY: Many sections have been repealed in recognition of the Uniform Rules of Procedure. Two sections have been amended to recognize current statutory law and procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.52, 120.53, 120.54, 760.06(12), 760.11(14), 760.32(5) FS.

LAW IMPLEMENTED: 120.52, 120.53, 120.533, 120.54, 120.542, 509.092, 23.167, 119, 760.01, 760.03, 760.05, 760.06, 760.10, 760.11, 760.30 FS.

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

TIME AND DATE: 9:00 a.m. (EDT), Wednesday, September 24, 2003

PLACE: The Commission's Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Florida Commission on Human Relations, Attn.: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071

THE FULL TEXT OF THE PROPOSED RULES IS:

60Y-4.003 Form of Documents.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History—New 11-2-78, Formerly 22T-8.03, 22T-8.003, Repealed _____.

60Y-4.004 Filing and Copies.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 120.57, 760.06 FS. History–New 11-2-78, Formerly 22T-8.04, 22T-8.004, Repealed

60Y-4.005 Proof of Simultaneous Service upon Other Parties.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History–New 11-2-78, Formerly 22T-8.05, 22T-8.005, Repealed

60Y-4.006 Service by Commission.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History–New 11-2-78, Formerly 22T-8.06, 22T-8.006, Repealed

60Y-4.007 Computation of Time Periods.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History–New 11-2-78, Formerly 22T-8.07, 22T-8.007, Repealed

60Y-4.008 Representation.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History–New 11-2-78, Formerly 22T-8.08, 22T-8.008, Repealed

60Y-4.009 Petitions.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 120.54, 120.565, 760.06, 760.10 FS. History–New 11-2-78, Formerly Rule 9D-8.09, Amended 6-16-83, Formerly 22T-8.09, 22T-8.009, Repealed

60Y-4.010 Miscellaneous Petitions.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History–New 11-2-78, Formerly 22T-8.10, 22T-8.010, Repealed

60Y-4.011 Answers.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History–New 11-2-78, Formerly 22T-8.11, 22T-8.011, Repealed

60Y-4.012 Parties.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History–New 11-2-78, Formerly 22T-8.12, 22T-8.012, Repealed

60Y-4.013 Intervention.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History–New 11-2-78, Formerly 22T-8.13, 22T-8.013, Repealed

60Y-4.014 Joinder of Parties.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History–New 11-2-78, Formerly 22T-8.14, 22T-8.014, Repealed

60Y-4.016 Assignment of Hearings.

(1) A hearing upon a Petition for Relief from an Unlawful Employment Practice, a Housing Discriminatory Practice or a Public Accommodation Discriminatory Practice pursuant to Rules 60Y-54.008, 60Y-8.001 and 60Y-10.005, F.A.C., respectively shall be conducted by an Administrative Law

Judge a hearing officer designated by the Division of Administrative Hearings unless, prior to service of the Notice of Hearing pursuant to Rule 60Y-4.021, F.A.C., the Chairperson or Chair of the Panel designates a Commissioner as the hearing officer or directs that the hearing be conducted by the Commission or Panel.

(2) A hearing upon a petition not described in subsection (1) shall be conducted by a hearing officer designated by the Chairperson or Chair of the Panel unless the Chairperson or Chair of the Panel directs that the hearing be conducted by the Commission or Panel.

(3) A hearing upon a petition not described in subsection (1) or (2) shall be conducted by a hearing officer designated by the Chairperson or Chair of the Panel unless the Chairperson or Chair of the Panel directs that the hearing be conducted by the Commission or Panel.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06, 760.03(5) FS. History–New 11-2-78, Formerly 9D-8.16, Amended 2-4-82, 6-16-83, Formerly 22T-8.16, 22T-8.016, Amended

60Y-4.017 Motions.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History–New 11-2-78, Formerly 9D-8.17, Amended 2-4-82, 6-30-83, Formerly 22T-8.17, 22T-8.017, Repealed

60Y-4.018 Consolidation.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History–New 11-2-78, Formerly 22T-8.18, 22T-8.018, Repealed

60Y-4.019 Discovery.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History–New 11-2-78, Formerly 22T-8.19, 22T-8.019, Repealed

60Y-4.020 Pre-hearing Conference.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History–New 11-2-78, Formerly 9D-8.20, Amended 2-4-82, Formerly 22T-8.20, 22T-8.020, Repealed

60Y-4.021 Notice of Hearing.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 120.57, 760.06 FS. History–New 11-2-78, Formerly 22T-8.21, 22T-8.021, Repealed

60Y-4.022 Subpoenas.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 760.06 FS. History–New 11-2-78, Formerly 22T-8.22, 22T-8.022, Repealed

60Y-4.023 Witness Fees.

(1) Witness fees necessary and incident to a hearing shall be paid by the party at whose instance the witness is summoned. If the Commission or the Executive Director directs that a witness be summoned as a Commission witness, that witness' fees shall be paid by the Commission. Witness fees shall be tendered, or a voucher submitted at the time of attendance. The fees allowed shall be the same as those allowed by the circuit courts of this state.

(2) Witness fees for Commission employees shall be paid in accordance with subsection 92.142(2), F.S.

Specific Authority 760.06, 120.53 FS. Law Implemented 760.06, 760.10, 92.142, 120.53, 120.57 FS. History–New 11-2-78, Amended 2-10-80, Formerly 22T-8.23, 22T-8.02, Amended.

60Y-4.024 Introduction of Evidence; Rights of Parties at Hearing.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 120.57, 760.06 FS. History–New 11-2-78, Formerly 9D-8.24, Amended 2-4-82, Formerly 22T-8.24, 22T-8.024, Repealed.

60Y-4.025 Transcript of Hearing.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 120.57, 760.06 FS. History–New 11-2-78, Amended 11-8-83, Formerly 22T-8.25, 22T-8.025, Repealed.

60Y-4.026 Recommended Orders.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 120.57, 760.06 FS. History–New 11-2-78, Formerly 22T-8.26, 22T-8.026, Repealed.

60Y-4.027 Exceptions and Briefs.

Specific Authority 120.53, 760.06(13) FS. Law Implemented 120.53, 120.57, 760.06 FS. History–New 11-2-78, Amended 2-4-82, 11-8-83, Formerly 22T-8.27, 22T-8.027, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William James Tait, Jr.
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cecil Howard
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

**DEPARTMENT OF MANAGEMENT SERVICES
Commission on Human Relations**

RULE TITLES:	RULE NOS.:
Complaints	60Y-5.001
Answer	60Y-5.0011
Investigation of Complaints	60Y-5.003
Executive Director’s Investigatory	
Determination; Notice	60Y-5.004
Conciliation	60Y-5.005
Administrative Dismissal of a Complaint	60Y-5.006
Petition for Relief from an Unlawful	
Employment Practice	60Y-5.008

PURPOSE AND EFFECT: The rule chapter provides for Commission proceedings to receive, investigate and act upon complaints of unlawful employment practice.

SUMMARY: Amendments have updated rule sections to conform to current procedures and statutory requirements, including the adoption of the Uniform Rules of Procedure, and clarifying when a complaint is filed, and under what conditions, amendments, withdrawals and dismissals of complaints may be made.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.54, 760.06(12), 760.11(14) FS.
LAW IMPLEMENTED: 760.01-.11 FS.

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

TIME AND DATE: 9:00 a.m. (EDT), Wednesday, September 24, 2003

PLACE: The Commission’s Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, x 1071

THE FULL TEXT OF THE PROPOSED RULES IS:

60Y-5.001 Complaints.

(1) Who May File. A complaint may be filed by any person aggrieved by an unlawful employment practice. A complaint may also be filed by the Attorney General, a Commissioner, or the Commission. When a complaint is filed by a Commissioner, that Commissioner is the complainant, and shall not participate as a Commissioner in any subsequent proceeding upon that complaint.

(2) Time for Filing. A complaint may be filed at any time within 365 days of the occurrence of the alleged unlawful employment practice. If the alleged unlawful employment practice is of a continuing nature, the date of the occurrence may be any date subsequent to the commencement of the unlawful employment practice up to and including the date on which it shall have ceased.

(3) Place and Date of Filing. A complaint may be filed at the office of the Commission. The date of filing shall be the date of actual receipt of the complaint by the Clerk or other agent of the Commission. Any document received by the Clerk or other agent of the Commission after 5:00 p.m. (Eastern Time) shall be filed as of 8:00 a.m. on the next regular business day.

(4) Relation Back of Certain Complaints. A complaint which would not otherwise be timely may be filed if it: (a) states that another complaint naming the same respondent is properly before the Commission and identifies that other complaint, and (b) alleges the same or additional facts which describe an unlawful employment practice related to or growing out of the subject matter of the other, identified complaint, and (c) would have been timely if filed at the time

of, or other time subsequent to, the filing of the other, identified complaint. A complaint under this subsection may be filed by a new complainant and shall relate back to the date the other, identified complaint was first received.

(5) Form. The complaint must be in writing and shall be signed by the complainant. The complaint shall be verified.

(6) Contents.

(a) The complaint should contain the following information:

1. The name, address and telephone number of the person filing the complaint;

2. The name, address and telephone number of the respondent;

3. A clear and concise statement of the facts, including pertinent dates, constituting the unlawful employment practice;

4. If known, the approximate number of employees of a respondent employer;

5. If known, a statement disclosing whether proceedings involving the alleged unlawful employment practice have been commenced before a Federal, State or local agency charged with the enforcement of fair employment practice laws and, if so, the date of such commencement and the name of the agency.

(b) Notwithstanding the provision of paragraph (a) of this subsection, a complaint is sufficient if it is in writing, signed by the Complainant, verified, and is sufficiently precise to identify the parties and to describe generally the action or practice complained of.

(7) Amendments.

(a) A complaint may be reasonably and fairly amended within 60 days after filing and, thereafter, for good cause with the consent of the Executive Director.

~~(b)(a)~~ A complaint may be amended to cure technical defects, or omissions, including verification, or to clarify and amplify allegations made therein. Such amendments and amendments which describe an additional unlawful employment practice related to or growing out of the subject matter of the original complaint will relate back to the date the complaint was first received.

~~(c)(b)~~ An amendment adding or changing a respondent will relate back to the date the complaint was first received if, within the period provided by subsection (2), the new respondent (i) has received such notice of the filing of the complaint as is sufficient to avoid prejudice in a defense on the merits, and (ii) knew or should have known that, but for a mistake concerning identity of the proper respondent, the complaint would have been filed against the new respondent.

~~(e) An amendment may be filed at any time before service of a Notice of Determination. After a Notice of Determination has been served, an amendment may be filed only with the permission of the Executive Director, for good cause shown.~~

(8) Withdrawal. A complaint may be withdrawn by a complainant at any time; however, following the issuance of a Notice of Determination, withdrawal may be made only with the consent of the Executive Director.

(9) Notice to Respondent. When it is determined that a complaint is complete and has been timely filed. The Executive Director shall cause notice of the filing and a copy of the complaint to be served upon the respondent. Notice shall be served within 5 days of the date of filing. An amendment likewise shall be served upon the respondent. Commission, within 5 days of the complaint being filed, shall send by registered mail notice of the filing and a copy of the complaint to the respondent. An amendment likewise shall be sent by registered mail to the respondent.

(10) Maintenance of ~~Employment~~ Records. Once a complaint has been served on a respondent, the respondent shall preserve all ~~personnel records, production~~ records and other evidence which may pertain to the complaint until the matter has been finally determined.

Specific Authority 760.06(12), 760.11(14) FS. Law Implemented 760.06, 760.10, 760.11(1) FS. History—New 11-2-78, Amended 10-4-82, Formerly 22T-9.01, 22T-9.001, Amended 1-28-99, 2-23-00, _____.

60Y-5.0011 Answer.

(1) Responded may file an answer to the complaint within 25 days of the date of notice of the filing. The answer shall be verified.

(2) The Answer may be reasonably and fairly amended at any time prior to the issuance of a determination pursuant to Rule 60Y-5.004, F.A.C.

Specific Authority 120.53, 760.06(12) FS. Law Implemented 120.53, 760.11(1) FS. History—New _____.

60Y-5.003 Investigation of Complaints.

(1) By Whom. The investigation of the complaint shall be made by the Office of Employment Investigations or by any other person designated by the Executive Director. The Executive Director may utilize services of other public agencies, state, local or federal, which are charged with the administration of fair employment practice laws, and may utilize the information gathered by such.

(2) Statement of Complainant. During the course of an investigation, the complainant may be required to provide a statement which includes:

(a) A statement of each particular harm which the aggrieved person has suffered and the date on which each harm occurred;

(b) For each harm, a statement specifying the act, policy or practice which is alleged to be unlawful;

(c) For each act, policy, or practice alleged to have harmed the aggrieved person, a statement of the facts which lead the complainant to believe that the act, policy or practice is discriminatory.

(3) Requests for Information. During the course of an investigation, the Office of Employment Investigations may request of any person information concerning the facts and circumstances of the complaint. Requests for information may be made in the following manner:

- (a) Oral interviews;
- (b) Written interrogatories;
- (c) Requests for production of documents;
- (d) Requests for entry upon land for inspection and other purposes;
- (e) Requests for a written statement or affidavit.

(4) Failure to Provide Information – Respondent. In the event a respondent fails to provide information within that person’s control, which is requested pursuant to subsection (3), and reasonable notice and opportunity to cure have been given, an inference may be drawn, in a determination of reasonable cause pursuant to Rule 60Y-5.004, F.A.C., that such information is adverse to the respondent’s interest.

(5) Failure to Cooperate – Complainant.

(a) Where the complainant fails to provide a necessary statement, fails or refuses to appear or be available for interview or meetings, fails or refuses to provide necessary information requested by the Office of Employment Investigations pursuant to this section or otherwise refuses to cooperate to the extent that the Office of Employment Investigations is unable to resolve the complaint, and after notice the complainant has failed to duly respond to the Office of Employment Investigations within 30 days, the Executive Director may dismiss the complaint, which shall constitute final Agency action.

(b) In the event a complainant fails to appear at or fails or refuses to participate in a fact-finding conference scheduled in the complainant’s area of residence or at the place most convenient to all parties as determined by the Office of Employment Investigations, and after being provided at least fourteen days notice of such conference, which notice shall advise complainant of the provisions of this rule, the Executive Director may dismiss the complaint; provided, however, that no complaint may be dismissed pursuant to this rule where within fourteen days of the scheduled conference the complainant has filed with the Commission information establishing good cause for complainant’s nonappearance or nonparticipation. Such information should include sworn statements of those individuals having direct knowledge of pertinent events causing the nonappearance or nonparticipation, as well as any other relevant evidence.

(6) Subpoena. In the event any person fails to provide requested information, the Executive Director may issue and sign a subpoena on behalf of the Commission. The subpoena shall state the name and address of the issuer, identify the person subpoenaed, the person to whom and the place, date, and time at which it is returnable. A subpoena may be returnable to a representative of the Commission.

(7) Enforcement of Subpoena. In the event the person to whom the subpoena is directed fails to obey the subpoena, the Executive Director may direct the General Counsel to apply to a circuit court for an order of compliance.

(8) Suspension of Investigation. Upon the request of the complainant or respondent, the Executive Director or his designee ~~Administrator of Employment Investigations~~ may suspend an investigation during the pendency of a grievance proceeding, on the same subject, to which the complainant and respondent are parties. This suspension shall normally be granted for not more than 45 days and only if there is reason to believe that the pending proceeding will fully resolve the matters raised by the complaint.

(9) Access to Files During Investigation. Information obtained during the investigation of a complaint shall be disclosed only to the complainant, respondent or their authorized representative, or to a witness, only when disclosure is deemed necessary for the investigation or for securing appropriate disposition of the complaint.

(10) Negotiated Settlement. During the mediation and/or investigation processes, the Commission Office of Employment Investigations shall endeavor to encourage the complainant and the respondent to settle the complaint on mutually agreeable terms. If the settlement is achieved by a Negotiated Settlement Agreement, its terms shall be reduced to writing and signed and dated by the complainant and respondent. If a settlement is achieved as a Withdrawal with Settlement, only the complainant need sign and date. A copy of the agreement shall be filed with the Clerk. A complaint which has been settled may be dismissed by the Executive Director upon such terms and at such time as may be provided in the written agreement subject to compliance.

Specific Authority 760.06(13), 760.11(14) FS. Law Implemented 760.03(7), 760.06, 760.10, 760.11(2), (12) FS. History—New 11-2-78, Amended 8-12-85, Formerly 22T-9.03, Amended 8-11-86, Formerly 22T-4.003, Amended

60Y-5.004 Executive Director’s Investigatory Determination; Notice.

(1) Upon completion of an investigation, if a complaint has not been settled or withdrawn, the Office of Employment Investigations shall report the investigation, with recommendation, to the Office of General Counsel. The Office of General Counsel shall review the report and shall make a recommendation to the Executive Director as to whether there is reasonable cause to believe that an unlawful employment practice has occurred.

(2) If the recommendation is based upon lack of jurisdiction over the respondent or subject matter of the complaint or upon untimely filing of the complaint, the Executive Director may dismiss the complaint pursuant to subsection 60Y-5.006(3) or (11), F.A.C., provided that the investigation does not reveal any disputed issues of material

fact. The Executive Director shall issue a determination on the foregoing bases of lack of jurisdiction or untimeliness where disputed issues of material fact appear to exist.

(3) After a determination has been made by the Executive Director, the Clerk shall serve a Notice of Determination, with copies of the determination, upon the complainant and the respondent.

(4) A Notice of Determination of Reasonable Cause shall include an invitation to participate in conciliation and shall advise the complainant of the elective right to file either a Petition for Relief, pursuant to Rule 60Y-5.008, F.A.C., within 35 days of the date of determination or a civil action within one year of the date of determination. A Petition for Relief form, in blank, shall be provided to the complainant at the time of service of the notice.

(5) A Notice of Determination of No Reasonable Cause, No Jurisdiction or Untimeliness shall advise the complainant of the right to file a Petition for Relief, pursuant to Rule 60Y-5.008, F.A.C., within 35 ~~30~~ days of the date of determination ~~service of the notice~~. A form, Petition for Relief form, hereby incorporated by reference, in blank, shall be provided to the complainant at the time of service of the notice.

~~(6) A Notice of Determination shall further advise the parties of the right to request redetermination, pursuant to Rule 60Y-5.007, F.A.C., within 20 days of service of the notice. If the complainant requests redetermination, the 30 day period for filing a Petition for Relief shall be tolled until service of a Notice of Redetermination.~~

~~(6)(7) After service of a Notice of Determination, the parties named in the determination may inspect the records and documents, in the custody of the Commission, which pertain to the determination. The Executive Director may direct that a particular record, document or portion thereof be withheld from inspection by a party only when necessary for the protection of a witness or third party, or for the preservation of a trade secret.~~

Specific Authority 760.06(13) FS. Law Implemented 760.03(7), 760.06, 760.10, 760.11(2), (3), (4), (7) FS. History—New 11-2-78, Amended 6-16-83, 8-12-85, Formerly 22T-9.04, 22T-9.004, Amended _____.

60Y-5.005 Conciliation.

(1) After service of a Notice of Determination of Reasonable Cause pursuant to Rule 60Y-5.004, F.A.C., the Commission Office of Employment Investigations shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation and persuasion.

(2) The Commission Office of Employment Investigations shall attempt to achieve a just resolution of all violations found, and to obtain agreement that the respondent will eliminate the unlawful practice and provide appropriate affirmative relief. Where such conciliation attempts are successful, the terms of the conciliation agreement shall be reduced to writing and signed by the complainant, the respondent and the Executive Director or the person designated

by the Executive Director. The original of the signed agreement shall be filed with the Clerk, and copies shall be served upon the respondent and the complainant.

~~(3)(2) A duly executed conciliation agreement shall operate as a dismissal of the complaint; however, prior to the filing of the conciliation agreement, the parties may stipulate therein to bringing the agreement before a Panel of Commissioners. The Panel in its sole discretion may adopt the conciliation agreement as a consent order.~~

(4) Conciliation has not been signed and the complaint has not been withdrawn or dismissed within the time period established for filing a Petition for Relief, the Executive Director shall dismiss the complaint.

~~(3) If, 30 days after service of a Notice of Determination of Reasonable Cause, a conciliation agreement has not been signed and the complaint has not been withdrawn or dismissed, the Executive Director shall cause a Notice of Failure of Conciliation to be served upon the complainant and the respondent. The 30 day period may be extended only by written stipulation of the complainant and the respondent or by the Office of Employment Investigations. The Executive Director or Administrator of Employment Investigations may shorten the 30 day period if it appears that conciliation will not be achieved. The Notice of Failure of Conciliation shall state that the complainant may file a Petition for Relief, pursuant to Rule 60Y-5.008, F.A.C., within 30 days of service of the notice. A form, Petition for Relief, in blank, shall be provided to the complainant at the time of service of the Notice of Failure of Conciliation.~~

~~(4) Where a Request for Redetermination is filed, pursuant to Rule 60Y-5.007, F.A.C., during the conciliation period, conciliation will be stayed until the Executive Director has acted upon the request.~~

Specific Authority 760.06(13) FS. Law Implemented 760.06, 760.10 FS. History—New 11-2-78, Amended 6-16-83, 8-29-84, 8-12-85, Formerly 22T-9.05, 22T-9.005, Amended _____.

60Y-5.006 Administrative Dismissal of a Complaint.

The Executive Director, on behalf of the Commission, may dismiss a complaint upon one or more of the following grounds:

(1) The complainant has failed or refused to cooperate or has failed to appear at or fails or refuses to participate in a duly noticed fact-finding conference and after notice pursuant to subsection 60Y-5.003(5), F.A.C., has failed to duly respond or show good cause for such nonappearance or nonparticipation;

(2) The complaint has been resolved by negotiated settlement pursuant to subsection 60Y-5.003(10), F.A.C.;

(3) The complaint has not been timely filed with the Commission;

(4) After service of Notice of Determination of Reasonable Cause, No Reasonable Cause, or No Jurisdiction ~~or Untimeliness~~, the complainant has failed to file a Request for

Redetermination pursuant to Rule 60Y-5.007, F.A.C., or has failed to file a Petition for Relief pursuant to Rule 60Y-5.008, F.A.C.;

~~(5) Anytime after the expiration of 180 days from the date of filing the complaint when a Determination of Reasonable Cause or No Reasonable Cause has not been issued by the Commission and after the Complainant files notice of a planned, or files a, civil action in a court of competent jurisdiction, after service of a Notice of Redetermination of No Reasonable Cause, No Jurisdiction or Untimeliness, the complainant has failed to file a Petition for Relief pursuant to Rule 60Y-5.008, F.A.C.;~~

~~(6) after service of a Notice of Failure of Conciliation, the complainant has failed to file a Petition for Relief pursuant to 60Y-5.008, F.A.C.;~~

~~(6)(7) The~~ the complainant cannot be located after reasonable efforts to locate have been made and there is no response from the complainant within 30 days after notice was sent by certified mail to the complainant's last known address;

~~(7)(8) An~~ an agreement to submit to arbitration has been filed pursuant to Rule 60Y-5.009, F.A.C.;

~~(8)(9) The~~ the complainant has voluntarily dismissed the petition for relief pursuant to subsection 60Y-5.008~~(7)(9)~~, F.A.C.;

~~(9)(10) The~~ the complainant has voluntarily withdrawn the complaint, including during the period from the issuance of the investigative determination through the final date in which a petition for relief from an unlawful employment practice may be filed; or

~~(10)(11) There~~ there is no jurisdiction over the respondent or subject matter of the complaint.

Specific Authority 760.06(13) FS. Law Implemented 20.05, 760.06, 760.10 FS. History--New 11-2-78, Amended 6-16-83, 8-29-84, 8-12-85, Formerly 22T-9.06, Amended 8-11-86, Formerly 22T-9.006, Amended _____.

60Y-5.008 Petition for Relief from an Unlawful Employment Practice.

(1) Petition. A complainant may file a Petition for Relief from an Unlawful Employment Practice within 35 ~~30~~ days of the Date service of a Notice of Failure of Conciliation, a Notice of Determination of Reasonable Cause, No Reasonable Cause, a Notice of Determination of No Jurisdiction or a Notice of Determination of Untimeliness; or where redetermination has been requested, a Notice of Redetermination of No Reasonable Cause, a Notice of Redetermination of No Jurisdiction or a Notice of Redetermination of Untimeliness. Notwithstanding the provisions of subsection 60Y-4.004(2) and Rule 60Y-4.005, F.A.C., a A complainant who is not represented by an attorney may file a Petition for Relief without copies or proof of service, and the Clerk shall prepare copies and serve them upon all other parties.

(2) For good cause shown, the Chairperson may grant an extension of time to file the Petition for Relief from an Unlawful Employment Practice, provided the motion for extension of time is filed within the 35 ~~30~~-day period prescribed by subsection 60Y-5.008(1), F.A.C.

(3) Procedures. Petitions for Relief, and proceedings thereupon, are governed by the provisions of Chapters 28-106 and 60Y-4, Florida Administrative Code, except as otherwise provided by this section.

(4) Class Allegations.

(a) The petition may include an allegation that the respondent has acted or refused to act on grounds generally applicable to a class, in which case the petition shall also include a description of the class of persons allegedly affected.

~~(5) Answer.~~

~~(a) Each respondent shall file an answer with the Commission within 20 days of service of the petition.~~

~~(b) The answer shall include a specific admission, denial, or explanation of each allegation of the petition; or if the respondent is without knowledge thereof, it shall so state, in which case such statement shall operate as a denial. Admissions or denials may be made to all or part of a particular allegation.~~

~~(c) The answer shall include a specific, detailed statement of any affirmative defense. Failure to plead an affirmative defense shall constitute a waiver of that defense.~~

~~(d) If a respondent fails to file a timely answer, such failure shall be deemed to constitute an admission of the material facts alleged in the petition. Any allegation within the petition which is not denied in the answer shall be deemed admitted.~~

~~(e) The filing of a motion to dismiss shall not toll the time for filing an answer.~~

~~(6) Notice to Commissioners or Members of a Panel. The Clerk shall serve notice of the petition upon all Commissioners unless a Panel has been designated by the Chairperson. If a Panel has been designated, the Clerk shall serve notice upon the members of that Panel.~~

~~(b)(7) Certification of Class.~~ If the petition contains class allegations, the administrative law judge hearing officer, on motion of a party, may include in the recommended order a proposed certification of the class if (a) the class is so numerous that joinder of all members is impractical, (b) there are questions of law or fact common to the class, (c) the claims of the petitioner are typical of the claims of the class, and (d) the petitioner will fairly and adequately protect the interests of the class. If the hearing officer proposes that a class be certified, the hearing officer may also include in the recommended order proposed findings and conclusions concerning the respondent's liability to the class. However, the hearing officer shall not initially consider other class issues unless it is determined that such consideration will not cause undue delay to the completion of the hearing.

~~(5)(8)~~ Final Orders; Relief; Remand. Upon consideration of a recommended order, the Commission or Panel may order that the petition and complaint be dismissed or may determine that an unlawful employment practice has occurred. In the event the Commission or Panel determines that an unlawful employment practice has occurred, it shall issue an order prohibiting the practice and providing relief from the effects of the practice. If the Commission or Panel finds that the proceeding is properly maintained as a class proceeding, the order of the Commission or Panel may direct a remand to the hearing officer of any class issue which the Commission or Panel has not determined. The order of the Commission or Panel shall constitute final agency action as to all matters except those which are remanded to the hearing officer.

~~(6)(9)~~ Proceedings After Remand. An order of remand, pursuant to subsection ~~(5)(7)~~, or a subsequent order of the hearing officer, may direct that notice of pendency of the proceeding be served upon members of the class. Such an order shall specify the manner of service of the notice and the person responsible for service. Any member of the class who does not, within 15 days of service of the notice of pendency or within such other time as the order may provide, file with the Commission an election of non- participation in the class shall be bound by an order of the Commission or Panel made subsequent to the giving of such notice.

~~(7)(10)~~ Voluntary Dismissal. A Petition for Relief may be dismissed by the Petitioner without order of the hearing officer, Panel of Commissioners or Commission (i) by serving, or during hearing, by stating on the record, a notice of dismissal at any time before the issuance of a recommended order ~~Commission takes final action~~ or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action. The dismissal operates with prejudice with respect to Petitioner's Chapter 760, F.S., administrative remedies and constitutes final agency action.

Specific Authority 760.06(13) FS. Law Implemented 760.06, 760.10 FS. History—New 11-2-78, Amended 2-4-82, 6-16-83, 8-29-84, 8-12-85, Formerly 22T-9.08, 22T-9.008, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William James Tait, Jr.
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cecil Howard
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE TITLES:	RULE NOS.:
Complaints	60Y-7.001
Answer	60Y-7.002
Investigation of Complaints	60Y-7.004
Conciliation	60Y-7.005

PURPOSE AND EFFECT: The rule chapter provides for Commission proceedings to receive, investigate and act upon complaints of discriminatory housing practices.

SUMMARY: Amendments have updated rule sections to conform to current procedures and statutory requirements, including the adoption of the Uniform Rules of Procedure, and clarifying when a complaint is filed, and under what conditions, amendments, withdrawals and dismissals of complaints may be made.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.53, 760.06(12), 760.31(5) FS.

LAW IMPLEMENTED: 120.53, 760.20-760.37 FS.

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

TIME AND DATE: 9:00 a.m. (EDT), Wednesday, September 24, 2003

PLACE: The Commission's Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or (850)488-7082, Ext. 1071

THE FULL TEXT OF THE PROPOSED RULES IS:

60Y-7.001 Complaints.

(1) Who may file. A complaint may be filed by any person who claims to have been injured by a discriminatory housing practice or any person who believes that he will be injured by a discriminatory housing practice that is about to occur.

(2) Time for Filing. A complaint may be filed at any time within one year of the occurrence of the alleged discriminatory housing practice. If the alleged discriminatory housing practice is of a continuing nature, the date of the occurrence may be any date subsequent to the commencement of the discriminatory housing practice up to and including the date on which it shall have ceased.

(3) Place and Date of Filing. A complaint shall be filed at the office of the Commission. The date of filing shall be the date of actual receipt of the complaint by the Clerk or other agent of the Commission. Any document received by the Clerk or other agent of the Commission after 5:00 p.m. (Eastern Time) shall be filed as of 8:00 a.m. on the next regular business day.

(4) Form. The complaint must be in writing and shall be signed by the complainant. The complaint shall be verified.

(5) Contents.

(a) The complaint should contain the following information:

1. The name, address and telephone number of the person filing the complaint;

2. The name, address and telephone number of the respondent;

3. A clear and concise statement of the facts, including pertinent dates, constituting the discriminatory housing practice;

4. If known, a statement disclosing whether proceedings involving the alleged discriminatory housing practice have been commenced before a Federal, State or local agency charged with enforcement of fair housing practice laws and, if so, the date of such commencement and the name of the agency.

(b) Notwithstanding the provision of paragraph (a) of this subsection, a complaint is sufficient if it is in writing under oath or affirmation and is sufficiently precise to identify the parties and to describe generally the action or practice complained of.

(6) Amendments.

(a) A complaint may be reasonably and fairly amended within 60 days after filing and, thereafter, for good cause with the consent of the Executive Director at any time.

(b) A complaint may be amended to cure technical defects, or omissions, including verification, or to clarify and amplify allegations made therein. Such amendments and amendments which describe an additional discriminatory housing practice relating to or growing out of the subject matter of the original complaint will relate back to the date the complaint was first received.

(c) An amendment adding or changing a respondent will relate back to the date the complaint was first received if, within the period provided by subsection (2) of this section, the new respondent (i) has received such notice of the filing of the complaint as is sufficient to avoid prejudice in a defense on the merits, and (ii) knew or should have known that, but for a mistake concerning identity of the proper respondent, the complaint would have been filed against the new respondent.

(7) Withdrawal. A complaint may be withdrawn by a complainant at any time; however, following the issuance of a Notice of Determination, withdrawal may be made only with the consent of the Executive Director.

(8)(a)1. Notice to Respondent. When it is determined that a complaint is complete and has been timely filed, the Executive Director shall cause notice of the filing and a copy of the complaint to be served upon the respondent. Notice should be served within 10 days of the date of filing. An amendment likewise shall be served upon the respondent.

2. The notice shall advise the respondent of relevant procedural rights and obligations by referencing, for example, Sections 760.20-760.37, F.S., and Chapters 60Y-6, 60Y-7, 60Y-8, and 60Y-9, F.A.C..

3. The notice shall advise the respondent of the complainant's right to commence a civil action under Section 760.35, F.S., in court, not later than two years after the occurrence or termination of the alleged discriminatory housing practice. If filed in federal court under federal law, ~~the~~ notice will state that the computation of this two-year period excludes any time during which the matter is pending for administrative relief with respect to a complaint or charge based on the alleged discriminatory housing practice. The notice will also state, however, that the time period includes the time during which an action arising from a breach of a conciliation agreement under Section 760.36, F.S., is pending.

4. The notice shall advise the respondent that retaliation against any person because he or she made a complaint or testified, assisted or participated in an investigation or conciliation under Florida's Fair Housing Act is a discriminatory housing practice that is prohibited.

(b) Notice to Complainant.

1. The Commission shall serve notice upon the complainant acknowledging the filing of the complaint, advising the complainant of the time limits set forth in Rule 60Y-7.004, F.A.C.

2. The Commission shall serve notice upon the complainant advising the complainant of the statutory remedies and choice of forums by referencing Sections 760.34, 760.35 and 760.37, F.S., and by informing the complainant that Section 760.34, F.S., is neither an obstacle nor a prerequisite to commencement of a separate civil action on his own under Section 760.35, F.S.

3. The notice shall advise the complainant of his right to commence a civil action under Section 760.35, F.S., in a court, not later than two years after the occurrence or termination of the alleged discriminatory housing practice. The notice will state that, if filing in federal court under federal law, the computation of this two-year period excludes any time during which the matter is pending for administrative relief with respect to a complaint or charge, based on the alleged discriminatory housing practice. The notice will also state, however, that the time period includes the time during which an action arising from a breach of a conciliation agreement under Section 760.36, F.S., is pending.

4. The notice shall advise the complainant that retaliation against any person because he or she made a complaint or testified, assisted, or participated in an investigation or conciliation under Florida's Fair Housing Act is a discriminatory housing practice that is prohibited.

5. Upon an investigatory determination of reasonable cause, the Commission shall serve notice upon the complainant advising the complainant that at the election of the complainant, the Attorney General shall bring an action in the name of the state on behalf of the complainant to enforce the provisions of Sections 760.20-760.37, F.S.

6. The complainant must make his election within 20 days after receipt of the notice. If an election is made for a civil action by the Attorney General, then a civil action shall be commenced and maintained within a reasonable time from the date of the election.

7. In addition, complainant shall be advised that, as an alternative to the Attorney General bringing an action, the Commission will petition for an administrative hearing and seek relief for complainant under Section 120.57, F.S., and prosecute the matter to a final agency order, which may include defending against an appeal by the respondent.

8. At all times, however, Complainant retains the right to seek administrative or judicial relief without governmental assistance.

(9) Maintenance of Records. Once a complaint has been served on the respondent, the respondent shall preserve all records and other evidence which may pertain to the complaint until the matter has been finally determined.

Specific Authority 760.31(5) FS. Law Implemented 760.34 FS. History--New 1-25-90, Amended 11-20-91, Formerly 22T-21.001, Amended 9-17-98.

60Y-7.002 Answer.

(1) Respondent ~~may shall~~ file an answer to the complaint within 20 days of the date of notice of the filing. The answer shall be verified sworn to or affirmed before a notary public, or other person duly authorized by law to administer oaths and take acknowledgements.

(2) The answer may be reasonably and fairly amended at any time prior to the issuance of a Notice of Determination.

Specific Authority 120.53, 760.31(5) FS. Law Implemented 120.53, 760.34 FS. History--New 1-25-90, Formerly 22T-21.002. Amended _____.

60Y-7.004 Investigation of Complaints.

(1)(a) By whom. The investigation of the complaints shall be made by the Office of ~~Community Relations and Housing Investigations~~ or by any other person Commission employee designated by the Executive Director. The Executive Director may utilize services of other public agencies, state, local or federal, which are charged with the administration of fair housing practice laws, and may utilize the information gathered by such.

(b) Investigatory proceedings shall commence before the end of the 30th day after receipt of the complaint.

(2) Statement of Complainant. During the course of an investigation, the complainant may be required to provide a statement which includes:

(a) A statement of each particular harm which the aggrieved person has suffered and the date on which each harm occurred.

(b) For each harm, a statement specifying the act, policy or practice which is alleged to be unlawful.

(c) For each act, policy or practice alleged to have harmed the aggrieved person, a statement of the facts which lead the complainant to believe that the act, policy or practice is discriminatory.

(3) Requests for Information. During the course of an investigation, the Office of ~~Community Relations and Housing Investigations~~ may request of any person information concerning the facts and circumstances of the complaint. Requests for information may be made in the following manner:

(a) Oral interviews;

(b) Written interrogatories;

(c) Requests for production of documents;

(d) Requests for entry upon land for inspection and other purposes;

(e) Requests for a written statement or affidavit.

(4) Failure to Cooperate – Complainant. Where the complainant fails to provide a necessary statement, fails or refuses to appear or be available for interviews or meetings, fails or refuses to provide necessary information requested by the Office of ~~Community Relations and Housing Investigations~~ pursuant to this section or otherwise refuses to cooperate to the extent that the Office of Community Relations and Housing Investigations is unable to resolve the complaint, and where after notice the complainant has failed to duly respond to the Office of ~~Community Relations and Housing Investigations~~, the Executive Director may dismiss the complaint based upon complainant’s failure to cooperate.

(5) Subpoena. The Commission and the respondent may compel access to or the production of documents or the appearance of persons under the following conditions:

(a) The Executive Director may issue subpoenas to compel access to or the production of documents or the appearance of such persons as are reasonably necessary for the investigation.

(b) The respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Commission to the same extent and subject to the same limitations as subpoenas issued by the Commission on its own initiative.

(c) Each subpoena shall state the name and address of the issuer, identify the person subpoenaed, and identify the person to whom and the place, date and time at which it is returnable.

(d) Within 5 days after service of a subpoena upon any person, such person may petition the Executive Director to revoke or modify the subpoena. The Executive Director shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any

matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, or that compliance would be unduly onerous or for other good reason.

(e) In case of refusal to obey a subpoena, the Executive Director or the person at whose request the subpoena was issued may petition for its enforcement in the circuit court for the county in which the person to whom the subpoena was addressed resides, was served or transacts business.

~~(f) Witnesses summoned by subpoena of the Commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in court. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by the respondent.~~

(6) Access to Files During Investigation. Information obtained during the investigation of a complaint shall be disclosed only to the complainant, respondent or their authorized representative, or to a witness, only when disclosure is deemed necessary for the investigation or for securing appropriate disposition of the complaint.

(7) Negotiated Settlement. During the mediation and/or investigation processes, the Commission Office of Community Relations and Housing Investigations shall endeavor to encourage the complainant and the respondent to settle the complaint on mutually agreeable terms. If the settlement is achieved by a Negotiated Settlement Agreement, its terms shall be reduced to writing and signed and dated by the complainant and the respondent. If a settlement is achieved as a Withdrawal with Settlement, only the complainant need sign and date. A copy of the agreement shall be filed with the Clerk. A complaint which has been settled may be dismissed by the Executive Director upon such terms and at such time as may be provided in the written agreement subject to compliance.

(8)(a) Within 100 days after receiving a complaint or within 100 days after the expiration of any period of reference under Rule 60Y-7.003, F.A.C., the Commission shall investigate the complaint and give notice in writing to the person aggrieved whether the investigatory determination is "No Cause" or "Cause." ~~If the investigatory determination is "Cause," the Commission shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion.~~

(b) If the Commission is unable to complete its investigation within 100 days, it shall notify the complainant and respondent in writing of the reasons for not doing so.

(9) If the investigatory determination is "No Cause," the Executive Director shall issue a "Notice of Determination (No Cause)" and serve it upon the complainant and the respondent. The "Notice of Determination (No Cause)" shall state that the complainant may request an administrative hearing ~~be conducted on the claim~~, by filing a Petition for Relief from a Discriminatory Housing Practice within 30 days of service of

the notice. A form, Petition for Relief, in blank, shall be provided to the complainant at the time of service of the "Notice of Determination (No Cause)".

(10) If the investigatory determination is "Cause," the Executive Director shall issue a "Notice of Determination (Cause)" and serve it upon the complainant and the respondent. The notice shall inform the complainant of the options and mandated times for action outlined in paragraph 60Y-7.001(8)(b). Concurrently, the Commission may also attempt to conciliate the case pursuant to Rule 60Y-7.005, F.A.C.

~~(11)~~(10) The Commission will make final administrative disposition of a complaint within 100 days ~~one year~~ of the date of receipt of the complaint, unless it is impracticable to do so. If the Commission is unable to do so, it shall notify the complainant and respondent in writing of the reasons for not doing so.

Specific Authority 120.53, 760.31(5) FS. Law Implemented 120.53, 760.34 FS. History—New 1-25-90, Amended 11-20-91, Formerly 22T-21.004, Amended 11-18-92, _____.

60Y-7.005 Conciliation.

(1) If the Commission decides to resolve the complaint, it shall endeavor to eliminate any discriminatory housing practice by informal methods of conference, conciliation and persuasion. Insofar as possible, conciliation meetings shall be held in the city or other locality where the discriminatory housing practice allegedly occurred.

(2) The Commission shall attempt to achieve a just resolution of all violations found, and to obtain agreement that the respondent will eliminate the discriminatory housing practice and provide appropriate affirmative relief. Where such conciliation attempts are successful, the terms of the conciliation agreement shall be reduced to writing and signed by the complainant, the respondent and the Executive Director or person designated by the Executive Director. The original of the signed agreement shall be filed with the Clerk, and copies shall be served upon the respondent and the complainant.

(3) A duly executed conciliation agreement shall operate as a dismissal of the complaint; however, prior to the filing of the conciliation agreement, the parties may stipulate therein to bringing the agreement before a Panel of Commissioners. The Panel in its discretion may adopt the conciliation agreement as a consent order.

(4) If a conciliation agreement has not been signed and the complaint has not been withdrawn or dismissed within the time period established for filing a Petition for Relief, the Executive Director shall dismiss the complaint, 30 days after service of a "Notice of Determination (Cause)" a conciliation agreement has not been signed and the complaint has not been withdrawn or dismissed, the Executive Director shall cause a Notice of Failure of Conciliation to be served upon the complainant and the respondent. The 30 day period may be extended only by written stipulation of the complainant and the respondent or by

~~the Executive Director. The Executive Director may shorten the 30-day period if it appears that conciliation will not be achieved.~~

~~(5) The Notice of Failure of Conciliation shall state that by filing a Petition for Relief from a Discriminatory Housing Practice within 30 days of service of the notice, the complainant may request that an administrative hearing be conducted on the claim. A form, Petition for Relief, in blank, shall be provided to the complainant at the time of service of the Notice of Failure of Conciliation. The Notice of Failure of Conciliation shall further advise that, at the request of the complainant, the Attorney General shall bring a civil action in the name of the State on behalf of the complainant to enforce the provisions of the Fair Housing Act.~~

Specific Authority 120.53, 760.31(5) FS. Law Implemented 120.53, 760.34 FS. History—New 1-25-90, Formerly 22T-21.005, Amended 11-18-92,

NAME OF PERSON ORIGINATING PROPOSED RULE:
William James Tait, Jr.
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cecil Howard
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE TITLE: Petition for Relief from a Discriminatory Housing Practice

RULE NO.:

60Y-8.001

PURPOSE AND EFFECT: The rule section provides for Petitions for Relief from a discriminatory housing practice.

SUMMARY: Amendments have updated the section to reflect the adoption of the Uniform Rules of Procedure and to current commission practices.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.53, 760.06 (12), 760.31(5) FS.

LAW IMPLEMENTED: 120.53, 760.34, 760.35 FS.

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

TIME AND DATE: 9:00 a.m. (EDT), Wednesday, September 24, 2003

PLACE: The Commission's Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Florida Commission on Human Relations, Attn.: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301, (850)488-7082, Ext. 1071

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-8.001 Petition for Relief from a Discriminatory Housing Practice.

(1) Petition. A complainant may file a Petition for Relief from a Discriminatory Housing Practice within 30 days of service of a Notice of Determination (No Cause) or Notice of ~~Determination (Cause) Failure of Conciliation~~. The Executive Director on behalf of the Commission may institute an action by filing ~~file~~ a Petition for Relief from a Discriminatory Housing Practice upon determining there is reasonable cause to believe that a discriminatory practice has occurred and has been unable to obtain voluntary compliance with Sections 760.20-760.37, F.S. within 30 days of Services of a Notice of Failure of Conciliation. The Clerk shall prepare copies of the petition and serve them upon all other parties named in the petition by certified mail.

(2) For good cause shown, the Chairperson may grant an extension of time to the complainant to file the Petition for Relief, provided the motion for extension of time is filed within the 30-day period.

(3) Procedures. Petitions for Relief, and proceedings thereupon, are governed by the provisions of Chapters 28-106 and 60Y-4, F.A.C., except as otherwise provided by this section.

~~(4) Answer.~~

~~(a) Each respondent shall file an answer with the Commission within 20 days of service of the petition.~~

~~(b) The answer shall include a specific admission, denial, or explanation of each allegation of the petition; or if the respondent is without knowledge thereof, it shall so state, in which case such statement shall operate as a denial. Admissions or denials may be made to all or part of a particular allegation.~~

~~(c) The answer shall include a specific, detailed statement of any affirmative defense. Failure to plead an affirmative defense shall constitute a waiver of that defense.~~

~~(d) If a respondent fails to file a timely answer, such failure shall be deemed to constitute an admission of the material facts alleged in the petition. Any allegation within the petition which is not denied in the answer shall be deemed admitted.~~

~~(e) The filing of a motion to dismiss shall not toll the time for filing an answer.~~

~~(5) Notice to Commissioners or Members of a Panel. The Clerk shall serve notice of the petition upon all Commissioners unless a panel has been designated by the Chairperson. If a Panel has been designated, the Clerk shall serve notice upon the members of that Panel.~~

~~(4)(6) Final Orders; Relief; Remand. Upon consideration of a recommended order, the Commission or Panel may order that the petition and complaint be dismissed or may determine that a discriminatory housing practice has occurred. In the event the Commission or Panel determines that a discriminatory housing practice has occurred, it shall issue an order prohibiting the practice and providing relief from the effects of the practice, including quantifiable damages and reasonable attorney's fees and costs. The order of the Commission or Panel shall be final as to all matters except those which are remanded to the Administrative Law Judge Hearing Officer.~~

~~(5)(7) Voluntary Dismissal. A Petition for Relief filed by a complainant may be dismissed by the complainant without order of the Administrative Law Judge hearing office, Panel of Commissioners or Commission (i) by serving, or during hearing, by stating on the record, a notice of dismissal at any time before the issuance of a recommended order the Commission takes final action or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action. The dismissal operates with prejudice with respect to Petitioner's Chapter 760, F.S. complainant's administrative remedies and constitutes final agency action.~~

Specific Authority 120.53, 760.31(5) FS. Law Implemented 120.53, 760.34, 760.35 FS. History--New 1-25-90, Formerly 22T-22.001, Amended 11-18-92, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William James Tait, Jr.
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cecil Howard
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE TITLES: RULE NOS.:
Purpose 60Y-9.001
Housing Exemption for Persons 55 Years of Age or Older 60Y-9.005
Housing for Older Persons Registration and Documentation 60Y-9.007
PURPOSE AND EFFECT: The rule chapter provides for Commission's implementation of the provisions of Section 760.29(4), F.S., relating to housing for older persons.

SUMMARY: Amendments are proposed to correct a statutory reference, adopt a federal rule, and correct the address of the Commission and its powers to impose an administrative fine.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 760.06(12), 760.31(5) FS.

LAW IMPLEMENTED: 760.29 FS.

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

TIME AND DATE: 9:00 a.m. (EDT), Wednesday, September 24, 2003

PLACE: The Commission's Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Florida Commission on Human Relations, Attn.: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071

THE FULL TEXT OF THE PROPOSED RULES IS:

60Y-9.001 Purpose.

The purpose of the housing for older persons exemption to the general prohibition against discrimination because of familial status is to protect families with children from discrimination in housing without unfairly limited housing choices for older persons. This Chapter, 60Y-9, F.A.C., clarifies requirements related to housing for older persons pursuant to Section 760.29(4) 760.31(5), F.S.

Specific Authority 760.31(5) FS. Law Implemented 760.29(4), 760.31(5) FS. History--New 8-15-90. Formerly 22T-23.001, Amended _____.

60Y-9.005 Housing Exemption for Persons 55 Years of Age or Older.

(1) The provisions in Sections 760.20-760.37, F.S., relating to familial status shall not apply to housing intended and operated for occupancy by at least one person 55 years of age or older per unit, provided that the housing complies with 42 C.F.R. Part 100 as published in the Federal Register on Friday, April 2, 1999. ~~satisfies the requirements of this section:~~

~~(a) The housing facility has significant facilities and services specifically designed to meet the physical or social needs of older persons. "Significant facilities and services specifically designed to meet the physical or social needs of older persons" include, but are not limited to, social and recreational programs, continuing education, information and counseling, recreational, homemaker, outside maintenance and referral services, and accessible physical environment, emergency and preventive health care programs, congregate~~

dining facilities, transportation to facilitate access to social services, and services designed to encourage and assist residents to use the services and facilities available to them. The housing facility need not have all of these features to qualify for the exemption under this subsection.

~~(b) It is not practicable to provide significant facilities and services designed to meet the physical or social needs of older persons and the housing facility is necessary to provide important housing opportunities for older persons. In order to satisfy this section, the owner or manager of the housing facility must demonstrate through credible and objective evidence that the provision of significant facilities and services designed to meet the physical or social needs of older persons would result in depriving older persons in the relevant geographic area of needed and desired housing.~~

~~(2) The following factors, among others, are relevant in meeting the requirements of this section:~~

~~(a) Whether the owner or manager of the housing facility has endeavored to provide significant facilities and services designed to meet the physical or social needs of older persons either by the owner or by some other entity. Demonstrating that such services and facilities are expensive to provide is not alone sufficient to demonstrate that the provision of such services is not practicable.~~

~~(b) The amount of rent charged, if the dwellings are rented, or the price of the dwellings, if they are offered for sale.~~

~~(c) The income range of the residents of the housing facility.~~

~~(d) The demand for housing for older persons in the relevant geographic area.~~

~~(e) The range of housing choices for older persons within the relevant geographic area.~~

~~(f) The availability of other similarly priced housing for older persons in the relevant geographic area. If similarly priced housing for older persons with significant facilities and services is reasonably available in the relevant geographic area, then the housing facility does not meet the requirements of this section.~~

~~(g) The vacancy rate of the housing facility.~~

~~(2)(3) Housing intended and operated for occupancy by at least one person 55 years of age or older per unit means:~~

~~(a) Housing for which at least 80% of the units in the housing facility are occupied by at least one person 55 years of age or older per unit except that a newly constructed housing facility for first occupancy after October 1, 1989, need not comply with this subsection until 25% of the units in the facility are occupied; and~~

~~(b) The owner or manager of the housing facility publishes and adheres to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older. The following factors, among others,~~

are relevant in determining whether the owner or manager of a housing facility has complied with the requirements of this subsection:

1. The manner in which the housing facility is described to prospective residents.

2. The nature of any advertising designed to attract prospective residents.

3. Age verification procedures.

4. Lease provisions.

5. Written rules and regulations.

6. Actual practices of the owner or manager in enforcing relevant lease provisions and relevant rules or regulations.

~~(3)(4) Housing satisfies the requirements of this section even though:~~

~~(a) Under 80% of the occupied units in the housing facility are occupied by at least one person 55 years of age or older per unit, provided that at least 80% of the units that are occupied by new occupants on or after October 1, 1989, are occupied by at least one person 55 years of age or older.~~

~~(b) There are unoccupied units, provided that at least 80% of such units are reserved for occupancy by at least one person 55 years of age or over.~~

~~(4)(5) Housing satisfies the requirements of this section even though a unit is occupied by employees of the housing provider (and family members residing in the same unit) who are under 55 years of age, provided they perform substantial duties directly related to the management or maintenance of the housing.~~

Specific Authority 760.31(5) FS. Law Implemented 760.29(4), 760.31(5) FS. History—New 8-15-90, Formerly 22T-23.005, Amended.

60Y-9.007 Housing for Older Persons Registration and Documentation.

(1) Facilities or communities claiming an exemption under Section 760.29(4), F.S., shall register with the commission and submit the statutorily required documentation to the commission in the manner prescribed by the commission.

(2) The registration and documentation letter shall contain in bold letters on the face of the envelope the words "Registration for Housing for Older Persons," and provide the date of mailing.

(3) The registration and documentation shall be submitted biennially on the first day of the month, or up to seven days thereafter, of the anniversary of the initial registration.

(4) The information in the commission's registry is a public record. The information shall also be included in the commission's main website at "<http://fchr.info.state.fl.us>."

(5) Failure to comply with the requirements of Section 760.29(2)(e), F.S., shall not disqualify a facility or community that otherwise qualified for the exemption provided in Section 760.29, F.S.

(6) The registration fee must be included within the completed registration letter in order to constitute a valid registration. The biennial registration fee is \$20.00. It shall be sent to: Florida Commission on Human Relations at its address provided in Rule 60Y-2.005, F.A.C., Post Office Box 3388, Tallahassee, Florida 32315-3388.

(7) ~~The Commission A community or facility~~ may impose an administrative fine not to exceed \$500 on a facility or community that knowingly submits false information in the documentation required by this paragraph. Such fine shall be deposited in the commission’s trust fund.”

Specific Authority 760.29(5) FS. Law Implemented 760.29(4)(e) FS. History–New 2-11-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: William James Tait, Jr.
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cecil Howard
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE CHAPTER TITLE: Prohibition Against Retaliating Against Employees who Disclose Information to an Appropriate Agency Under the “Whistle-Blower’s Act”
RULE CHAPTER NO.: 60Y-11

RULE TITLES: Purpose
Covered Entities and Employees
Who May File a Complaint; Confidentiality
Investigatory Process
Relationship of Other Rules
RULE NOS.: 60Y-11.001
60Y-11.002
60Y-11.003
60Y-11.004
60Y-11.005

PURPOSE AND EFFECT: The proposed rule chapter provides for Commission’s implementation of the provisions of Sections 112.3187-112.31895, F.S., making it unlawful for any agency or independent contractor of an agency to take retaliatory action against an employee who reports violations of law to an appropriate agency under Sections 112.3187-112.31895, F.S.; the “Whistle-blower’s Act.”

SUMMARY: The proposed rule chapter provides the Commission’s procedures for handling complaints alleging retaliatory action against an employee who reports violations of law to an appropriate agency under Sections 112.3187-112.31895, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 760.06(12) FS.

LAW IMPLEMENTED: 112.3187-.31895 FS.

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

TIME AND DATE: 9:00 a.m. (EDT), Wednesday, September 24, 2003

PLACE: The Commission’s Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071

THE FULL TEXT OF THE PROPOSED RULES IS:

60Y-11.001 Purpose.

These rules implement the statutory provisions which make it unlawful for any agency or independent contractor to take retaliatory action against an employee who reports to an appropriate agency violations of law on the part of a public employer or independent contractor under Sections 112.3187-112.31895, inclusive, F.S.; also known as the “Whistle-blower’s Act.” The Florida Whistle-blower’s Act authorizes the Commission on Human Relations to investigate complaints of retaliation against state employees who disclosed information pursuant to the “Whistle-blower’s Act” and provides for relief by administrative proceeding or civil action in court.

Specific Authority 120.54, 760.06(12) FS. Law Implemented 112.3187-.31895 FS. History–New _____.

60Y-11.002 Covered Entities and Employees.

State agencies, as defined in Section 216.011, F.S., or an independent contractor under contract to a state agency, and their employees.

Specific Authority 120.54, 760.06(12) FS. Law Implemented 112.3187-.31895 FS. History–New _____.

60Y-11.003 Who May File a Complaint; Confidentiality.

(1) Any person aggrieved by a violation of Section 112.3187, F.S., may file a complaint with the Commission within 60 days of the alleged violation. The complaint.

(2) All complaints filed with the Commission and all records and documents in the custody of the Commission which relate to and identify a particular person, including but not limited to, a complainant, state agency or covered independent contractor shall be confidential and shall not be disclosed by the Commission, except to the parties or in the

course of a hearing or proceeding under Section 112.3187, F.S. Disclosure is authorized to any other agency of the state or any other unit of government of the state that has jurisdiction of the subject matter of the complaint or that has legal authority to investigate the complaint.

Specific Authority 120.54, 760.06(12) FS. Law Implemented 112.3187-.31895 FS. History–New _____

60Y-11.004 Investigatory Process.

(1) Within three (3) working days of a complaint being filed, the Commission shall acknowledge receipt of the complaint and send a copy of the complaint and any other preliminary information available concerning the disclosure of information under Section 112.3187, F.S., to the other parties named in Section 112.31895(1)(a), F.S. The other party shall also acknowledge receipt of such copies to the complainant within 15 days.

(2) Within 15 days of the date the complaint was received, the Commission shall review the information and determine whether temporary reinstatement is appropriate under Section 112.3187(9)(f), F.S. If it so determines, the Commission shall apply for an expedited order from the appropriate agency or circuit court for reinstatement pending issuance of the final order on the complaint.

(3) If the Commission determines that reasonable grounds exist to believe that a prohibited action has occurred, is occurring, or is to be taken, it may request the agency or circuit court to order a stay of any personnel action for 45 days which, upon request, may be extended for appropriate periods of time. The Commission shall further report its determination together with any findings or recommendations, including corrective action to be taken, to the agency head and may report such to the Governor and Comptroller. If, after 20 days, the agency does not implement the recommended corrective action, the Commission shall terminate the investigation. If the Commission finds, in consultation with the complainant, that the agency has implemented the corrective action, the Commission shall file such finding with the agency head, together with any written comments that the complainant provides, and terminate the investigation.

(4) Within 90 days of the date the complaint was received, the Commission shall provide the agency head and the Complainant with a fact-finding report that may include recommendations to the parties or proposed resolution of the complaint. The Commission shall then proceed to attempt to conciliate the complaint.

(5) If the Commission is unable to conciliate a complaint within 60 days of the issuance of the fact-finding report and its receipt by the parties, or if the Commission finds there are no reasonable grounds to believe that a prohibited personnel action has occurred, is occurring or is to be taken, the Commission shall terminate the investigation.

Specific Authority 120.54, 760.06(12) FS. Law Implemented 112.3187-.31895 FS. History–New _____

60Y-11.005 Relationship of Other Rules.

Other rules adopted by the Commission, namely Chapters 60Y-3, 60Y-4 and 60Y-5, F.A.C., shall be the rules governing a proceeding under this chapter to the extent that such other rules do not contradict a specific provision herein.

Specific Authority 120.54, 760.06(12) FS. Law Implemented 112.3187-.31895 FS. History–New _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
William James Tait, Jr.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cecil Howard

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Daily Three Pool
RULE NO.: 61D-7.010

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes which relate to the sale of tickets or other evidences showing an interest in or contribution to a pari-mutuel pool pursuant to Section 550.155(1), Florida Statutes.

SUMMARY: This proposed rule implements Florida Statutes necessary for the appropriate calculation of the Daily Three Pool under Rule 61D-7.010, Florida Administrative Code.

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 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: 550.0251(3),(7), 550.155(1) FS.

LAW IMPLEMENTED: 550.0251, 550.155(1) 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. – 4:00 p.m., October 1, 2003

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech

impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-7.010 Daily Three Pool.

(1) The Daily Three requires the selection of the first place finishers in each of three consecutive contests. Wagers for the Daily Three must be placed prior to the first of the three consecutive contests and shall be printed on a single ticket.

(2) The net Daily Three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish of each of the three contests comprising the Daily Three:

(a) As a single price pool to those whose selection finished first in each of the three contests, if there are no such wagers,

(b) As a single price pool to those who selected the first place finisher in any two of the three contests, if there are no such wagers,

(c) As a single price pool to those who selected the first place finisher in any one of the three contests, if there are no such wagers,

(d) The entire Daily Three pool shall be refunded,

(e) If the pool is distributed under the precedents of paragraphs (2)(b) or (2)(c), an announcement shall be made to the public as to the possible winning daily three combinations and to hold all possible winning tickets.

(3) If there is a dead heat for first in any of the three contests involving:

(a) Contestants representing the same betting interest, the Daily Three pool shall be distributed as if no dead heat occurred.

(b) Contestants representing two or more betting interests, the Daily Three pool shall be distributed as follows:

1. As a profit split to those whose selection finished first in each of the three contests, if there are no such wagers,

2. As a single price pool to those who selected the first place finisher in any two of the three contests, if there are no such wagers,

3. As a single price pool to those who selected the first place finisher in any one of the three contests, if there are no such wagers,

4. The entire Daily Three pool shall be refunded.

(c) If the pool is distributed under the precedents of paragraphs (3)(b)2. or (3)(b)3., an announcement shall be made to the public as to the possible winning daily three combinations and to hold all possible winning tickets.

(4) Prior to the close of the betting period for the first of the Daily Three races, a Daily Three wager may be canceled after leaving the window if the wagering combination includes a scratched runner even if the scratch is a part of a coupled entry.

(5)(a) In the event that any betting interest is withdrawn or declared non-starter prior to the start of the first contest of the Daily Three, all money bet on any wagering combination that includes such betting interest shall be refunded. This shall not apply to coupled entries and fields if at least one component of the coupled entry or field remains in the contest. In the event a betting interest in the second and third of the Daily Three contests is scratched, the betting favorite in the Win pool at the close of wagering in the affected race(s) shall be substituted for the scratched betting interest in the pool calculations. If the bettor did not exercise the cancel option as described in paragraph (4), this same provision shall apply to the first of the three Daily Three races. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest actual post position. The totalisator generated price calculation report shall show each of the wagering combinations with the substituted betting interests which became winners as a result of the substitution.

(b) In the event that any betting interest in the second or third contest is withdrawn or declared a non-starter after the Daily Three race has started, the following wagers will be eligible for a consolation payoff: the winner in the first contest with a scratch in the second and third contest; or the winner of the first contest with a scratch in the second or third contests and a winner in the remaining contest.

1. The sum of the amounts bet on all combinations identified in paragraph (5)(b) shall be deducted from the net pool and awarded to the eligible consolation winners using the single price calculation method. The remaining net pool shall be available for distribution to the regular winners as specified in paragraph (2).

2. The permitholder shall advise the public via the public address system that a scratch or scratches have occurred, and the wagers with the scratches shall remain in the pool and compete for a consolation price.

(6) If all three Daily Three contests are canceled or declared "no contest," the entire Daily Three pool shall be refunded.

(7) If one or two of the Daily Three contests are canceled or declared "no contest," the Daily Three pool will remain valid and shall be distributed in accordance with subsection (2) of this rule.

Specific Authority 550.0251(3),(7), 550.155(1) FS. Law Implemented 550.0251, 550.155(1) FS. History--New 10-20-96, Amended 12-15-97,

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE CHAPTER TITLE: Certificate of Authorization for
Architecture or Interior
Design Businesses

RULE CHAPTER NO.: 61G1-26

RULE TITLES: Individual Licensee Responsibilities
Business Responsibilities

RULE NOS.: 61G1-26.001
61G1-26.002

PURPOSE AND EFFECT: The Board proposes new rules to set requirements for individual and business responsible supervisory control in architecture or interior design offices and to establish disciplinary grounds for failure to follow the responsible supervisory control requirements.

SUMMARY: The Board's proposed rules set forth individual and business requirements and disciplinary grounds for responsible supervisory control in the architecture or interior design office.

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

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

SPECIFIC AUTHORITY: 481.2055, 481.219 FS.

LAW IMPLEMENTED: 481.219 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G1-26.001 Individual Licensee Responsibilities.

(1) Any application for certificate of authorization must contain the name of the architect or interior designer who will be in responsible supervisory control at each office as well as the name of the qualifier for the business.

(2) The architect or interior designer providing responsible supervisory control must be a full time employee of that business.

(3) An architect or interior designer may be a qualifier of several business entities but can only provide responsible supervisory control over one business location.

(4) Any changes to the person in responsible supervisory control or the qualifier must be reported in writing within thirty (30) days. The qualifier of record is responsible for such notification.

(5) The qualifier has the responsibility to assure each business location/office has a person in responsible supervisory control.

Specific Authority 481.2055, 481.219 FS. Law Implemented 481.219 FS. History--New _____.

61G1-26.002 Business Responsibilities.

The failure of a qualifier to notify the Board of changes in responsible supervisory control or of his or her termination as a qualifier does not relieve the partnership or corporation of its duty under Section 481.219(10), F.S. The business entity's failure to notify the Board in a timely fashion in writing of such changes will constitute grounds for disciplinary action against the certificate of authorization.

Specific Authority 481.2055, 481.219 FS. Law Implemented 481.219 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 11, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Demonstrating Compliance
RULE NO.: 61G15-22.006

PURPOSE AND EFFECT: The Board proposes to amend this rule to clarify that licensees may execute a signed statement of compliance and submit said statement to the Board office at any time during the biennium or by accompanying their renewal form with said statement and return it to the Board

office with their renewal at the end of the biennium. After amendment, the rule will allow a licensee to either demonstrate compliance with continuing education requirements at any time during the biennium or wait until renewal and submit a statement of compliance at time of renewal.

SUMMARY: This rule sets out the requirements to demonstrate compliance and tells how and when it is required.

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: 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.006 Demonstrating Compliance.

In order to demonstrate compliance, licensees must execute a signed statement at any time during the biennium and submit said statement to the Board office at that time or by accompanying their renewal form with said statement and return it to the Board office with their renewal. For each qualifying activity listed, the following information must be included on the statement:

(1) through (4) No change.

In addition, the Board may use attendance information submitted by the provide to determine whether licensees can demonstrate compliance.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2003

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Board Approval of Continuing Education Providers

RULE NO.: 61G15-22.011

PURPOSE AND EFFECT: The Board proposes to amend the rule to remove Core Curriculum Providers concerning the Florida Building Code from automatic approval as continuing education providers to Board licensees.

SUMMARY: This rule sets forth what is required to become an educational provider, the requirements for obtaining Board approval as an educational provider, sets out the Board’s right to audit or monitor providers, and lists the approved providers.

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: 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.011 Board Approval of Continuing Education Providers.

(1) through (9)(a) No change.

(b) Federal Governmental Agencies that establish rules, regulations, guidelines, or otherwise have an impact on the practice of engineering; and

(c) State and National Engineering Professional Associations approved by the Board; ~~and~~

~~(d) Core Curriculum Providers accepted by the Florida Building Commission under Section 553.841, F.S.~~

Specific Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 9-4-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 8, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 25, 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 CHILDREN AND FAMILY SERVICES

Mental Health Program Office

RULE TITLES:	RULE NOS.:
Applicability	65E-14.001
Audits of Contractors Participating in the Substance Abuse and Mental Health Programs	65E-14.003
Matching	65E-14.005
Methods of Paying for Services	65E-14.019
Cost Reimbursement Method of Payment	65E-14.020
Unit Cost Method of Payment	65E-14.021
Data Requirements	65E-14.022

PURPOSE AND EFFECT: Chapter 65E-14, F.A.C., is being amended to provide clarifications and make needed improvements and corrections identified during statewide training of providers and department staff on the comprehensive revisions recently made to the substance abuse and mental health contracting system and financial rule.

SUMMARY: Chapter 65E-14, F.A.C., is being amended to clarify, simplify, and conform audit requirements to current law; clarify several local match provisions; specify whether particular units of service are paid for on the basis of service utilization or service availability; refine the description of residential level IV services; modify invoicing flexibility pertaining to Temporary Assistance to Needy Families funds; substitute district program supervisors for district administrators to reflect a recent reorganization; and update the publication dates on forms incorporated into the rule by reference that need to be revised correspondingly.

SPECIFIC AUTHORITY: 394.74, 394.76, 394.77, 394.78(1),(3),(6), 397.321(5) FS.

LAW IMPLEMENTED: 394.457(3), 394.66(9),(12), 394.74, 394.76, 394.77, 394.78(1),(3),(6), 397.321(10), 397.481, 402.73(7) FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

Any person who wishes to provide a proposal for a lower cost regulatory 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., Monday, September 22, 2003

PLACE: 1317 Winewood Blvd., Building 6, 2nd Floor, Mental Health Conference Room A, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry Ochalek, Senior Management Analyst, Substance Abuse Program Office, 1317 Winewood Blvd., Building 6, Room 307, Tallahassee, Florida 32399-0700, (850)414-1500, e-mail: larry_ochalek@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

65E-14.001 Applicability.

(1) No change.

(2) Definitions as used in this part, unless the context clearly requires otherwise.

(a) through (b) No change.

(c) “Audit” means a single or program-specific audit in accordance with OMB Circular A-133 and with Section 215.97, F.S. ~~direct examination of the books, records and accounts supporting amounts reported in the year-end report to determine correctness and propriety.~~

(d) through (ff) No change.

Specific Authority 394.74, 394.77, 394.78(1), 397.321(5) FS. Law Implemented 394.74, 394.77, 397.481 FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.01, Amended 7-29-96, Formerly 10E-14.001, Amended 7-1-03,_____.

65E-14.003 Audits of Contractors Participating in the Substance Abuse and Mental Health Programs.

(1) The independent auditor selected by the contractor shall perform a single or program-specific audit in accordance with OMB Circular A-133 and with Section 215.97, F.S. ~~conduct a review of the contractor’s record keeping and billing procedures and practices to ensure that the documentation of services billed to the department is complete and accurate.~~

(2) The independent audit shall disclose to the department any unallowable costs specified in Rule 65E-14.017, F.A.C., or the contract.

(2)(3) Special requirements for client non-specific unit cost performance contracts:

(a) When a financial audit is required to be performed by an independent auditor pursuant to OMB Circular A-133, the independent audit package for all client non-specific unit

~~cost performance contracts shall contain the following schedules, which shall be in accordance with Generally Accepted Accounting Principles and state and federal requirements:~~

~~1. Schedule of State Earnings. This schedule identifies eligible local match to determine if requirements are met and computes ensures that local match requirements are met and identifies and calculates any amounts due to the department.~~

~~2. Schedule of Related Party Transaction Adjustments. This schedule indicates, by cost center, required those related party transaction adjustments that were above cost.~~

~~3. Schedule of Financial Assistance. This schedule discloses the contractor's federal and state grants and assistance, sub-contracting, and funding from the beginning of the fiscal year through the balance sheet date. This schedule shall comply with chapter 10.650, Rules of the Auditor General, entitled State Single Audits Nonprofit and For Profit Organizations, and with the rules of the Department of Banking and Finance, chapter 3A-5, F.A.C., Schedule of Expenditures of State Financial Assistance, regarding format.~~

~~3.4. Program/Cost Center Actual Expenses & Revenues Schedule. This schedule shall be in accordance with Generally Accepted Accounting Principles and state and federal requirements. It displays expenditures by line-item category and revenues by source for each program and cost center funded through the state substance abuse and mental health program contract. The schedule also identifies displays expenditures by line-item category and revenues by source for all other state-designated substance abuse and mental health cost centers as a group, for all other programs as a group, and for administrative and support functions, and displays totals for the agency as a whole.~~

~~4.5. Schedule of Bed-Day Availability Payments. This schedule ensures that bed-days paid for by the department on the basis of availability were not also paid for by a third-party contract or funds from a local government or another state agency for services that include bed-day availability or utilization.~~

~~(b) The schedules in subparagraphs (a)1.-4. 65E-14.003(3)(a)1., 2., 4. and 5., F.A.C., shall be based on revenues and expenditures recorded during the state's fiscal year. The schedule in subparagraph (3)(a)3., F.A.C., shall be based on the contractor's fiscal year.~~

~~(c) When OMB Circular A-133 does not require an audit by an independent auditor, the contractor's chief financial officer, or if none the executive director, shall prepare the schedules required in subparagraphs (a)1.-4., and these schedules shall be submitted to the department within 45 days of the end of the contract period. For unit cost performance contracts, the auditor shall conduct a review of the contractor's written plan for allocating direct and indirect costs to cost centers to ensure that it complies with Generally Accepted Accounting Principles and state and federal requirements, and~~

~~the audit report shall contain a statement of assurance that the number of units of service paid for by the department was not materially misstated by the contractor or a statement that no such assurance can be made.~~

~~(3)(4) The department will notify the contractor by certified mail, return receipt requested, of the amounts due the department resulting from an audit amount of the audit liabilities and the due date. Payment is due within 30 days of the date of receipt.~~

~~(4)(5) Nothing in this section shall preclude the department from performing its duties, including contract monitoring, to ensure that payments for services are made in accordance with the contract for services, the rules of the department, and applicable law.~~

~~(5)(6) The following special audit schedules, and any instructions, are hereby incorporated by reference, copies of which and may be obtained from the Substance Abuse Program Office, ATTN: PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700:~~

- ~~(a) CF-MH 1034, Jul 2003 Schedule of State Earnings~~
- ~~(b) CF-MH 1035, Jul 2003 Schedule of Related Party Transaction Adjustments~~
- ~~(c) CF-MH 1036, Jul 2003 Schedule of Bed-Day Availability Payments~~
- ~~(d) CF-MH 1037, Aug Jul 2003 Program/Cost Center Actual Expenses & Revenues Schedule~~

~~Specific Authority 394.74, 394.77, 394.78(1),(3), 397.321(5) FS. Law Implemented 394.74, 394.66(9), 394.76(5), 394.77, 394.78(3), 397.481 FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.03, Amended 7-29-96, Formerly 10E-14.003, Amended 7-1-03, _____.~~

~~65E-14.005 Matching.~~

~~This chapter contains rules for satisfying State requirements for matching.~~

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

~~(3) Not Requiring Matching. The following contracted services and funds do not require local match:~~

~~(a) Deinstitutionalization projects, which are defined as adult mental health programs in the following cost centers:~~

- ~~1. Residential-Levels I-IV;~~
- ~~2. Short-term Residential Treatment, except those acute care continuum programs supported with Baker Act funds and operated by a public receiving facility;~~
- ~~3. Supportive Housing/Living;~~
- ~~4. Case Management;~~
- ~~5. Intensive Case Management; and~~
- ~~6. Florida Assertive Community Treatment (FACT) Teams.~~

(b) Children’s Mental Health (100435) and Purchased Residential Treatment Services (102780) appropriation categories that were transferred to Alcohol, Drug and Mental Health from the Family Safety and Preservation Program.

(c) Addition in the General Appropriations Act of alcohol, drug abuse, and mental health block grant funds for local community mental health centers. The original amount of Mental Health Block Grant budget that did not require local match is given in the 1985 Approved Operating Budget. The Mental Health Block Grant, however, has significantly decreased since 1985, and the amount that continues to not require match is equal to the proportionate decrease.

(d) Drug abuse service funding, as determined by the following calculations:

1. For the most recent 12-month period available, calculate the number of clients served by the contractor that present with primary, secondary, or ~~and~~ tertiary alcohol or ~~and~~ drug problems as specified in diagnosis for the contractor from the substance abuse enrollment and admission data in the department’s Mental Health and Substance Abuse Data System.

2. From the data, count the total number of persons presenting with alcohol as a primary, secondary, or tertiary problem.

3. Divide the result in subparagraph 2. by the result in subparagraph 1. to arrive at the percentage of alcohol clients served.

4. Subtract the result of subparagraph 3. from 1.00 to arrive at the percentage of drug abuse clients served.

5. Multiply the result in subparagraph 4. by the total amount of substance abuse funds in the contract to arrive at the amount that does not require match. Substance abuse funds in the contract are those appropriated to either the Community Substance Abuse Services or Children and Adolescent Substance Abuse Services appropriations, special categories 100618 and 100420, respectively.

(4) through (8) No change.

Specific Authority 394.76, 397.321(5) FS. Law Implemented 394.457(3), 394.76 FS. History–New 2-23-83, Amended 2-25-85, Formerly 10E-14.05, 10E-14.005, Amended 7-1-03, _____.

65E-14.019 Methods of Paying for Services.

(1) through (3) No change.

(4) The Reference Guide for State Expenditures (Updated March 2003) is hereby incorporated by reference, copies of which ~~and~~ may be obtained from the Substance Abuse Program Office, ATTN: PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700.

Specific Authority 394.74(2), 394.76(4), 394.78(1),(6), 397.321(5) FS. Law Implemented 394.66(9),(12), 394.74(2), 394.76(4), 394.78(1),(6) FS. History–New 7-1-03, Amended _____.

65E-14.020 Cost Reimbursement Method of Payment.

(1) through (3) No change.

(4) The following forms, and any instructions, are hereby incorporated by reference, copies of which ~~and~~ may be obtained from the Substance Abuse Program Office, ATTN: PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700:

- (a) CF-MH 1038, Jul 2003 Line Item Operating Budget
- (b) CF-MH 1039, Jul 2003 Budget Narrative
- (c) CF-MH 1040, Jul 2003 Cost Reimbursement Report of Expenditures & Request for Payment or Advance

Specific Authority 394.78(1),(6), 397.321(5) FS. Law Implemented 394.66(9), 394.74(2)(c),(3)(d),(4), 394.78(1),(6), 397.321(10) FS. History–New 7-1-03, Amended _____.

65E-14.021 Unit Cost Method of Payment.

This section provides guidelines and requirements for implementing a unit cost method of payment for substance abuse and mental health services.

(1) through (4) No change.

(5) Unit Measurements:

(a) Types of Units. The following units of measure apply to state-designated substance abuse and mental health cost centers funded through a state substance abuse and mental health program contract:

1. Staff Hour. This unit measure represents the actual time a staff person is available at the work site to perform assigned tasks. Staff hour units shall be paid on the basis of availability.

2. Contact Hour. This unit measure represents the actual time spent in face-to-face or direct telephone contact with a client or a collateral where the contact is charted. For children’s services, it may also include telephone contact with parents or teachers and actual time spent in a courtroom or juvenile detention facility on behalf of a child. Contact hour units shall be paid on the basis of utilization.

3. Direct Staff Hour. This unit measure represents the actual time spent on activities directly associated with a single client, including case staffings. Time may include travel if the travel is integral to a service event otherwise billable to the department. Direct staff hour units shall be paid on the basis of utilization, except in the mental health clubhouse services cost center, which shall be paid on the basis of availability.

4. Non-Direct Staff Hour. This measure represents the actual time spent on activities that cannot be directly associated with a single client, but are integral to the program and described in the program description. Non-Direct staff hour units shall be paid on the basis of utilization.

5. Bed-Day. This unit measure represents an actual bed, or if licensure is required, the lesser of the actual or licensed bed, available each day in the contract period. Bed-day units shall be paid on the basis of availability.

6. Facility Day. This unit measure represents a day in which a facility is open for use a minimum of 4 hours a day. Facility day units shall be paid on the basis of availability.

7. 24-Hour Day. This unit measure represents a day in which a client is physically present at the midnight census. The day of admission shall be counted and the day of discharge shall not. 24-hour day units shall be paid on the basis of utilization.

8. 4-Hour Day. This unit measure represents a day in which a client is physically present for at least four hours. 4-hour day units shall be paid on the basis of utilization, except in the outpatient detoxification cost center, which shall be paid on the basis of availability.

9. Dosage. This unit measure represents the receipt of a methadone dosage by a client and includes the provision of all other services related to Methadone Maintenance and described in a program description. Such program description shall indicate which of the related services, if any, may also be delivered in another cost center and why. Dosage units shall be paid on the basis of utilization.

(b) Units paid on the basis of utilization require the service to be provided to or on behalf of a client, or by the commitment of actual direct or non-direct staff hours for such services as prevention or outreach, before payment may be made. Units paid on the basis of availability only require the service to be available for use, regardless of whether the service is actually used by a client.

(c)(b) Definition of Hour. An hour is a measurement of time rounded to the nearest 10-minute interval. When used to document intermittent services to or on behalf of a specific client during a single day, the actual cumulative time spent providing the service during that day shall be rounded to the nearest 10-minute interval. The cumulative, rounded number of minutes shall be divided by 60 to derive the number of units. For case management, if the time interval required by Medicaid is different than described above, the Medicaid interval may be used instead.

(d)(e) Except for prevention, units of service measured in terms of hours and days shall not include the time direct service delivery staff are absent from the work place or spend in training, supervision, clinical supervision, administrative activities, or charting. This exclusion of time spent in training does not apply to training and orientation specifically required in the department's contract for Florida Assertive Community Treatment. These units shall include time direct service delivery staff spend administering client functional assessments and client satisfaction surveys.

(6) No change.

(7) The descriptions, applicable programs, units of measure, and documentation requirements for state-designated cost centers are as follows:

(a) through (b) No change.

(c) Case Management.

1. through 4. No change.

5.e. Maximum Unit Cost Rate: \$63.21.

(d) through (p) No change.

(q) Mental Health Clubhouse Services.

1. through 2. No change.

3. Unit of Measure – Direct Staff Contact Hour.

4. Data Elements:

a. Service Documentation – Time Sheet Service Ticket:

(I) Recipient name and identification number;

(II) Staff name and identification number;

(III) Service date;

(IV) Duration;

(V) Cost center;

(VI) Service (specify); and

(VII) Program.

b. Audit Documentation – Recipient Service Chart:

~~(I) Cost Center;~~

~~(I)(II) Recipient name and identification number; and~~

(II) Staff name and identification number;

(III) Service date;

(IV) Duration; and

(V) Service (specify).

5. No change.

(r) through (u) No change.

(v) Prevention.

1. Description – Prevention services are those involving strategies that preclude, forestall, or impede the development of substance abuse and mental health problems, and include increasing public awareness through information, education, and alternative-focused activities. These services may be directed either at a Level II ~~an indicated and selective~~ prevention target where the client has been identified or at a Level I universal prevention target where the client is not identifiable.

2. through 3. No change.

4. Data Elements:

a. Level I Universal Prevention Target Service Documentation – Time Sheet:

(I) Staff name and identification number;

(II) Description of activity, including time to plan and prepare;

(III) Duration;

(IV) Activity date;

(V) Program; and

(VI) Cost center.

b. ~~Level I Universal~~ Prevention Target Audit Documentation:

- (I) Attendance records with date;
- (II) Program material;
- (III) Agenda with date;
- (IV) Duration of activity;
- (V) Advertisements; and
- (VI) Supervisor instructions.

c. ~~Level II Indicated and Selective~~ Prevention Target Service Documentation – Activity Log:

- (I) Cost center;
- (II) Staff name and identification number;
- (III) Recipient name and identification number;
- (IV) Service date;
- (V) Duration;
- (VI) Service (specify); and
- (VII) Program.

d. ~~Level II Indicated and Selective~~ Prevention Target Audit Documentation – Recipient Service Chart:

- (I) Recipient name and identification number;
- (II) Staff name and identification number;
- (III) Service date;
- (IV) Duration; and
- (V) Service (specify).

- 5. No change.
- (w) through (z) No change.
- (aa) Residential Level IV.

1. Description – This type of facility may have less than twenty-four (24) hours per day, seven (7) days per week on-premise supervision. Residential Level IV services are the least intensive level of residential care. It is primarily a support service and, as such, treatment services are not included in this cost center, although such treatment services may be provided as needed through other cost centers. ~~For adult mental health, this Level IV includes satellite apartments, satellite group homes, and therapeutic foster homes. For substance abuse, Level IV services provide a range of assessment, rehabilitation, treatment, and ancillary services in a transitional living environment with an emphasis on habilitation and rehabilitation.~~ For children with serious emotional disturbances, Level IV services are the least intensive and restrictive level of residential care provided in group or foster home settings, therapeutic foster homes, and group care ~~with treatment.~~ NOTE: Regular therapeutic foster care can be provided either through Residential Level IV “Day of Care: TFH” or by billing in-home/non-provider setting for a child in a foster home.

- 2. through 5. No change.
- (8) Budgeting and Accounting for Revenues and Expenditures.
- (a) No changes.

(b) The contractor shall develop a written plan for allocating direct and indirect costs to the cost centers, which complies with ~~Generally Accepted Accounting Principles and Rule 65E-14.017, F.A.C., Cost Principles.~~ The contractor’s chief financial officer, or if none the executive director, shall assert that the cost plan is reasonable and complies with these cost principles.

- (c) through (d) No changes.
- (9) No change.
- (10) Payment for Service.
- (a) Eligibility for Payment.

1. No change.

2. Unallowable Units. Any costs or service units paid for under any other contract or from any other source are not eligible for payment. The department shall not pay for units of service, or those parts of units, that have been paid for by any other source of funds.

3. No change.

(b) Request for Payment.

1. through 2. No change.

3. Funding Flexibility for Individual Cost Centers.

a. Except for cost centers designated pursuant to sub-subparagraph 3.c. below, a contractor may invoice and be paid up to 15 percent more than the non-Temporary Assistance to Needy Families (TANF) funding amount specified in the contract for an individual cost center within a program; however, a contractor may not invoice and be paid more than the aggregate non-TANF funding amount provided in the contract for all cost centers within the program, but not across programs. The department may combine cost centers into groups within a program, and the aggregate amount of payment that may not be exceeded is the total contract amount associated with the cost centers within each group, but not across groups.

b. The substance abuse and mental health program supervisors in the district or region ~~district or regional administrator~~ may increase from 15 percent to up to 30 percent the amount contractors may exceed the total non-TANF funding specified in the contract for an individual cost center within a program.

c. The state Directors of the Substance Abuse and Mental Health Programs may identify specific cost centers where the non-TANF funding flexibility specified in sub-sub paragraphs a. and b. above shall not exist. In each such cost center, payment for units of service shall not exceed the contracted amount, and the contracted funds are restricted to payment for units of service in only that cost center. The substance abuse and mental health program supervisors in a district or region ~~District or Regional Administrator~~, upon a finding in the District or Regional Substance Abuse and Mental Health Plan that an extraordinary need exists to provide a precise number of service units in a particular cost center, may add that cost center to those identified by the state Program Directors.

d. When entering into a contract with a particular contractor, the substance abuse and mental health program supervisors in a district or region a District or Regional Administrator may deny non-TANF flexibility for all cost centers if the contractor is currently under a corrective action plan or has failed to implement a corrective action plan pursuant to Rule 65-29.001, F.A.C., or if the substance abuse and mental health program supervisors in a district or region present District or Regional Administrator a justification to and obtains the approval of the state Directors of the Substance Abuse and Mental Health Programs.

e. With TANF funds, the contractor may invoice and be paid an amount for any individual cost center specified for TANF funding in the contract not to exceed the total amount of TANF funds provided in the contract for all such cost centers within a program or group of cost centers within a program; however, the aggregate amount invoiced and paid for all such cost centers shall also not exceed the total amount of TANF funds provided in the contract for the program or for the group of cost centers. The contract shall specify the unit cost rate for each cost center contracted for TANF funding, which shall be the same rate as for non-TANF funding, but the contract shall not specify the number of TANF units or the amount of TANF funding for individual cost centers.

4. No change.

5. Deducting Units Paid for by Other Sources of Funds. When preparing a request for payment for services provided, the contractor shall:

a. Indicate the total number of units of service billed to or paid for by the department, Medicaid, or local matching funds.

b. Then deduct the units of service billable to billed to or paid for by Medicaid; and

c. Deduct the units of service paid for with local matching funds.

6. Submission of Request for Payment.

a. To be paid by the department, the contractor shall submit a properly completed request for payment and any associated worksheets.

b. For cost centers paid for on the basis of utilization, the year-to-date number of units of service reported on a request for payment or any associated worksheet shall not exceed the total number of units reported and accepted in the department's data system pursuant to Rule 65E-14.022, F.A.C. For those same cost centers, the year-to-date number of units of service reported on the request for payment or any associated worksheet as billable to billed to or paid for by Medicaid shall be no fewer than the number reported and accepted in the department's data system, and the year-to-date number of units reported on the request for payment as provided to Temporary Assistance to Needy Families (TANF) clients and billed to the department shall not exceed the number reported and accepted in the department's data system. If the department, through no fault of the contractor, is unable

to validate compliance with this requirement within 10 days of receipt of the request for payment, the processing of the contractor's request for payment shall not be delayed further.

c. For cost centers paid for on the basis of availability, the year-to-date number of units reported on a request for payment or any associated worksheet shall not exceed the prorated share of contracted units.

(c) through (d) No change.

(11) The following forms, and any instructions, are hereby incorporated by reference, copies of which and may be obtained from the Substance Abuse Program Office, ATTN: PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700:

- (a) CF-MH 1041, Aug Jul 2003 Personnel Detail Record
- (b) CF-MH 1042, Aug Jul 2003 Projected Cost Center Operating and Capital Budget
- (c) CF-MH 1043, Jul 2003 Agency Capacity Report
- (d) CF-MH 1044, Aug Jul 2003 Alternative Projected Operating and Capital Budget
- (e) CF-MH 1045, Jul 2003 Program Description
- (f) CF-MH 1047, Aug Jul 2003 Monthly Request for Non-TANF Payment/ Advance
- (g) CF-MH 1058, Aug 2003 Monthly Request for TANF Payment/ Advance
- (h) CF-MH 1046, Aug Jul 2003 Worksheet for Request for Payment Worksheet
- (i) ~~(h)~~ CF-MH 1048, Jul 2003 Integrated Rate/ Purchase of Service Invoice
- (j) ~~(i)~~ CF-MH 1049, Jul 2003 Integrated Rate/ Purchase of Services Invoice Attachment

Specific Authority 394.78(1),(6), 397.321(5) FS. Law Implemented 216.181(16), 394.66(9),(12), 394.74(2)(b),(3)(d),(e),(4), 394.77, 394.78(1),(6), 397.321(10), 402.73(7) FS. History--New 7-1-03, Amended.

65E-14.022 Data Requirements.

The following document is hereby incorporated by reference, copies of which and may be obtained from the Substance Abuse Program Office, ATTN: PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700:

- (1) CFP 155-2, July Apr 2003 Mental Health and Substance Abuse Measurement and Data

Specific Authority 394.78(1), 397.321(5) FS. Law Implemented 394.66(9), 394.74(3)(e), 394.77, 397.321(3)(c),(10) FS. History--New 7-1-03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Larry Ochalek, Senior Management Analyst, Substance Abuse
 Program Office
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Ken DeCerchio, Program Director
 of Substance Abuse, and Harry Smith, Acting Program
 Director of Mental Health
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 19, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: July 3, 2003, Vol. 29, No. 27
 Purchase Order No.: JE1155

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLE: Terms and Conditions of Loans
 RULE NO.: 67-43.008
 PURPOSE, EFFECT AND SUMMARY: This Rule establishes
 the procedures by which the Florida Housing Finance
 Corporation shall administer the State Apartment Incentive
 Loan Hurricane Andrew Recovery and Rehabilitation Program
 which provides funds to public entities, private not-for-profit,
 or for-profit or developer proposing to build or substantially
 rehabilitate affordable housing. Revisions to the Rule are
 required to implement technical and clarifying changes. The
 adoption of these revisions will increase the efficiency and
 effectiveness of local program service delivery and will
 provide greater clarification of the program.

SUMMARY OF ESTIMATED REGULATORY OF
ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507 FS.
LAW IMPLEMENTED: 420.5087 FS.; Chapter 93-186, Laws
of Florida

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., September 22, 2003
PLACE: Florida Housing Finance Corporation, Seltzer
Meeting Room, 227 North Bronough Street., Suite 5000,
Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Gayle White, Housing Development
Manager, Florida Housing Finance Corporation, 227 North
Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULE IS:

- 67-43.008 Terms and Conditions of Loans.
- (1) through (3) No change.
- (4) All loans shall be repaid from all Project income and
each year, project cash flow shall be applied to pay the
following items in order of priority:
 - (a) through (d) No change.
 - (e) Twelve ~~nine~~ percent Return on Equity to Sponsor.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS., Chapter
93-186, Laws of Florida. History--New 1-25-94, Formerly 91-43.008,
Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Kerey Carpenter, Deputy Development Officer
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Orlando Cabrera, Executive
 Director
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 1, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: August 15, 2003

Section III
Notices of Changes, Corrections and
Withdrawals

**DEPARTMENT OF AGRICULTURE AND CONSUMER
SERVICES**

Division of Consumer Services

RULE NOS:	RULE TITLES:
5J-9.002	Registration, Document Submission
5J-9.006	Security Requirement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been
made to the proposed amended rule in accordance with
subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28,
No. 41, which is the October 11, 2002, issue of the Florida
Administrative Weekly. The changes are in response to
comments received from staff at the Joint Administrative
Procedures Committee.

The changes are as follows:

- 1) In Rule 5J-9.002(1), the first sentence is amended to
read:
 "Any person who intends to operate as a seller of travel shall
 submit form DACS 10200, Seller of Travel ~~the~~ registration,
effective 11/20/02, hereby incorporated by reference, and fee
 to the Department at the time of registration."

2) In Rule 5J-9.002(2), the first sentence is amended to read:

“Any person claiming an affiliate exemption pursuant to the provision of Section 559.935(3), Florida Statutes, shall file an affidavit of exemption with the Department using form DACS 10214, ST-10210 effective 9/95, revised 3/03, hereby incorporated by reference.”

3) In Rule 5J-9.006(1), the first paragraph, second sentence, is amended to read: “The applicant shall utilize the use Form ST-10203, Surety Bond Form, an example of which is included in form DACS 10200 Registration packet, effective 11/20/02 February 8, 1994, hereby incorporated by reference.”

4) In Rule 5J-9.006(2), the first paragraph, is amended to read:

“The amount of the security for sellers of travel that do not offer vacation certificates shall be \$25,000; however, the seller of travel may apply for a reduction by completing the Security Reduction Application, which is included in form DACS 10200 Registration packet, effective 11/20/02, filing Form 10208, Application for Reduction of Security, February 8, 1994 hereby incorporated by reference and providing. The Seller of Travel must provide copies of its federal income tax return or an audited financial statement for the immediately preceding fiscal year. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel Section, 2005 Apalachee Parkway, Terry L. Rhodes Building, ~~Mayo Building, Second Floor, Tallahassee, Florida 32399-65000800~~. To apply for reduction of the security, the seller of travel must have a satisfactory consumer complaint history. The amount of the security reduction shall be determined by the seller of travel’s dollar amount of gross annual sales, as follows:”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 FULL TEXT OF THE PROPOSED RULES IS:

5J-9.002 Registration, Document Submission.

The following statement in bold print:

(1) Any person who intends to operate as a seller of travel shall submit form DACS 10200, Seller of Travel the registration, effective 11/20/02, hereby incorporated by reference, and fee to the Department at the time of registration. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel Section, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.

If the application is withdrawn or denied, the registration fee shall be retained by the Department to cover the administrative cost of implementing Sections ~~559.926-559.939~~, Florida Statutes.

(2) Any person claiming an exemption pursuant to the provision of Section 559.935(3), Florida Statutes, shall file an affidavit of exemption with the Department using form DACS 10214, ST-10210 effective 9/95, revised 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, Attention: Sellers of Travel Section, 2005 Apalachee Parkway, Terry L. Rhodes Mayo Building, Tallahassee, Florida 32399-65000800.~~

(3) No change.

Specific Authority 559.935(3) FS. Law Implemented 559.928, 559.935(3) FS. History--New 10-6-93, Amended 1-3-95, 6-4-95, 12-27-95, 2-11-98,

5J-9.006 Security Requirement.

(1) Prior to engaging in any activities as a seller of travel, each seller of travel shall file with the Department an original performance bond in an amount determined by subsection (2) below. The applicant shall utilize the use Form ST-10203, Surety Bond Form, an example of which is included in form DACS 10200 Registration packet, effective 11/20/02 February 8, 1994, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel Section, 2005 Apalachee Parkway, Terry L. Rhodes Building, ~~Mayo Building, Second Floor, Tallahassee, Florida 32399-65000800.~~

(2) The amount of the security for sellers of travel that do not offer vacation certificates shall be \$25,000; however, the seller of travel may apply for a reduction by completing the Security Reduction Application, which is included in form DACS 10200 Registration packet, effective 11/20/02 filing Form 10208, Application for Reduction of Security, February 8, 1994 hereby incorporated by reference, and providing. The Seller of Travel must provide copies of its federal income tax return or an audited financial statement for the immediately preceding fiscal year. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel Section, 2005 Apalachee Parkway, Terry L. Rhodes Building, ~~Mayo Building, Second Floor, Tallahassee, Florida 32399-65000800.~~ To apply for reduction of the security, the seller of travel must have a satisfactory consumer complaint history. The amount of the security reduction shall be determined by the seller of travel’s dollar amount of gross annual sales, as follows:

(a) A business that has been in operation under the same ownership and control for at least one year with under \$500,000 in gross annual sales, may request to reduce its security to \$10,000.

(b) A business that has been in operation under the same ownership and control for at least one year with gross annual sales between \$500,000 and \$1,000,000, may request to reduce its security to \$15,000.

(c) A business that has been in operation under the same ownership and control for at least one year with gross annual sales between \$1,000,000 and \$2,000,000, may request to reduce its security to \$20,000.

(3) The amount of the security for a newly established business or a business under new ownership shall be \$25,000; however, the seller of travel may apply to reduce its security to \$10,000 by executing the Application for Reduction of Security included in form DACS 10200 Registration Packet filing Form 10208. To be eligible for a reduction in security, a newly established seller of travel must meet the following criteria:

- (a) Has not been in operation for more than one year;
- (b) None of its owners, directors, officers, or general partners have had any civil, criminal, or administrative action instituted against him in the vacation or travel business, and none of its owners, directors, officers, or general partners have been affiliated with any seller of travel that has had any civil, criminal, or administrative action instituted against it in the vacation or travel business; and

(c) None of its owners, directors, officers, or general partners have an unsatisfactory consumer complaint history with the Department or have been affiliated with any seller of travel that has had an unsatisfactory consumer complaint history with the Department.

(4) No change.

Specific Authority 559.9355(3) FS. Law Implemented 559.929(1) FS. History—New 2-8-94, Amended 6-4-95, 11-6-95, 12-27-95, 2-11-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: 5J-10.002 RULE TITLE: Franchises

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amended rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 41, which is the October 11, 2002 issue of the Florida Administrative Weekly. The changes are in response to comments received from staff at the Joint Administrative Procedures Committee.

The changes are as follows:

1) In Rule 5J-10.002, the first sentence is amended to read: “Every franchisor claiming an exemption pursuant to Section 559.802, Florida Statutes, shall file form ~~number~~ DACS 10500, ~~Annual Franchise Notice of Exemption Application~~, effective 11-15-94, revised 7-20-01, 5-3-02 and 3-4-03, hereby incorporated by reference.”

2) Specific Authority, amended to read:

Specific Authority 570.07(23), 559.802(4) FS. Law Implemented 559.802 FS. History—New 11-15-94, Amended 6-4-95, _____.

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-10.002 Franchises.

Every franchisor claiming an exemption pursuant to Section 559.802, Florida Statutes, shall file form ~~number~~ DACS 10500, ~~Annual Franchise Notice of Exemption Application~~, effective 11-15-94, revised 7-20-01, 5-3-02 and 3-4-03, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, 2005 Apalachee Parkway, Terry L. Rhodes Building, 407 South Calhoun Street, Mayo Building, 2nd Floor, Attention: Business Opportunities, Tallahassee, Florida 32399-~~65000800~~. The franchisor shall submit a filing fee of \$100 with ~~f~~Form DACS 10500. The filing fee shall be non-refundable. The exemption may be renewed each year by filing ~~f~~Form DACS 10500 and paying a renewal fee of \$100.

Specific Authority 570.07(23), 559.802(4) FS. Law Implemented 559.802 FS. History—New 11-15-94, Amended 6-4-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

THE FULL TEXT OF THE PROPOSED RULES IS:

Division of Consumer Services

RULE NOS.: RULE TITLES:
5J-13.002 Licensing Requirement
5J-13.003 Security Requirement

5J-13.002 Licensing Requirement.

(1) Any person who intends to operate as a pawnbroker shall annually submit a licensing fee of \$300 to the Department, for each pawnshop location, at the time of applying for a license.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amended rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 41, which is the October 11, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from staff at the Joint Administrative Procedures Committee.

(2) A person applying for a license as a pawnbroker must submit with the license application a copy of the Pawnbroker Transaction Form. Applicants for license shall use ~~f~~Form DACS ~~10111~~ ~~10-111~~, Registration Application Form, Florida Pawnbroking Act effective 12-10-96 revised 5/3/2002 and 4/03, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Pawnshops, 2005 Apalachee Parkway, Terry L. Rhodes ~~Mayo~~ Building, Tallahassee, Florida 32399-~~6500~~~~8800~~.

The changes are as follows:

Specific Authority ~~539.001(21)~~, 570.07(23) FS. Law Implemented 539.001(5)(a),(c),(8)(a) FS. History--New 12-10-96, Amended _____.

1) In Rule 5J-13.002(2), the second sentence is amended to read:

(2) "Applicants for license shall use ~~f~~Form DACS ~~10111~~ ~~10-111~~, Registration Application Form, Florida Pawnbroking Act effective 12-10-96 revised 5/3/2002 and 4/03, hereby incorporated by reference."

5J-13.003 Security Requirement.

~~(1) Any person claiming to have a net worth of \$50,000 pursuant to Section 539.001(4)(a)2., F.S., shall file with the Department, at the time of applying for a license, a copy of their current financial statement prepared by a Florida licensed accountant. In lieu of the financial statement, a person may file a copy of their most recently filed federal income tax return.~~

2) Specific Authority is amended to read:

Specific Authority ~~539.001(21)~~, 570.07(23) FS. Law Implemented 539.001(5)(a),(c),(8)(a) FS. History--New 12-10-96, Amended _____.

3) Rule 5J-13.003, subsection (1) is deleted:

~~(1) Any person claiming to have a net worth of \$50,000 pursuant to Section 539.001(4)(a)2., F.S., shall file with the Department, at the time of applying for a license, a copy of their current financial statement prepared by a Florida licensed accountant. In lieu of the financial statement, a person may file a copy of their most recently filed federal income tax return.~~

(1)(2) If filing a surety bond pursuant to Section 539.001(4)(a)2., F.S., the applicant shall utilize the use ~~Form~~ DACS ~~10113~~, Surety Bond example form included in form DACS 10111, effective 12-10-96, revised 5/3/02 and 4/03, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Pawnshops, 2005 Apalachee Parkway, Terry L. Rhodes ~~Mayo~~ Building, Tallahassee, Florida 32399-~~6500~~~~8800~~.

Specific Authority ~~539.001(21)~~, 570.07(23) FS. Law Implemented 539.001(4)(a)2. FS. History--New 12-10-96, Amended _____.

4) Rule 5J-13.003, subsection (2) is amended to read:

~~(1)(2)~~ If filing a surety bond pursuant to Section 539.001(4)(a)2., F.S., the applicant shall utilize the use ~~Form~~ DACS ~~10113~~, Surety Bond example form included in form DACS 10111, effective 12-10-96, revised 5/3/02 and 4/03, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Pawnshops, 2005 Apalachee Parkway, Terry L. Rhodes ~~Mayo~~ Building, Tallahassee, Florida 32399-~~6500~~~~8800~~."

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

Specific Authority ~~539.001(21)~~, 570.07(23) FS. Law Implemented 539.001(4)(a)2. FS. History--New 12-10-96, Amended _____.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

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

Construction Industry Licensing Board

RULE NO.: 61G4-12.011 RULE TITLE: Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 27, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

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

NOTICE OF CORRECTION

The above-proposed rule was published in the January 24, 2003 issue of the Florida Administrative Weekly, Vol. 29, No. 4, on page 293. A Notice of Change was published in the August 1, 2003 issue of the Florida Administrative Weekly, Vol. 29, No. 31. A Second Notice of Change was published in the August 22, 2003 Florida Administrative Weekly, Vol. 29, No. 34, in error. The Second Notice is an exact duplication of the first notice.

The person to be contacted regarding the above change(s) is: Juanita Chastain, Executive Director, Board of Professional Surveyors and Mappers, 1940 N. Monroe Street, Tallahassee, FL 32399-0750.

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 Medicine

RULE NO.: 64B8-30.005 RULE TITLE: Physician Assistant Licensure
 Renewal and Reactivation

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 4, of the January 24, 2003, issue of the Florida Administrative Weekly. A Notice of Change was previously published for this rule on August 22, 2003. However, the Notice of Change inadvertently omitted additional concerns submitted by the staff of the Joint Administrative Procedures Committee. The additional changes are as follows:

1. Subsection (5)(a) shall be reworded to read as follows: “Application for renewal as a licensed Physician Assistant and as a Prescribing Physician Assistant or for reactivation must be made upon forms supplied by the Council, and incorporated in Rule 64B8-1.007, F.A.C.”

2. Subsection (7) shall be reworded to read as follows:

“(7) The failure of any license holder to either renew the license or elect inactive status before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be reactivated or made inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(b) The delinquent status licensee who applies for license reactivation or inactive status shall:

1. File with the Department the completed application for either license reactivation as required by Section 458.347, F.S., or inactive status as required by Section 456.036, F.S.;

2. Pay to the Board either the license reactivation fee or the inactive status fee, the delinquency fee, and if applicable, the processing fee; and

3. If reactivation is elected, demonstrate compliance with the continuing education requirements found in Rule 64B8-30.005, F.A.C.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

Section IV Emergency Rules

DEPARTMENT OF REVENUE

RULE TITLE: RULE NO.:

Tax Amnesty Program; Scope; Definitions;
 Program Schedule, Amnesty Period;
 Amnesty Benefits; Eligibility Criteria;
 Department Procedures for Administering
 the Amnesty Program; Closing Agreements 12ER03-6

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 1 of Chapter 2003-395, Laws of Florida, enacted by the 2003 Florida Legislature, required the Department of Revenue to implement a tax amnesty program no later than July 1, 2003. To comply with this expedited time frame, and to provide the revenues required to support the fiscal year 2003-2004 budget enacted by the Legislature, the agency adopted emergency Rule 12ER03-5, effective July 1, 2003. Since the adoption of the first emergency rule, the Department has developed additional procedures that must be adopted as a rule, pursuant to subsection (12) of section 1 of Chapter 2003-395, Laws of Florida.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: During the period since the adoption of the first emergency rule for the tax amnesty program, the Department has discussed specific administrative issues with numerous taxpayers. This replacement emergency rule addresses those inquiries, and ensures that all taxpayers are notified regarding the additional procedures that have been developed.

SUMMARY OF THE RULE: The rule implements provisions of section 1 of Chapter 2003-395, Laws of Florida, as enacted by the 2003 Legislature. This rule defines key terms and establishes procedures the Department will use for the tax amnesty program, which offers taxpayers an opportunity to satisfy their liabilities for unpaid taxes imposed by the revenue laws of this state. Issues in this emergency rule that were not addressed in the original emergency rule include a definition of the term "settlement of liability," a description of how the statute of limitations will apply to unpaid tax liabilities for which the taxpayer is requesting participation in the tax amnesty program, an explanation of what tax return(s) a taxpayer must use when participating in the program, and a statement of how the Department will handle multiple audit issues.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Larry Green, Tax Law Specialist, Rules and Policy Administrative Process, Room 435, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida 32314-6668, (850)922-4830, e-mail: greenl@dor.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

12ER03-6 Tax Amnesty Program; Scope; Definitions; Program Schedule, Amnesty Period; Amnesty Benefits; Eligibility Criteria; Department Procedures for Administering the Amnesty Program; Closing Agreements.

(1) Scope. This rule establishes the procedures the Florida Department of Revenue will use to administer the tax amnesty program authorized by section 1 of Chapter 2003-395, Laws of Florida.

(a) Pursuant to this act, the Department is authorized to offer to any eligible taxpayer the opportunity to pay their state and/or local tax liability and thereby avoid criminal prosecution and the imposition of penalties and a portion of the interest otherwise imposed that are due and payable prior to July 1, 2003.

(b) Taxpayers are encouraged to participate in this tax amnesty program as a means of resolving any unpaid liabilities for state and/or local tax, penalty, and interest. Participation in this program does not increase the possibility that a taxpayer will be subject to an audit.

(2) Definitions. For the purposes of this rule, the following terms and phrases will have the meanings ascribed to them in this subsection, unless the context clearly indicates a different meaning:

(a) "Department" means the Florida Department of Revenue.

(b) "Eligible taxpayer" means any taxpayer who meets the criteria for participation in the tax amnesty program as provided by section 1 of Chapter 2003-395, Laws of Florida, and these rules.

(c) "State and/or local tax" means the following revenue sources enumerated in Section 213.05, Florida Statutes: the local option tourist development tax and tourist impact tax imposed by Chapter 125, Florida Statutes, if the Department administers the tax on behalf of the local government that levies the tax; the estate tax imposed by Chapter 198, Florida Statutes; the tax on intangible personal property imposed by Chapter 199, Florida Statutes; the excise tax on documents imposed by Chapter 201, Florida Statutes; the communications services tax imposed by Chapter 202, Florida Statutes; the gross receipts tax imposed by Chapter 203, Florida Statutes; the taxes on motor and other fuels imposed by Chapter 206, Florida Statutes; the pollutants taxes imposed by Chapter 206, Florida Statutes; the tax imposed on the severance of gas and sulfur by Chapter 211, Florida Statutes; the tax imposed on the severance of oil by Chapter 211, Florida Statutes; the tax imposed on the severance of solid minerals by Chapter 211, Florida Statutes; the taxes imposed by Chapter 212, Florida Statutes; the corporate income tax imposed by Chapter 220, Florida Statutes; the emergency excise tax imposed by Chapter 221, Florida Statutes; taxes on motor fuel and diesel fuel imposed by Chapter 336, Florida Statutes; the Apalachicola

Bay oyster surcharge imposed by Chapter 370, Florida Statutes; the tax on the gross receipts of drycleaning facilities imposed by Chapter 376, Florida Statutes; the tax on perchloroethylene imposed by Chapter 376, Florida Statutes; the waste tire fees and lead-acid battery fees imposed by Chapter 403, Florida Statutes; the secondhand dealer registration fees imposed by Chapter 538, Florida Statutes; insurance premium taxes imposed by Chapters 624 and 627, Florida Statutes; and the motor vehicle warranty fees imposed by Chapter 681, Florida Statutes.

(d) "Revenue law" means the Florida statutes applicable to any state and/or local tax, fee, surcharge, surtax, assessment, and other revenue-producing imposition enumerated in paragraph (c) of this subsection.

(e) "Settlement of liability" means a written agreement between the Department and the taxpayer in which the taxpayer has agreed to the amount of any state and/or local tax, penalty, or interest liability assessed for any taxable period ending prior or subsequent to the date of the agreement as provided in closing agreements, stipulated time payment agreements, and settlement agreements.

(3) Program Schedule; Tax Amnesty Period.

(a) This tax amnesty program begins at 12:01 a.m., July 1, 2003 and ends at midnight on October 31, 2003, which will be referred to in this rule as the tax amnesty period. Eligible taxpayers must submit to the Department, within the tax amnesty period the forms, all returns, and all payments for the state and/or local tax as provided by subsections (5) and (6) of this rule.

(b) Requests for participation in this tax amnesty program cannot be accepted prior to the July 1, 2003 starting date for this program.

(c) The Department will not grant extensions of time beyond the end of the tax amnesty period for:

1. Paying in full the correct state and/or local tax due; and/or,
2. Filing a properly completed Tax Amnesty Agreement form.

(d) To determine the date of submission of a tax amnesty program return and/or the date of any tax amnesty program payment, the Department will apply one or more of the following criteria:

1. For returns and/or payments submitted by United States mail, the postmark date.
2. For hand-delivered returns and/or payments, the date the item is received by the Department.
3. For returns and/or payments delivered by an express service or delivery service, the date on which the taxpayer delivers the document to the express service or delivery service.
4. For faxed returns, the date the return is received by the Department.

5. For returns and/or payments submitted by electronic means, the date such return is received by the Department or the date such payment is received by the state Treasury, as applicable.

(4) Amnesty Benefits. Under this tax amnesty program, taxpayers participating in the tax amnesty program will have all penalties that are statutorily imposed on unpaid state and/or local tax liabilities waived, including any specific and/or mandatory penalties imposed for failing to comply with a revenue law. In addition, the law authorizes the Department to reduce the interest due from taxpayers participating in the tax amnesty program, as provided in paragraph (a) or paragraph (b) of this subsection.

(a) If the Department has not sent the taxpayer a jeopardy assessment letter, a Notice of Tax Action, a billing, a notice of intent to conduct an audit, or any notification reflecting a specifically identified liability, the statutorily imposed interest will be reduced by 50 percent.

(b) If the Department has sent the taxpayer any document listed in paragraph (a) of this subsection, the statutorily imposed interest will be reduced by 25 percent.

(c) If the Department has not sent the taxpayer any document listed in paragraph (a) of this subsection the statute of limitations provided in Section 213.21(7), Florida Statutes, is applicable to a voluntary disclosure of the tax liability made by the tax amnesty program applicant. The period for which taxes must be disclosed is limited to the three years immediately preceding the date the taxpayer initially contacts the Department to request participation in the tax amnesty program. The three-year statute of limitations applies only to the specific facts, transactions, and taxes disclosed.

(5) Eligibility Criteria. Every taxpayer requesting permission to participate in the tax amnesty program must affirm and/or agree to the terms and conditions contained on the Tax Amnesty Agreement (form DR-100000). Failure to agree to the terms and conditions of the Agreement will result in the Department denying the taxpayer's request to participate in the tax amnesty program.

(a)1. If a taxpayer who is required by law to register with the Department has not registered, the taxpayer must register before requesting to participate in the tax amnesty program.

2. Unregistered taxpayers who are required by law to register are encouraged to register using either of the appropriate methods discussed below:

a. Between July 1, 2003 and October 20, 2003, unregistered taxpayers may use the Department's on-line registration system or may contact the Department's local service center closest to them to register.

b. Beginning on October 20, 2003, unregistered taxpayers are encouraged to contact the Department's local service center closest to them to register.

3. Unregistered taxpayers are advised that it takes the Department a minimum of 3 business days to process the taxpayer's registration request. At the end of this 3 business day period the taxpayer should take the necessary steps to participate in the tax amnesty program.

(b) The Tax Amnesty Agreement form (DR-100000), effective July 1, 2003, is hereby incorporated by reference in this rule.

(c)1. This agreement requires the taxpayer to provide information regarding its name, address (city, state, zip code), telephone number with area code, the date, and either its Federal Employer Identification Number or Social Security Number, plus its sales tax certificate number (if applicable).

2. Any person who is qualified to represent a taxpayer as provided in Rule 12-6.005, F.A.C., must possess a valid Power of Attorney, if one is not already on file with the Department, before requesting participation in this tax amnesty program on behalf of such taxpayer.

(d)1. Once the Tax Amnesty Agreement form has been properly completed and submitted by the taxpayer, subsequent requests for participation in the tax amnesty program by such taxpayer do not require the completion and submission of additional Tax Amnesty Agreement forms.

2. However, taxpayers who use the Department's on-line system to request to participate in the tax amnesty program must complete a Tax Amnesty Agreement form each time they use the on-line system to request participation.

(e) Every taxpayer who requests to participate in this tax amnesty program must agree to the following terms and conditions to be eligible to participate. The taxpayer must:

1. Give up the right to contest the tax being reported.

2. Withdraw any pending protest or dismiss any administrative or judicial proceeding concerning the tax liability being reported under this tax amnesty program and agree not to refile such protest or proceeding.

3. Affirm that the taxpayer did not enter into a settlement of liability with the Department prior to July 1, 2003, for any state or local revenues owed which are included in the tax amnesty program request.

4. Give up the right to claim, or to protest the denial of a claim for a refund of tax or interest paid pursuant to the tax amnesty program request.

5. Agree that any credit or refund of tax or interest paid pursuant to the tax amnesty program request is limited to amounts determined by the Department to be erroneously paid.

6. Affirm that the taxpayer is not currently under investigation, indictment, information, or prosecution for failing to comply with a Florida revenue law and that the taxpayer has not been convicted of a crime involving a Florida revenue law.

(f) The Department will rescind a grant of tax amnesty if the taxpayer has misrepresented the taxpayer's eligibility to participate in the tax amnesty program or the interest reduction

for which the taxpayer qualifies, has filed false returns or other forms associated with the tax amnesty program request, or has failed to pay the amounts due or file completed forms or returns.

(g) Taxpayers who meet one or more of the following criteria on or before October 31, 2003, are ineligible to participate in this tax amnesty program:

1. Conviction for a crime regarding a revenue law of this state, which includes the taxpayer being convicted for presenting a worthless check as payment for an obligation under any revenue law of this state, as provided in Section 832.062, Florida Statutes.

2. Being the subject of a criminal investigation, indictment, information, or prosecution by any state or local entity for a violation of a Florida revenue law.

(6) Department Procedures for Administering the Tax Amnesty Program.

(a) In addition to completing and submitting the Tax Amnesty Agreement form, the taxpayer must file a new or amended return for each taxable period covered by the taxpayer's tax amnesty program request. Taxpayers are encouraged to use the Department's Tax Amnesty Program website (www.myflorida.com/dor/amnesty) to file sales and use tax and intangible personal property tax returns and pay those tax liabilities.

(b) Taxpayers must use the appropriate current or prior tax return, which can be found on the Department's Tax Amnesty Program website at the address shown in parentheses (www.myflorida.com/dor/amnesty). If the appropriate return for a prior year or other tax reporting period is not available, the taxpayer must use the current 2003 version of the applicable return when the taxpayer submits the request to participate in this tax amnesty program and pay in full the tax due. For example, a taxpayer who requests amnesty for an unpaid sales and use liability that was due in November 2001 and wishes to file using a paper return and pay by check, must use the 2003 version of form DR-15 (Sales and Use Tax Return) that is available on the Department's Tax Amnesty Program forms page website (www.myflorida.com/dor/amnesty/forms).

(c) Taxpayers who receive Department approval to convert an audit to the certified audit program pursuant to subsection (4) of section 1 of Chapter 2003-395, Laws of Florida, must make all payments of tax determined to be due under the tax amnesty program during the tax amnesty period. Any payment made after the October 31, 2003, deadline for the tax amnesty program will not qualify for the compromise of penalty and interest available from either the tax amnesty program or the certified audit program. Taxpayers that comply with the following conditions will be approved to convert an audit to the certified audit program during the tax amnesty period:

1. Only a sales and use tax audit can be converted to the certified audit program.

2. The beginning date of the audit period for certified audit purposes must be the same as the beginning date of the audit period as stated on the DR-840 (Notice of Intent to Audit Books and Records) that was originally sent to the taxpayer before the taxpayer requested a conversion to the certified audit program.

3. All sales and use tax audits converted to the certified audit program must comply with the requirements and procedures established in Part II of Rule Chapter 12-25, F.A.C.

(d) A taxpayer that has multiple issues or taxes may request to participate in the tax amnesty program for some or all outstanding liabilities, based on the following provisions:

1. If the taxpayer has more than one tax liability for which the Department has not sent any of the documents listed in paragraph (4)(a) of this rule, the taxpayer will be eligible to receive the benefits provided in the tax amnesty program only for those liabilities disclosed during the tax amnesty period.

2. If the taxpayer has received any of the documents listed in paragraph (4)(a) of this rule regarding tax liabilities on multiple issues, the taxpayer may choose to pay the taxes and applicable interest under the tax amnesty program on one or more of those issues while continuing to protest the remainder of the tax liabilities for which the taxpayer has received one of the documents listed in paragraph (4)(a) of this rule. In this instance, the taxpayer must state in writing the issues with which the taxpayer agrees and that the taxpayer wants to include under the tax amnesty program and issues that the taxpayer does not want included in the tax amnesty program.

(e) A taxpayer who is eligible to participate in the tax amnesty program may request a stipulated time payment agreement for amounts determined to be due under the tax amnesty program, if the amount of tax liability due pursuant to such stipulated time payment agreement is paid in full on or before October 31, 2003.

(f)1. Taxpayers who are requesting amnesty for a sales and use tax or intangible personal property tax liability (for individuals or corporations), regardless of whether the liability is associated with a delinquency or previously unreported tax, are encouraged to access the Department's Internet site at the address in parentheses (www.myflorida.com/dor/amnesty) and use the streamlined procedures discussed on this site for filing new and amended returns and paying state and/or local tax under this tax amnesty program.

2. Any taxpayer who has received a bill for any unpaid tax liability is encouraged to access this Internet site to pay the taxpayer's state and/or local tax and interest due under this tax amnesty program. Bill payments for the following taxes cannot be made using the Internet site: Apalachicola Bay oyster surcharge, estate tax, government leasehold tax, motor vehicle warranty fees, secondhand dealer annual fees. Bills for these taxes and fees must be paid in person or by mail using conventional methods.

3. To access this Internet site, click on the "Save Money With Tax Amnesty" statement on the Department's home page (www.myflorida.com/dor/) and follow the tax amnesty program instructions contained there.

(g) In addition, taxpayers may acquire the necessary blank forms and returns to participate in this tax amnesty program by:

1. Downloading them from the Department's Internet website at (www.myflorida.com/dor/amnesty); or

2. Calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or

4. Using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or 3. Faxing the Florida Department of Revenue Distribution Center at (850)922-2208; or

5. Writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or

6. Visiting any local Department of Revenue Service Center to personally obtain a copy; or

7. Calling the Department's TDD at (800)367-8331 if the taxpayer has a hearing impairment or speech impairment.

(h) Taxpayers who need assistance in determining their tax amnesty program tax and interest liability or who need help in complying with the tax amnesty program provisions should contact the Department by calling the Taxpayer Services office at (800)352-3671 (in Florida only) or (850)488-6800 or by visiting the local service center nearest them (open Monday through Friday, 8 a.m. to 5 p.m.).

(i) The Department cannot accept credit card payments for payments of state and/or local taxes and interest under this tax amnesty program.

(j) Taxpayers who have enrolled with the Department pursuant to the requirement in Section 213.755, Florida Statutes, to remit taxes and submit returns by electronic means cannot submit tax amnesty program payments and new or amended returns using these same methods. Instead, these taxpayers are encouraged to use the Department's Internet on-line tax amnesty program procedures which are available on the Department's Internet site at the address listed in parentheses (www.myflorida.com/dor/amnesty) for paying tax amnesty program taxes and interest electronically.

(k) All payments must be in United States funds, and if payment is by check or money order, it must be made payable to the Florida Department of Revenue.

(7) Closing agreements. Nothing in this emergency rule shall be construed to restrict the authority of the Executive Director or the Executive Director's designee to enter into closing agreements compromising and/or settling a taxpayer's liability pursuant to Section 213.21, Florida Statutes.

Specific Authority 213.06(2) FS, Law Implemented s. 1, ch. 2003-395, Laws of Florida. History—New 8-19-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE
EFFECTIVE DATE: August 19, 2003

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 496, MONTHLY BONUS
RULE NO.: 53ER03-41
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 496, "MONTHLY BONUS" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; and the estimated odds of winning, value, and number of prizes in the game.
THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-41 Instant Game Number 496, MONTHLY BONUS.

(1) Name of Game. Instant Game Number 496, "MONTHLY BONUS."

(2) Price. MONTHLY BONUS tickets sell for \$2.00 per ticket.

(3) MONTHLY BONUS lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning MONTHLY BONUS lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any MONTHLY BONUS lottery ticket, or as to the prize amount, the Void if Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
	7 SEVEN	8 EIGHT	9 NINE	10 TEN	
11 ELEVN	12 TWELV	13 THRTN	14 FORTN	15 FIFTN	16 SIXTN
	17 SVNTN	18 EGHTN	19 NINTN	20 TWENTY	



(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
	7 SEVEN	8 EIGHT	9 NINE	10 TEN	
11 ELEVN	12 TWELV	13 THRTN	14 FORTN	15 FIFTN	16 SIXTN
	17 SVNTN	18 EGHTN	19 NINTN	20 TWENTY	

(6) The prize symbols and prize symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$5.00	\$10.00	\$20.00
TICKET	ONE	TWO	FIVE	TEN	TWENTY
\$25.00	\$50.00	\$100	\$500	\$5,000	\$1,000
THY FIV	FIFTY	ONE HUN	FIVE HUN	FIVE THO	A MO/5 YRS

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten sets of matching numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500, \$5,000 and \$1,000 A MO /5 YRS.



(b) A ticket having a "WIN" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$50.

(c) A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a MONTHLY BONUS lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(d) Except as provided in paragraph (8)(e) below, a claimant who is entitled to a prize of \$1,000 a month for 5 years shall have the option of receiving his or her payment in sixty installments of \$1,000 per month for 5 years, less applicable federal tax withholding, or in a single cash payment of \$60,000 less applicable federal tax withholding. The value of the entire prize (\$60,000) will be reported to the Internal Revenue Service in the year in which the prize is won regardless of which payment option the claimant selects.

1. If the claimant selects the cash option, the total amount of applicable federal tax withholding on \$60,000 will be withheld by the Lottery at the time the claimant submits the ticket for prize payment.

2. If the claimant selects the monthly payment option, the Lottery will prepay the total amount of applicable federal tax withholding on \$60,000 at the time the claimant submits the ticket for prize payment. Tax withholdings prepaid by the Lottery will then be deducted from monthly payments in equal amounts throughout the annuity period.

(e) If the winner of a \$1,000 a month for 5 years prize is identified as owing an outstanding debt to a state agency or child support collected through a court, including spousal support or alimony if the child support obligation is being enforced by the Department of Revenue, and the winner does not pay the debt or child or spousal support at the time of claiming his or her prize, the winner will forfeit the option of receiving his or her prize payment in monthly installments. If the debt is an amount less than \$60,000, the winner shall receive one payment of the prize amount remaining after applicable federal tax withholding has been deducted and the debt has been satisfied. If the debt is an amount greater than \$60,000, the entire prize amount remaining after deduction of applicable federal tax withholding will be applied toward the outstanding debt as provided in Section 24.115, Florida Statutes.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 496 are as follows:

GAME PLAY TICKET	WIN \$2 TICKET	ODDS OF 1 IN	NUMBER OF
			WINNERS IN 28 POOLS OF 180,000 TICKETS PER POOL
\$2	\$2	18.75	268,800
\$2 x 2	\$4	12.50	403,200
(\$1 x 3) + \$2	\$5	18.75	268,800
\$5	\$5	30.00	168,000
\$1 x 10	\$5	25.00	201,600
\$5 x 2	\$10	150.00	33,600
\$10	\$10	150.00	33,600
(\$2 x 5) + \$5 + \$10	\$10	150.00	33,600
\$1 + (\$2 x 2) + (\$5 x 2) + \$10	\$25	450.00	11,200
\$25	\$25	450.00	11,200
\$5 x 10	\$50	1,800.00	2,800
\$10 x 5	\$50	2,400.00	2,100
\$25 x 2	\$50	7,200.00	700
\$50 (MONEYBAG)	\$50	900.00	5,600
\$20 x 5	\$100	18,000.00	280
(\$5 x 8) + \$10 + \$50 (MONEYBAG)	\$100	18,000.00	280
\$50 + \$50 (MONEYBAG)	\$100	22,500.00	224
(\$100 x 2) + \$50 (MONEYBAG)	\$250	90,000.00	56
\$50 + (\$100 x 4) + \$50 (MONEYBAG)	\$500	157,500.00	32
\$500 x 10	\$5,000	1,680,000.00	3
\$5,000	\$5,000	1,680,000.00	3
\$1,000 A MONTH FOR 5 YEARS	Top Prize	2,520,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 496 are 1 in 3.46. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 496, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for MONTHLY BONUS lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 8-15-03.

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

EFFECTIVE DATE: August 15, 2003

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 497, FOOTBALL FEVER

RULE NO.: 53ER03-42

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 497, "FOOTBALL FEVER," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-42 Instant Game Number 497, FOOTBALL FEVER.

(1) Name of Game. Instant Game Number 497, "FOOTBALL FEVER."

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

(3) FOOTBALL FEVER lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning FOOTBALL FEVER lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any

FOOTBALL FEVER lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR SCORE" play symbols and play symbol captions are as follows:

3	7	9	10	12	13		
THR	SVN	NIN	TEN	TWLV	THRTN		
14	15	16	17	20	24	27	28
FORTN	FIFTN	SIXTN	SVNTN	TWNTY	TWFOR	TWSVN	TWEGT

(5) The "VISITOR'S SCORE" play symbols and play symbol captions are as follows:

2	3	7	9	10	12	13
TWO	THR	SVN	NIN	TEN	TWLV	THRTN
14	15	16	17	20	24	27
FORTN	FIFTN	SIXTN	SVNTN	TWNTY	TWFOR	TWSVN

(6) The prize symbols and prize symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$4.00	\$5.00	\$10.00
TICKET	ONE	TWO	FOUR	FIVE	TEN
\$25.00	\$50.00	\$100	\$400	\$2,000	
THY FIV	FIFTY	ONE HUN	FOR HUN	TWO THO	

(7) The "EXTRA POINT" play symbols and play symbol captions are as follows:



(8) The legends are as follows:

YOUR SCORE	VISITOR'S SCORE	QTR 1	QTR 2	QTR 3	QTR 4	PRIZE	EXTRA POINT
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(9) Determination of Prizewinners. There are four quarters on each FOOTBALL FEVER lottery ticket.

(a) A ticket having a number in the "YOUR SCORE" play area of one quarter that is greater than the number in the "VISITOR'S SCORE" play area of the same quarter shall entitle the claimant to the corresponding prize shown for that quarter. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$400, and \$2,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a \$1.00 ticket, except as follows. A person who submits by mail a FOOTBALL FEVER lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.



(b) A ticket having a "WIN \$25" symbol in the "EXTRA POINT" box shall entitle the claimant to a prize of \$25.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 497 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF
TICKET	\$1 TICKET	1 IN	WINNERS IN
\$1	\$1	10.00	56 POOLS
\$2	\$2	15.00	OF 180,000
\$1 x 4	\$4	25.00	TICKETS
\$1 + (\$2 x 2)	\$5	100.00	PER POOL
\$5	\$5	100.00	1,008,000
(\$2 x 3) + \$4	\$10	300.00	672,000
\$10	\$10	300.00	403,200
(\$5 x 3) + \$10	\$25	5,142.86	100,800
\$5 + (\$10 x 2)	\$25	5,142.86	100,800
\$25 EXTRA POINT BOX: (GOAL			
POST) SYMBOL	\$25	257.14	39,200
\$5 + (\$10 x 2) + \$25	\$50	3,600.00	2,800
\$25 x 2	\$50	1,800.00	5,600
\$50	\$50	3,600.00	2,800
\$25 x 4	\$100	201,600.00	50
\$50 x 2	\$100	201,600.00	50
\$100	\$100	201,600.00	50
\$400	\$400	403,200.00	25
\$2,000	\$2,000	504,000.00	20

(11) The estimated overall odds of winning some prize in Instant Game Number 497 are 1 in 4.02. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 497, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(14) Payment of prizes for FOOTBALL FEVER lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History--New 8-15-03.

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

EFFECTIVE DATE: August 15, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Fees
 RULE NO.: 61J1ER03-3
 SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Division of Real Estate is only

authorized to regulate professionals to preserve the health, safety and welfare of the public under the police powers of the state. The Division’s ability to maintain its regulatory responsibilities are negatively impacted by the fee increase for criminal history information records charged by the Florida Department of Law Enforcement. This fee increase was mandated by the 2003 Florida Legislature in Senate Bill 10-A. Currently, the Division must take money from other areas to meet the additional cost for obtaining criminal history information records. The Division must act quickly to prevent a budget shortfall in other areas.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The emergency rule will allow maximum notice to applicants for licensure and will reduce the current negative impact of the fee increase on the Division’s fiscal resources. The bill was approved by the Governor on June 26, 2003 and took effect July 1, 2003.

SUMMARY OF THE RULE: Emergency Rule 61J1ER03-3, F.A.C., increases the fingerprint card processing fee from \$39 to \$47 for persons and entities licensed under Chapter 475, Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Juana Watkins, Chief Attorney, Department of Business and Professional Regulation, Division of Real Estate, 800 West Robinson Street, Suite N802, Orlando, Florida 32801-1736

THE FULL TEXT OF THE EMERGENCY RULE IS:

61J1ER03-3 (61J1-2.001) Fees.

(1) The application fee shall be as follows:

Registered Assistant Appraiser	\$50.00
Licensed Appraiser	\$100.00
Certified Residential Appraiser	\$100.00
Certified General Appraiser	\$100.00

(2) The biennial fee shall be:

Registered Assistant Appraiser	\$175.00
Licensed Appraiser	\$175.00
Certified Residential Appraiser	\$175.00
Certified General Appraiser	\$175.00

(3) The fee for appraisal course instructors shall be:

Application	\$50.00
Biennial Permit	\$50.00

(4) Fees for appraisal course related categories shall be:

For each sponsor application for evaluation for approval of education offering	\$200.00
For each sponsor biennial education offering renewal	\$100.00
For each evaluation of a previously nonaccredited education course	\$50.00

(5) Temporary Practice fee	\$50.00
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(6) Late Renewal of an inactive registration, license or certification	\$25.00
(7) Biennial Registry fee for licensed and certified appraisers as required by the Appraisal Subcommittee	\$50.00
(8) Duplicate registration, license or certification	\$20.00
(9) Checks returned insufficient funds or account closed or an amount up to 5% of the face amount of the check, whichever is greater	\$15.00
(10) Examination Review	\$35.00
(11) Unlicensed activity fee for initial licensure and license renewal	\$5.00
(12) The fee for request for a change of examination date, which must be in writing, shall be:	
(a) Requests received by the examination vendor 3 or more days prior to the scheduled date	No fee
(b) Requests received by the examination vendor less than 3 days prior to the scheduled date	\$15.00
(13) Fingerprint Card Processing Fee	\$47.00 39.00
(14) Application fee for a registered assistant, licensed or certified appraiser to obtain a different status when such application is received by the department within 180 days prior to through 180 days after the renewal period established in Rule 61J1-2.002, Florida Administrative Code	\$50.00

Specific Authority 475.614 FS. Law Implemented 215.34, 215.405, 455.217, 455.2281, 475.6147, 475.615, 475.618, 475.619, 475.630 FS. History—New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-2.001, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 10-29-98, 1-7-99, 11-15-99,

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

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

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Sprint-Florida Incorporated’s amended petition seeking a limited waiver from subsection 25-4.066(2), paragraphs 25-4.070(3)(a), 25-4.073(1)(c), 25-4.073(1)(d) and subsection 25-4.110(6), F.A.C., and approval of modification and extension of Service Guarantee Plan (SGP) approved by

Order PSC-00-2462-PAA-TL, filed May 7, 2003, in Docket No. 030430-TL was approved by the Commission by Order No. PSC-03-0733-PAA-TP, issued June 19, 2003, consummated by Order No. PSC-03-0810-CO-TL, issued July 15, 2003. These rules address the service standards for incumbent local exchange carriers. Subsection 25-4.066(2), F.A.C., requires that most installation of primary service be completed within 3 working days. Paragraph 25-4.070(3)(a), F.A.C., requires that most restoration of interrupted service be completed within 24 hours of the report. Paragraph 25-4.073(1)(c), F.A.C., requires that calls made to directory assistance, repair and the business office be answered within a specific time. Paragraph 25-4.073(1)(d), F.A.C., defines the processing of calls from customers to the business office. Subsection 25-4.110(6), F.A.C., requires a pro rata refund or adjustment when a subscriber's service is out of order in excess of 24 hours after the subscriber notices the company. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on May 30, 2003.

A copy of the Order can be obtained from: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on August 7, 2003, South Florida Water Management District (District) received a petition for waiver from Hernan R. Baquerizo, Application No. 03-0807-4, for utilization of Works or Lands of the District known as the C-100C Canal, Miami-Dade County for the proposed placement of a fence enclosure encroaching within the south right of way of the C-100C Canal at the rear of 8481 S. W. 140th Street, Miami, FL 33158, Miami-Dade County, Section 22, Township 55 South, Range 40 East. The petition seeks relief from subsections 40E-6.011(4),(6), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank 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@sfwmd.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 August 12, 2003, South Florida Water Management District (District) received a petition for waiver from Joseph H. Seiverd and Rosalind L. Andrews, Application No. 03-0812-1, for utilization of Works or Lands of the District known as the C-1N Canal, Miami-Dade County for the proposed placement of a storage shed encroaching within the southeast right of way of the C-1N Canal at the rear of 20143 S. W. 103rd Avenue, Miami, FL 33189-1370, Miami-Dade County, Section 8, Township 56 South, Range 40 East. The petition seeks relief from subsections 40E-6.011(4),(6), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank 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@sfwmd.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 August 14, 2003, South Florida Water Management District (District) received a petition for waiver from the Florida Department of Transportation (DOT), Application No. 03-0814-5M, for utilization of Works or Lands of the District known as the Hillsboro Canal, Palm Beach and Broward County for the proposed construction of an 8' high noise wall along the east side of the existing I-95 vehicular bridge within the north and south rights of way of the Hillsboro Canal, Boca Raton, Deerfield Beach, FL, Palm Beach and Broward County, Section 36, Township 37 South, Range 42 East. The petition seeks relief from subsections 40E-6.011(4),(6) and 40E-6.221(2)(j), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank and placement of permanent and/or semi-permanent above-ground facilities within the District's 100' long designated equipment staging areas located at 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@sfwmd.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.

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

The Board of Medicine hereby gives notice that it has received a petition filed on July 31, 2003, on behalf of Lourdes Acosta, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Jay B. Fine, M.D. The Notice of Petition for Waiver was published in Vol. 29, No. 21, of the May 23, 2003, Florida Administrative Weekly. The Surgical Care Committee considered the Petition at its meeting held on July 31, 2003. The Board considered the Committee's recommendation at its meeting held on August 2, 2003, in Orlando, Florida. The Board's Order, filed on August 15, 2003, conditionally grants the petition for waiver. The waiver is granted conditioned upon Petitioner's successful completion of a Board-approved anesthesia competency assessment. The Board finds that the underlying purpose of the statute, as implemented by Rule 64B8-9.009, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on August 20, 2003, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-48.002(94), Florida Administrative Code, from CAL-VFG Investors, LLC, requesting a waiver of the minimum rehabilitation requirement.

A copy of the Petition can be obtained from: Sherry Green, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.,

Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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: September 18, 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.

DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs**, Florida Arts Council announces public meetings to which all persons are invited:

COMMITTEE

DATE AND TIME: Tuesday, September 16, 2003, 2:00 p.m. – conclusion

PLACE: The Terrace Hotel, 329 East Main Street, Lakeland, Florida

DATE AND TIME: Wednesday, September 17, 2003, 9:30 a.m. – conclusion

PLACE: Harrison School of the Performing Arts, 750 Hollingsworth Road, Lakeland, Florida

FULL COUNCIL

DATE AND TIME: Thursday, September 18, 2003, 9:30 a.m. – conclusion

PLACE: Polk Museum of Art, 800 East Palmetto Street, Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee and general session meetings of the Council.

A copy of the agenda may be accessed at the Division of Cultural Affairs' website: www.Florida-Arts.org or by contacting: Dianne Alborn, Executive Assistant, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6473 or e-mail: [dalborn@dos.state.fl.us](mailto:dalbora@dos.state.fl.us).

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by the 11th day of September 2003, if you need an accommodation. Please contact: Dana DeMartino, ADA Coordinator, Division of Cultural Affairs, (850)245-6477, Fax (850)245-6492 or email: ddemartino@dos.state.fl.us.

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold a meeting to which all interested persons are invited.

DATES AND TIMES: Wednesday, September 10, 2003, 1:00 p.m. – 5:00 p.m.; Thursday, September 11, 2003, 9:00 a.m. – 1:00 p.m.

PLACE: University of Florida, J. Wayne Reitz Union, Rm. 361, Museum Road, Gainesville, Florida, Info Desk: (352)392-1649

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

Please call (850)414-3300 for instructions on participation. 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, PL-01, Tallahassee, FL 32399-1050.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Coordinating Council** on Mosquito Control announces a meeting to which all interested persons are invited.

DATE AND TIME: September 11, 2003, 10:00 a.m.

PLACE: DACS, Division of Plant Industry's Conference Room, 1911 S. W. 34th Street, Gainesville, Florida 32614, (352)372-3505

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting Objectives:

- To Approve Regular Procedural Topics
- To Review and Approve Updated Workplan
- To Discuss Council Attendance and Representation
- To Review and Adopt Revised Council Mission Statement
- To Hear a Report from the Subcommittee on Aerial Spraying

- To Hear a Report from the Subcommittee on Managed Marshes
- To Hear a Report on the Arbovirus Response Plan
- To Hear a Report on Current Research Proposals
- To Review and Discuss Proposed Changes to Rule 5E-13
- To Review and Discuss Environmental Fate Data for Permethrin Aerial Application
- To Consider Public Comment
- To Identify Needed Next Steps and Agenda Items For Next Meeting

Meeting Agenda:

- 10:00 – Welcome and Introductions – Tom Loyless
- 10:05 – Agenda Review and Approval – Jeff Blair
- 10:10 – Approval of July 29, 2003 Facilitator's Report – Jeff Blair
- 10:15 – Review and Approval of Updated Workplan – Jeff Blair
- 10:25 – Council Member Attendance/Representation Discussion – Tom Loyless
- 11:00 – Review and Adoption of Revised Mission Statement – Tom Loyless
- 11:15 – Report from the Subcommittee on Managed Marshes – Doug Carlson
- 11:30 – Report from the Subcommittee on Aerial Spraying – Jane Barber
- 12:00 – Working Lunch 20 minutes
- 12:20 – Report on the Arbovirus Response Plan – Carina Blackmore
- 12:50 – Report on Current Research Proposals – Tom Loyless
- 1:20 – Discussion on Proposed Changes to Rule 5E-13 – Tom Loyless
- 1:40 – Discussion on Environmental Fate Data for Permethrin Aerial Application – W.Gale
- 2:40 – Public Comment – Jeff Blair
- 2:50 – Next Steps and Agenda Items for Next Meeting – Jeff Blair
- Next meeting agenda items, needed information
- 3:00 – Adjourn

Contact Information: Jeff Blair, (850)644-6320, jblair@mailier.fsu.edu, <http://consensus.fsu.edu/>

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council:

DATE AND TIME: Thursday, September 30, 2003, 1:30 p.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call: Louise King, (350)246-8460

The **Friends of Florida State Forests**, Inc. announces a Board Meeting to which all interested persons are invited.

DATE AND TIMES: Thursday, September 11, 2003, 8:00 a.m. – Committees; 10:00 a.m. – Meeting

PLACE: Welaka Training Center, Welaka, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the Corporation.

A copy of the agenda available by contacting: Norm Heintz, FFSF Coordinator, 3125 Conner Blvd., Tallahassee, FL 32399-1650, (850)414-9957.

NOTICE IS HEREBY GIVEN, that the Florida **Department of Agriculture and Consumer Services** and Florida Food Safety and Food Security Advisory Council announce a conference call meeting, and invite all members of the Advisory Council or their designees to participate via telephone.

DATE AND TIME: Friday, September 26, 2003, 10:00 a.m. – 11:00 a.m.

PLACE: If calling from the Tallahassee area – (850)922-2903, If calling from outside the Tallahassee area – 1(800)416-4254

GENERAL SUBJECT MATTER TO BE CONSIDERED: The conference call meeting will include an overview of the functional operation/logistics of the Advisory Council, and a preliminary discussion about priority-setting for the coming year. Priority-setting topics developed in the conference call meeting will be discussed in more detail at the next October/November Council meeting. Conference call discussion is limited to members of the Florida Food Safety and Food Security Advisory Council or their designees.

For additional information contact: Dr. Marion Fuller, Director, Division of Food Safety (850)488-0295

DEPARTMENT OF EDUCATION

The public is invited to a meeting of the Performance and Accountability Committee of the **Florida Board of Governors**.

DATE AND TIME: September 8, 2003, 10:00 a.m. – 12:00 Noon

PLACE: By Telephone Conference Call, 1605 Turlington Building, 325 W. Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider performance and accountability measures for the State University System; and other issues related to the Performance and Accountability Committee.

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.

The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited:

DATE AND TIME: Wednesday, September 10, 2003, 2:00 p.m.

PLACE: Boca Raton Campus, Board of Trustees Room, Kenneth R. Williams Administration Bldg., 777 Glades Road, Boca Raton, Florida 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: Preliminary planning for the inauguration and investiture ceremony of President Frank T. Brogan.

A copy of the agenda may be obtained by contacting: Ms. Jennifer O'Flannery, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-0325.

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 (561)297-2130 (TDD).

The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting, to which all persons are invited:

COMMITTEE : Art Selection Committee

DATE AND TIME : September 11, 2003, 2:00 p.m.– 5:00 p.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, Boca Raton Campus, 777 Glades Road, Campus Operations Building #110, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED : To hold a Slide Review Meeting regarding Florida's Art in State Buildings Program for BR-626 Slattery Center Addition.

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., Rm 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 **Commission for Independent Education** announces meetings to which all persons are invited.

DATES AND TIMES: Thursday, September 11, 2003, 9:00 a.m. – Rules Committee; Accreditation Review Committee and Foreign Medical School Committee meeting to follow; Friday, September 12, 2003, 9:00 a.m. – Commission meeting

PLACE: Renaissance Orlando Hotel – Airport, 5445 Forbes Place, Orlando, Florida 32812

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee, Accreditation Review Committee and Foreign Medical School Committee will meet to conduct committee business and the Commission for Independent Education meeting will consider disciplinary matters, applications for licensure for institutions, cases for licensure as specified in the agenda, and other general Commission business.

Any person who decides to appeal a decision of the Commission with respect to any matter considered at this meeting or hearing may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

The **Division of Blind Services**, Bureau of Business Enterprises and the State Committee of Vendors are holding their 2003 Key to the Future Biennial Seminar to which all persons are invited.

DATES AND TIME: September 12-14, 2003, 12:00 Noon – Registration; 1:30 p.m. – 8:00 p.m. – Exposition

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida, 1(800)366-9700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The election of the State Committee of Vendors Chairperson and Vice Chairperson; an exposition of low vision technology and food services; vendor training; and acceptance of the proposed revisions to the Committee of Vendors's by-laws.

A copy of the quarterly minutes can be obtained at the Division of Blind Services Web Site: www.state.fl.us/dbs/ and going to: Business Enterprises Program, Minutes.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a public hearing to which all interested parties are invited.

DATE AND TIME: Wednesday, September 3, 2003, 1:00 p.m. – 3:00 p.m.

PLACE: Putnam County Public Library, 601 College Road, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking public or nonprofit entities to administer the Weatherization Assistance Program (WAP) and related programs (Low Income Emergency Home Repair Program (LEHRP), Weatherization-Low Income Home Energy Assistance Program (WAP-LIHEAP)) in the Counties of Clay, Flagler and Putnam. Entities interested in contracting with DCA to provide all or part of these services should be present at this public hearing in order to be informed of the qualifications and application requirements. Selection of an entity will be based on the entities' experience and performance in weatherization or housing renovation activities, and in assisting low-income persons in the area to be served, and their capacity to undertake a timely and effective weatherization program. Preferences will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering an effective DCA funded Weatherization Assistance Program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; (4) the ability of the entity to secure volunteers, train participants and public service employment workers; and (5) maintain compliance with administration and financial management requirements. If no more than one entity is funded, that entity must be capable and willing to provide services to all eligible low-income citizens in the geographic area.

ACTIONS TO BE TAKEN: The DCA will review all comments received at the public hearing and the submitted applications, and make a decision regarding each entity's eligibility to provide Weatherization Assistance Program services to Clay, Flagler and Putnam Counties. Recommendations will then be prepared by the Department staff for the selected entity for subsequent consideration and approval or disapproval by the Department's Secretary.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to Norm Gempel, Manager, Florida Department of Community Affairs,

Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541 or Fax (850)488-2488.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a formal record of the proceeding, and for such purposes he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Anyone who wants a copy of the agenda or additional information on this hearing may write or call: Mr. Norm Gempel, Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541 or Fax (850)488-2488.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

The **Florida Building Commission** hereby gives notice that an additional workshop on Rule 9B-70.001, Building Code Training Program.

DATE AND TIME: September 16, 2003, 10:00 a.m. – 12:00 Noon

PLACE: Randall Kelley Training Center, Sadowski Building, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose and effect of this rule development is to delete obsolete core courses from the rule and make provision for the core curriculum in the future accommodating courses created by or at the direction of staff to the Florida Building Commission and those offered from private sources and discussion of voluntary accreditation of advanced courses pertaining to the Florida Building Code. The rule will also incorporate voluntary accreditation of advanced continuing education courses regarding the Florida Building Code.

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE WORKSHOP IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824.

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement**, Missing Children Information Clearinghouse Advisory Board, announces a public meeting to which all persons are invited.

QUARTERLY MCIC ADVISORY BOARD MEETING

DATE AND TIME: September 8, 2003, 1:00 p.m. – 3:00 p.m.

PLACE: Florida State Capitol, Tallahassee, FL (please call Gwen Johnson, (850)410-8585 for room number)

A copy of the agenda may be obtained by writing: Gwen Johnson, Missing Children Information Clearinghouse, The Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302.

A meeting, for the purpose of notice herein, is limited to a gathering for the purpose of conducting public business by members of a collegial body constituting the agency head.

The **Criminal Justice Professionalism Program** announces a Criminal Justice Standards and Training Commission Meeting Conference Call. All parties are invited to participate.

DATE AND TIME: Thursday, September 11, 2003, 10:00 a.m.

PLACE: Conference Call (850)922-2903 or Suncom 292-2903 (Please dial the conference call number five minutes prior to 10:00 a.m.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take action on Exception to Recommended Orders for Respondents Kalangie J. Serrano and John W. Bradley.

COMMISSION MEETING AGENDAS: A copy of the September 2003 Conference Call agenda and issue may be obtained by contacting Donna Hunt, (850)410-8615.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (904)410-8615.

The **Criminal Justice Professionalism Program** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend.

DATE AND TIME: September 16, 2003, 10:00 a.m. – Open

PLACE: Broward Community College, Criminal Justice Institute, 3501 Southwest Davie Road, Fort Lauderdale, Florida 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the Probable Cause Case Agenda can be obtained by calling: Brenda S. Presnell, (850)410-8648, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Professional Compliance Section, Post Office Box 1489, Tallahassee, Florida 32302.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces a public meeting to which all persons are invited:

DATE AND TIME: September 10, 2003, 9:00 a.m. – 5:00 p.m., Central Time

PLACE: Marriott Bay Point Resort Village, 4200 Marriott Drive, Panama City Beach, Florida 32408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Transportation Commission.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting: Cathy Goodman, (850)414-4105.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: September 11, 2003, 8:30 a.m.

PLACE: Department of Transportation, District Four Office Auditorium, 3400 West Commercial Boulevard, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Rosa Seabrooks, (850)922-4483.

Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Rosa Seabrooks, Executive Secretary, Commercial Motor Vehicle Review Board, 1815 Thomasville Road, Tallahassee, FL 32303-5750.

The Secure Airports for **Florida Economy Council** (SAFE Council) announces a public meeting of the Council's Executive Committee to which all persons are invited.

DATE AND TIME: Friday, September 12, 2003, 1:30 p.m. – conclusion

PLACE: Planning and Development Conference Room, Tampa International Airport, 5507 W. Spruce St., Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct necessary business on behalf of the SAFE Council.

Information may be obtained by contacting: Tom Duncan, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the Council at least 48 hours before the meetings by contacting Tom Duncan, (850)414-4500.

The Florida Scenic Highways Program announces a **Scenic Highways Advisory Committee** meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 17, 2003, 1:00 p.m. – 5:00 p.m.

PLACE: Rhyne Building, Room 330, 2740 Centerview Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and rank applications received for the National Scenic Byways 2004 grant cycle.

SPECIAL ACCOMMODATIONS: Special accommodation requests should be made at least seven (7) days prior to the meeting.

INFORMATION: Contact Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450, (850)410-5894 or e-mail: mariano.berrios@dot.state.fl.us or Fax (850)410-5808.

The **Department of Transportation**, Florida's Turnpike Enterprise announces a public hearing to which all persons are invited.

DATE AND TIMES: September 18, 2003, 5:00 p.m. – Open House; 6:00 p.m. – Formal Presentation

PLACE: Marjory Stoneman Douglas High School, 5901 Pine Island Road, Parkland, FL 33076

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the proposed project: Financial Project Identification Number: 406153-1, otherwise known as the Sawgrass Expressway Widening from Atlantic Boulevard to Mainline Turnpike. Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988.

The hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes.

This hearing is being held in accordance with Section 339.155, Florida Statutes and is also consistent with the Americans With Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968 as amended.

Anyone needing project or public hearing information, including a copy of the hearing agenda, or requiring special accommodations under the Americans With Disabilities Act of 1990 may contact: Jeffrey LeClaire, P.E., Project Manager, Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, (407)532-3999, Extension 3826 or e-mail: jeffrey.leclaire@dot.state.fl.us. Special accommodation requests under the Americans With Disabilities Act should be received at least seven (7) days prior to the hearing.

The **Department of Transportation** announces a public workshop to which all interested parties are invited:

DATE AND TIME: September 18, 2003, 9:30 a.m. – 5:30 p.m.
PLACE: Suwannee Room, (Room 250), Burns Building, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop Regarding Outdoor Advertising Signs along a 67-mile stretch of Interstate 75 that runs through Marion and Sumter Counties. The Department of Transportation is responsible for the State of Florida's compliance with federal and state law relating to outdoor advertising signs.

The workshop will be attended by staff members of FHWA and FDOT, and representatives from affected local governments, the sign industry, and related parties (e.g., persons representing the interests of Scenic America, Garden Clubs, 1000 Friends of Florida).

The objectives of the workshop are to establish:

1. A process for application for replacement, modification, or relocation of a nonconforming outdoor advertising sign.
2. An expeditious process for review of the applications by local government, FDOT and FHWA.
3. Criteria for approval of such applications acceptable to local government, FDOT and, FHWA, including:
 - a. Zoning and land use
 - b. Sign spacing distance

c. Surrender of existing permit(s)

d. Required vegetation plantings

e. Aesthetic enhancements to sign structures

f. Length of the pilot project, required monitoring, and reporting

Anyone needing project or public hearing information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call, (850)414-4545. Special accommodations requested under the Americans with Disabilities Act should be made at least seven days prior to the workshop.

A copy of the agenda may be obtained by writing to: Juanice Hagan, Florida Department of Transportation, Office of Right of Way, 605 Suwannee Street, MS #22, Tallahassee, Florida 32399-0450.

The **Department of Transportation**, Florida's Turnpike Enterprise announces a public hearing to which all persons are invited.

DATE AND TIMES: Tuesday, September 23, 2003, 5:30 p.m. – Open House; 6:30 p.m. – Formal Presentation (In the event that the public hearing cannot be held on September 23, 2003, due to severe weather or other unforeseen conditions, it will be held on September 30, 2003, at the same time and place)

PLACE: Holiday Inn Plantation Sawgrass, 1711 N. University Drive, Plantation, FL 33322

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being conducted pursuant to provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being held in accordance with Section 339.155, Florida Statutes, and is also consistent with the Americans With Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, and social, economic and environmental effects of the proposed project, Financial Project Identification Numbers: 406094-1 and 406097-1, otherwise known as Widening Florida's Turnpike from Griffin Road to Atlantic Boulevard in Broward County. Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988.

Anyone needing project or public hearing information, including a copy of the hearing agenda, may contact: Rebecca Bolan, P.E., Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, (407)532-3999, Extension 3416, e-mail: rebecca.bolan@dot.state.fl.us.

Anyone requesting special accommodations under the Americans With Disabilities Act of 1990 should contact: Mr. Jeffrey LeClaire, P.E., Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, (407)532-3999, Extension 3826 or e-mail: jeffrey.leclaire@dot.state.fl.us.

Special accommodation requests under the Americans With Disabilities Act should be received at least seven (7) days prior to the Public Hearing.

The **Florida High Speed Rail Authority** announces a public Authority Board meeting to which all persons are invited.

DATE AND TIME: Monday, September 8, 2003, 9:00 a.m. – conclusion

PLACE: Greater Orlando Aviation Authority Board Room, 3rd Level, Orlando International Airport, One Airport Boulevard, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold oral presentations and interview with the two remaining proposers and to conduct other Authority business.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the Authority at least 48 hours before the meetings by contacting: Betty Sizemore, (850)414-5244.

The **Florida High Speed Rail Authority**, in conjunction with the Florida Department of Transportation, announces a series of public hearings to which all persons are invited.

For Hillsborough County:

DATE AND TIME: September 22, 2003, 5:00 p.m. – 8:00 p.m.

PLACE: Armwood High School Auditorium, 12000 US 92, Seffner, Florida (Note: Free parking is available)

For Polk County:

DATE AND TIME: September 23, 2003, 5:00 p.m. – 8:00 p.m.

PLACE: The Lakeland Center – Lake Hollingsworth Ballroom, 700 West Lemon Street, Lakeland, Florida (Note: Free parking is available)

For Osceola County and Orange County:

DATE AND TIME: September 25, 2003, 5:00 p.m. – 8:00 p.m.

PLACE: Hyatt Orlando International Airport – Intercontinental Ballroom, 9300 Airport Boulevard, Orlando, Florida (Note: Free parking vouchers will be distributed to all attendees)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID Number 411253-2-22-01, otherwise known as Florida High Speed Rail Tampa to Orlando Project Development and Environment (PD&E) Study. The limits of

the project corridor are from the Tampa Central Business District, Hillsborough County to the Orlando International Airport, Orange County, Florida. The corridor also includes Polk County and Osceola County, Florida. The public hearing will begin with an open house (5:00 p.m.), at which time the public may review maps, drawings, and other pertinent information developed by the FDOT. The open house will be followed by a formal presentation at 6:00 p.m.

FDOT will present the PD&E Study findings concerning Florida High Speed Rail. The proposed high speed rail alignment would be 44 feet within existing medians of limited access roadways and, where new right-of-way is required, a maximum rail envelope of 75 feet, with an additional 20 feet of temporary construction easement. Encroachment on wetlands and floodplains are anticipated and will be given special consideration under Executive Orders 11990 and 11988. Right-of-way will be required for the railway and retention/detention ponds. This project is being developed in compliance with Title VI and VIII of the Civil Rights Act.

Anyone needing project or Public Hearing information (including the agenda) or special accommodations under the Americans With Disabilities Act of 1990 should write or call: Ms. Laurie Potier-Brown, Community Design Manager, c/o PBSJ, 5300 W. Cypress Street, Suite 300, Tampa, Florida 33607, 1(800)477-7275, Ext. 491 (toll free) or e-mail: lpbrown@pbsj.com. Special accommodation requests under the American with Disabilities Act should be made at least seven (7) days prior to the public hearing

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

The **State Board of Administration** announces a public meeting to which all persons are invited.

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

PLACE: Hermitage Room, Plaza Level, the Hermitage Centre at 1801 Hermitage Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: An orientation for new members of the Investment Advisory Council (IAC).

A copy of the agenda may be obtained by writing: State Board of Administration, Attention: Cheryl D. Creel at 413-1015, 1801 Hermitage Boulevard, Suite 600, Tallahassee, Florida 32308.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Dorothy Westwood, (850)488-4406, five days prior to the meeting so that appropriate arrangements can be made.

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 19, 2003, 11:15 a.m.

PLACE: Hermitage Room, Plaza Level, the Hermitage Centre at 1801 Hermitage Boulevard, Tallahassee, FL 32308, Call in number (850)488-5776 or Suncom: 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Investment Advisory Council (IAC). The IAC is a six-member advisory council, which reviews the investments made by the staff of the Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under s. 215.444 of the Florida Statutes.

A copy of the agenda may be obtained by writing: State Board of Administration, Attention: Cheryl D. Creel at 413-1015, 1801 Hermitage Boulevard, Suite 600, Tallahassee, Florida 32308.

In compliance with the Americans with Disabilities Act, anyone needing special accommodations to attend the meeting is requested to call Dorothy Westwood (850)488-4406, five days prior to the meeting so that appropriate arrangements can be made.

The Investment Committee of the **Florida Prepaid College Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Thursday, September 18, 2003, 9:00 a.m. or soon thereafter

PLACE: The Hilton Garden Inn, Garden Room, 3333 Thomasville Road, Tallahassee, Florida 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The **Florida Prepaid College Program Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Thursday, September 18, 2003, 10:00 a.m. or soon thereafter

PLACE: The Hilton Garden Inn, Garden Room, 3333 Thomasville Road, Tallahassee, Florida 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Program Board to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd, Suite 210, Tallahassee, Florida 32308 or (904)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 10, 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.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: September 16, 2003, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Commission Hearing Room 148, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy. (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting the Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: September 16, 2003, immediately following the Commission Conference which commences at 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

NOTICE IS HEREBY GIVEN that the Telecommunications Access System Act (TASA) Advisory Committee to the Florida **Public Service Commission** will hold a committee meeting to which all parties and other interested persons are invited.

DATE AND TIME: Friday, September 19, 2003, 9:30 a.m.

PLACE: Jane Thompson Memorial Chambers, Palm Beach County Governmental Center, 301 N. Olive Avenue, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss current relevant issues related to relay such as Outreach, CapTel, and Service Quality. Further information regarding this meeting may be obtained from Susan Howard, Division of Competitive Markets and Enforcement at the Florida Public Service Commission, by calling (850)413-6406.

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

EXECUTIVE OFFICE OF THE GOVERNOR

The Governor's **Commission on Volunteerism and Community Service**, Volunteer Florida is pleased to announce a public conference call to which all persons are invited.

DATE AND TIME: Wednesday, September 3, 2003, 2:00 p.m.

PLACE: Call (850)921-5172 for call-in number and pass code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Operation StepUP proposal review and approval. 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.

The Governor's **Commission on Volunteerism and Community Service**, Volunteer Florida is pleased to announce a public conference call to which all persons are invited. DATE AND TIME: Thursday, September 4, 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.

The Governor's **Commission on Volunteerism and Community Service**, Volunteer Florida is pleased to announce a public conference call to which all persons are invited. DATE AND TIME: Wednesday, September 10, 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.

The **Florida Healthy Kids Corporation** announces its Board of Directors Meeting to which all persons are invited to attend. DATE AND TIME: September 3, 2003, 12:00 Noon PLACE: Radisson Hotel Tallahassee, 415 N. Monroe St., Tallahassee, Florida GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors. Further details and an agenda for the meeting may be obtained by contacting: Florida Healthy Kids Corp., P. O. Box 980, Tallahassee, Florida 32302, (950)224-5437.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meeting to which all persons are invited.

MEETING: North Central Florida Regional Hazardous Materials Response Team Annual Meeting
DATE AND TIME: September 18, 2003, 5:30 p.m.
PLACE: Bradford County Fair Grounds, Main Building, U.S. 301 and Market Road, Starke, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Hazardous Materials Response Team Annual Meeting.

Any persons deciding to appeal any decision with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee and Exercise Sub-Committee, to which all persons are invited.

DATE AND TIME: Wednesday, September 10, 2003, 9:00 a.m.

PLACE: Southwest Florida Water Management District Conference Room, 170 Century Boulevard, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committees.

At the conclusion of this meeting, the District #7 Local Emergency Planning Committee will sponsor a Field Operations Guide training session for members and other interested parties.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited:

DATE AND TIME: Wednesday, September 10, 2003, 9:30 a.m.

PLACE: Polk County Cooperative Extension Service, South Auditorium, 1702 Highway 17, South, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **South Florida Regional Planning Council** announces a public meeting of the State Road 7/US 441 Collaborative Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, September 11, 2003, 2:00 p.m. – 4:00 p.m.

PLACE: City of Margate Community Center, 6199 N. W. 10th Street, Margate, Florida, (954)935-5324

GENERAL SUBJECT MATTER TO BE CONSIDERED: To continue deliberations regarding economic development, aesthetic improvement, and increased intergovernmental cooperation along the corridor.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the State Road 7/U.S. 441 Collaborative Steering Committee with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

REGIONAL TRANSPORTATION AUTHORITIES

The **Hillsborough Area Regional Transit Authority** (HART) announces the following public meetings of the Governing Board of the Authority to which all persons are invited:

Public Hearing

DATE AND TIME: September 8, 2003, 5:00 p.m.

PLACE: HARTline, 201 E. Kennedy Boulevard, 5th Floor, Suite 510, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Scheduled 1st Budget Hearing Meeting

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED: 1. Call to order; 2. Approval of Minutes; 3. Introductions, Recognition and Awards; 4. Consumer Advisory Committee Report; 5. Public Comment on Action Items; 6. Consent Action Items; 7. Other Action Items; 8. Chairman's Report; 9. Reports from HART Representatives; 10. HART Committee Reports; 11. Other Board Member's Report; 12. Executive Director's Report; 13. Employee Comment; 14. General Public Comment; 15. Discussion and Presentations; 16. Monthly Information Reports; 17. Other Information Items; 18. Other Business.

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, 201 E. Kennedy Boulevard, Suite 900, Tampa, FL 33602, (813)223-6831, Ext. 2111.

Section 286.0105, Florida Statutes, states that if a person decided to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Lauren Skiver, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: September 9, 2003, 3:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

Public hearing in accordance with Section 373.59, F.S., concerning the proposed purchase of the TIAA/Wachovia Timberlands/Aucilla River Tract, 1,371 acres +/- in Jefferson County, Florida, with funds from the Florida Forever Trust Fund; also, the proposed purchase of the Humphrey and Lopez/Alligator Lake Stormwater Tracts, totaling 5 acres +/- in Columbia County, Florida, with funds from the Florida Forever Trust Fund.

A Public hearing is being held to offer interested persons the opportunity to provide comments concerning the annual revision and changes to the District's Florida Forever Work Plan.

DATE AND TIME: September 9, 2003, following the Board Meeting.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Public Hearing on FY 2003-2004 budget and proposed millage rate.

A copy of the agenda(s) may be obtained by writing: Lisa M. Cheshire, Adm./Board Coordinator, SRWMD, 9225 CR 49, Live Oak, Florida 32060. A copy of the 2004 Florida Forever Work Plan may be obtained by writing: Gwendolyn Lord, Administrative Assistant.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa M. Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following public meeting which may be attended by one or more Governing Board members. All persons are invited:

FLORIDA'S 28th ANNUAL CONFERENCE ON WATER MANAGEMENT

DATES AND TIMES: Wednesday, September 3, 2003, 10:30 a.m. through Friday, September 5, 2003, 3:00 p.m.

PLACE: Tampa Marriott Waterside Hotel, 700 South Florida Avenue (downtown Channel District), Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference will provide a forum for water managers to share information on emerging technologies, discuss policy and social issues, and address economic challenges in managing Florida's water resources.

NOTE: A copy of the agenda for these meetings may be obtained by writing: McRae and Company, Inc., P. O. Box 12187, Tallahassee, FL 32317-2187 or (850)906-0099.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate is requested to advise conference management at least 48 hours before the meeting by phone call to (850)906-0099.

The **St. Johns River Water Management District** announces the following public meetings and hearings which may be conducted by means of or in conjunction with communications technology. All persons are invited.

MEETING OF GOVERNING BOARD CHAIR AND COMMITTEE CHAIRS

DATE AND TIME: Tuesday, September 9, 2003, 8:15 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, September 9, 2003, 8:45 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Finance and Administration agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted FY2002-2003 budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, September 9, 2003, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

PROJECTS AND LAND COMMITTEE

DATE AND TIME: Tuesday, September 9, 2003, 1:00 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Projects & Land agenda items followed by committee recommendations to be approved by the full Governing Board.

BUDGET, GOVERNING BOARD/REGULATORY AND PUBLIC HEARING ON LAND ACQUISITION

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

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of budget information for Fiscal Year 2003-2004 and consideration of District business including regulatory and non-regulatory matters.

PUBLIC HEARING ON NORTHERN COASTAL BASIN SWIM PLAN 2003

DATE AND TIME: Tuesday, September 9, 2003, following Governing Board/Regulatory meeting which begins at 2:30 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of Northern Coastal Basin Surface Water Improvement Management (SWIM) Plan 2003.

PUBLIC HEARING ON RULE REVISIONS

DATE AND TIME: Tuesday, September 9, 2003, following the regularly scheduled Governing Board/Regulatory meeting which begins at 2:30 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Revisions to Chapters 40C-1, 40C-2, 40C-3, 40C-4, 40C-21, 40C-24, 40C-40, 40C-41, 40C-42, 40C-44, F.A.C., which was published in the Florida Administrative Weekly on July 11, 2003, with a Notice of Correction published on July 18, 2003.

PUBLIC HEARING ON TENTATIVE MILLAGE RATE AND BUDGET FOR FY2003-2004

DATE AND TIME: Tuesday, September 9, 2003, 6:00 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the tentative FY2003-2004 millage rate and budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board.

GOVERNING BOARD MEETING*

DATE AND TIME: Wednesday, September 10, 2002, 9:00 a.m. (*Please note September 10 meeting subject to cancellation if consideration of agenda items completed on September 9)

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of other District business including regulatory and non-regulatory matters.

NOTE: In the event of a declared emergency or emergency conditions due to an imminent tropical storm or hurricane, all or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members. A copy of the agenda may be obtained at the SJRWMD website www.sjrwmd.com or by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429.

Any item which appears on the agenda for the Governing Board, Regulatory, and/or Committee meetings may be considered on day one or day two. Day two subject to cancellation if all items completed on day one. The order of items appearing on the agenda is subject to change during the meetings. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing (386)329-4500. If you are hearing or speech impaired, please contact the District by calling (386)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

GOVERNING BOARD TENTATIVE BUDGET HEARING

DATE AND TIME: Tuesday, September 9, 2003, 5:01 p.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board adoption of tentative millage rate and budget for FY2004.

GOVERNING & BASIN BOARD'S WORKSHOP (Note: This meeting, which was scheduled for Friday, September 12, 2003 on the published year-long calendar, has been rescheduled for Friday, November 14, 2003. An agenda will be distributed at a later date.)

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, September 9, 2003, 10:00 a.m. – completed

PLACE: South Florida Water Management District, Martin St. Lucie Service Center, 210 Atlanta Avenue, Stuart, FL 34994 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.)

GENERAL SUBJECT MATTER TO BE CONSIDERED Land Resources Committee meeting to discuss acquisition and operational issues

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, 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 of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, Deputy District Clerk, Office of District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-6447.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, September 9, 2003, 5:15 p.m. – completed

PLACE: South Florida Water Management District Headquarters, 3301 Gun Club Road, B-1 Auditorium, West Palm Beach, FL 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.)

GENERAL SUBJECT MATTER TO BE CONSIDERED
Tentative adoption of the FY 2004 budget of the South Florida Water Management District

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, 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 of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, Deputy District Clerk, Office of District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-6447.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: Wednesday, September 10, 2003, 9:00 a.m. through Thursday, September 11, 2003, until completed

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting to consider workshop, human resource committee, audit committee, regulatory and non-regulatory items.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 2130, 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 of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Garrett Wallace District Clerk's office, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115 West Palm Beach, FL 33406, (561)682-6371.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: September 11, 2003, 8:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, conduct meeting of the Human Resources Committee and Audit Committee, including public meetings, adopt a resolution amending the FY2002-03 Budget as follows:

South Florida Water Management District
Proposed FY2002-03 Budget Amendment

The South Florida Water Management District will consider a proposed Amendment to its FY2002-03 Budget at its regularly scheduled meeting on September 11, 2003. The meeting will be held in the District’s Auditorium at 3301 Gun Club Road, WPB, FL and begin at 8:30 a.m. All concerned citizens are invited to attend. For further information on these proposed changes, please contact Aaron Basinger, Director, Budget Division, (561) 686-8800 or toll free 1(800)432-2045. The amendment is intended to address the areas listed below.

	General Fund		Special Revenue Funds		Capital Projects Funds
FY2002-03 Amended Revenues and Balances	\$88,743,140	\$223,928,838	\$491,824,183	\$3,652,387	\$808,148,548
Amendments:					
Other Financing Source – Capital Lease	65,928				\$65,928
Other Financing Source – Bank Loan	65,524				\$65,524
Interest Revenue		23,846			\$23,846
Undesignated Fund Balance Appropriation		(23,846)	(2,882,622)		(\$2,906,468)
Operating Transfers In		36,532	49,278		\$85,810
Operating Transfers Out		(41,518)	(44,292)		(\$85,810)
Total Amended Revenues and Balances	\$88,874,592	\$223,923,852	\$488,946,547	\$3,652,387	\$805,397,378
Encumbrances Funded by Fund Balance	14,836,192	69,230,485	49,414,205	0	\$133,480,882
Encumbrances Funded by Future Revenue		144,222	21,823,716	15,911	\$21,983,849
Total Amended Sources	\$103,710,784	\$293,298,559	\$560,184,468	\$3,668,298	\$960,862,109
FY2002-03 Amended Appropriations	\$88,743,140	\$223,928,838	\$491,824,183	\$3,652,387	\$808,148,548
Amendments:					
Debt Issuance Costs	131,452				\$131,452
Land Associated Costs Fund Corrections		(4,986)	(44,292)		(\$49,278)
Save Our Everglades Land Acquisition			(2,833,344)		(\$2,833,344)
Total Amended Appropriations	\$88,874,592	\$223,923,852	\$488,946,547	\$3,652,387	\$805,397,378
Reserved for Encumbrances	14,836,192	69,374,707	71,237,921	15,911	\$155,464,731
Total Amended Appropriations & Encumbrances	\$103,710,784	\$293,298,559	\$560,184,468	\$3,668,298	\$960,862,109

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

PLACE: District Headquarters B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

Persons with disabilities who need assistance may contact the District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Paula Moree, Deputy District Clerk, (561)682-6447, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, September 23, 2003, 5:15 p.m. – completed

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of the FY 2004 budget of the South Florida Water Management District.

PLACE: South Florida Water Management District Headquarters, 3301 Gun Club Road, B-1 Auditorium, West Palm Beach, FL 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.)

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, 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 of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, Deputy District Clerk, Office of District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-6447.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces an emergency LYNX Oversight Committee Meeting to which all persons are invited.

DATE AND TIME: Friday, September 5, 2003, 1:00 p.m. – completion

PLACE: Metroplan Orlando Office, One Landmark Center, Suite 355, Orlando, Florida 32801, (407)481-5672

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss findings of the committee.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

FLORIDA SPACE AUTHORITY

The **Florida Space Authority** announces a Board of Supervisors meeting to which the public is invited.

DATE AND TIME: September 16, 2003, 9:00 a.m. – 12:00 p.m. (EDT)

PLACE: Florida Space Authority, Resource Center, 100 Spaceport Way, Cape Canaveral, Florida 32920

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will discuss the status of Authority programs in the areas of business development, space transportation and planning, construction and facilities, policy coordination and any other administrative issues that may need to be considered relating to the business of the Authority and other State agencies.

For more information, contact: Patricia Sweetman, (321)730-5301, Ext. 1210. To obtain a copy of the agenda, write: Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Florida Space Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings, and for such purpose, they

may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF MANAGEMENT SERVICES

AMENDED NOTICE – To change the Pre-Bid Conference to an Invitation to Negotiate (ITN) Posting Meeting.

The **Correctional Privatization Commission** announces a meeting to which all persons are invited.

DATES AND TIMES: ITN Posting – Friday, August 29, 2003, 9:00 a.m.; Meeting – Friday, August 29, 2003, 10:30 a.m. or immediately following the ITN Posting

PLACE: Knott Building, corner of West Madison Street and Duval Street, Room 117, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The ITN posting meeting will be the posting of the ITN's for Gadsden, Lake City and South Bay Correctional Facilities. The meeting will be a discussion of pertinent Commission business relating to the current and upcoming fiscal years.

Any person who decides to appeal a decision of the Correctional Privatization Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Section 286.0105, Florida Statutes.

A copy of the Agenda may be obtained by writing: Correctional Privatization Commission, Office of the Executive Director, 4050 Esplanade Way/Pepper Building, Suite 680, and Tallahassee, Florida 32399-0950.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Correctional Privatization Commission, Office of the Executive Director, (850)921-4034, at least five (5) calendar days prior to the meeting.

If you are hearing or speech impaired, please contact the Correctional Privatization Commission, Office of the Executive Director, by using the Florida Relay Service, 1(800)955-8771 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Auctioneers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: September 25, 2003, 10:00 a.m. (EST)

PLACE: Via telephone conference – To connect, dial (850)414-6477 or Suncom 994-6477

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by writing: The Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399 or (850)922-6096.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting (850)922-6096. If you are hearing and speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting they will need a record of the proceedings, and for such purpose they may need to ensure that that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees to which all persons are invited:

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

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting to conduct the business of the Board, including committee business which all persons are invited.

DATES AND TIMES: Wednesday, September 24, 2003, 8:30 a.m.; continuing Thursday, September 25, 2003, 8:30 a.m. if the business of the Boards is not concluded

PLACE: The Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, Florida 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Thursday, October 2, 2003, 8:30 a.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

The **Board of Professional Surveyors and Mappers** announces a Probable Cause Panel meeting by way of telephone conference call. All interested parties are invited to attend at the address listed below.

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

PLACE: Meet-Me-Number (850)921-5601

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsider Case #2001-07236

A copy of the agenda may be obtained by writing: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida, or by calling Juanita Chastain, Executive Director, (850)487-8304.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting: Juanita Chastain, Executive Director, (850)487-8304. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based; and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

The **Board of Professional Surveyors and Mappers** announces a general business meeting by way of a telephone conference call, to which all persons are invited to attend.

DATE AND TIME: September 9, 2003, 10:00 a.m.

PLACE: MEET-ME-NUMBER: (850)488-8295 or Suncom 278-8295

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business.

A copy of the agenda may be obtained by writing: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida or by calling Juanita Chastain, Executive Director, (850)487-8304.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting: Juanita Chastain, Executive Director, (850)487-8304. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based; and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

The **Department of Business and Professional Regulation, Division of Real Estate** announces a meeting to which all persons are invited.

DATE AND TIME: September 11, 2003, 9:00 a.m. or soonest thereafter

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Department – disciplinary proceedings regarding unlicensed activity.

If a person decides to appeal a decision made by the Department, 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 of the Division of Real Estate, 400 W. Robinson Street, Suite N801, 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).

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

The Florida **Emergency Medical Services**, Advisory Council Education Committee announces a telephone conference to which all interested persons are invited.

DATE AND TIME: September 19, 2003, 10:00 a.m. – 12:00 Noon (EST)

PLACE: Florida Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399, meet me number 1(800)416-4132

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council. Any other related issues will also be discussed.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Bureau of Emergency Medical Services, (850)245-4440, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

For further information, write: Patricia Kenyon, 4052 Bald Cypress Way, Bin #C18 (HEMS), Tallahassee, Florida 32399-1738 or (850)245-4440, Ext. 2686.

P.O. # QT0020

The **Board of Acupuncture** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, September 19, 2003, 9:00 a.m. or soon thereafter

PLACE: Wyndham Miami Airport, 3900 N. W. 21st Street, Miami, Florida 33142, (305)871-3800

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Acupuncture, (850)245-4161, at least five (5)

calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Chiropractic Medicine** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, September 19, 2003, 8:30 a.m.

PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Boulevard, Jacksonville, FL 32207, (904)396-8843

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Dentistry** will hold a Probable Cause Panel meeting where reconsiderations will be heard:

DATES AND TIMES: September 25-26, 2003, 1:30 p.m. and 8:00 a.m.

PLACE: Hilton Hotel and Conference Center, University of Florida, 1714 S. W. 34th Street, Gainesville, Florida 32607, (352)371-3600

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting.

Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Board of Massage Therapy** announces a telephone conference call meeting:

DATES AND TIMES: Wednesday, September 17, 2003, 9:00 a.m. or soon thereafter

PLACE: Meet-Me Number (850)921-6433 Suncom 205-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Brian Stabley, Senior Attorney, Department of Health, 4052 Bald Cypress Way, #C06, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at 4052 Bald Cypress Way, #C06, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, September 12, 2003, 1:00 p.m. or soon thereafter

PLACE: Conference call – (850)921-5400 or Suncom 291-5400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Margaret Anglin, Program Administrator, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: September 12, 2003, 2:00 p.m.

PLACE: Meet Me Number – (850)488-0979, Suncom Number 278-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771(TDD) or 1(800)955-8770(Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: September 19, 2003, 2:00 p.m.

PLACE: Meet Me Number – (850)488-0979, Suncom Number 278-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771(TDD) or 1(800)955-8770(Voice) via Florida Relay Service.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces a meeting of the Hernando County Community Alliance to which all persons are invited.

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

PLACE: Enrichment Center, 1244 Mariner Blvd., Spring Hill, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785.

Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Lake County Community Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Wednesday, September 17, 2003, 12:00 p.m.

PLACE: Public Safety Complex, Rm. 302, 12900 Lane Park Cutoff Rd., Tavares, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785.

Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

NAVIGATION DISTRICTS

The **West Coast Inland Navigation District** announces the following Board of Commissioners meeting to which all interested parties are invited:

DATE AND TIME: Friday, September 5, 2003, 4:00 p.m.

PLACE: Venice City Hall, 401 West Venice Avenue, Venice, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Navigation District, with the First Public Hearing at 5:01 p.m. on the proposed budget for FY2003/2004.

A copy of the agenda for this meeting may be obtained by writing: WCIND, P. O. Box 1845, Venice, FL 34284.

No verbatim record will be made of this meeting. Any person wishing to appeal decisions made at this meeting may need to ensure that a verbatim record is made.

The Board of Commissioners of the Florida **Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 5, 2003, 8:30 a.m.

PLACE: The Jupiter Beach Resort, 5 N. A-1-A, Jupiter, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Finance and Budget and Land Acquisition and Management Committees will meet.

Please contact: District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a public meeting concerning the Potts and Flying Eagle to which all interested persons are invited:

DATE AND TIME: Friday, September 12, 2003, 7:00 p.m. – 9:00 p.m.

PLACE: Citrus County Auditorium, 3610 S. Florida Avenue, Inverness, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission (FWC) will explain a plan for securing a sovereign submerged lands management agreement and the process to develop rules and regulations and a conceptual management plan. The meeting will be opened for public comments and questions.

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

For further information, contact: Mr. Roland Garcia, Rt. 7, Box 440, Lake City, Florida 32055 or (386)758-0525.

The **Fish and Wildlife Conservation Commission** announces public meetings concerning the Dania, Ocala and Lecanto Vessel and Airboat Sound Meeting to which all interested persons are invited:

DATE AND TIME: Saturday, September 13, 2003, 2:00 p.m. – 4:00 p.m.

PLACE: International Game Fish Association Auditorium, 300 Gulf Stream Way, Dania Beach, Florida

DATE AND TIME: Saturday, September 27, 2003, 2:00 p.m. – 4:00 p.m.

PLACE: Ocala Agricultural Extension Service Auditorium 2232 N. E. Jacksonville Road, Ocala, Florida

DATE AND TIME: Thursday, October 2, 2003, 2:00 p.m. – 4:00 p.m.

PLACE: Central Florida Community Citrus County Campus, Jerome Multipurpose Room, Building L-2, Room 103, 3800 Lecanto Highway, Lecanto, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission (FWC) has scheduled a series of public meetings to explain issues concerning vessel sound, including airboats, and to gather information from the boating public and boating industry for legislative consideration.

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

For further information, contact: Mr. Dennis David, (352)732-1390.

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: September 9, 2003, 1:00 p.m.

PLACE: Daytona Beach Shores Community Center, 3048 Atlantic Avenue, Daytona Beach Shores, FL

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

PLACE: Ormond Beach Council Chambers, 22 S. Beach Street, Ormond Beach, FL

DATE AND TIME: September 10, 2003, 9:00 a.m.

PLACE: 1089 S. Patrick Drive, Satellite Beach, FL

DATE AND TIME: September 9, 2003, 1:30 p.m.

PLACE: Panama City Beach City Hall, Commission Meeting Room, 110 South Arnold Road, Panama City Beach, FL

DATE AND TIME: September 9, 2003, 7:00 p.m.

PLACE: Perdido Bay United Methodist Church, 13660 Innerarity Pointe Road, Innerarity Pointe, FL

DATE AND TIME: September 10, 2003, 9:30 a.m.

PLACE: Destin Community Center, 101 Stahlman Avenue, Destin, FL

DATE AND TIME: September 10, 2003, 6:30 p.m.

PLACE: Sabine Yacht & Racquet Club, 330 Ft. Pickens Road, Pensacola Beach, FL

DATE AND TIME: September 10, 2003, 9:00 a.m.

PLACE: St. Augustine City Hall, Commission Meeting Room Ground Floor, 75 King Street, St. Augustine, FL

DATE AND TIME: September 10, 2003, 1:00 p.m.

PLACE: Jacksonville Beach City Hall, City Council Meeting Room 1st Floor, 11 North 3rd Street, Jacksonville Beach, FL

DATE AND TIME: September 9, 2003, 9:30 p.m.

PLACE: Sunstar/EMS Building, Auditorium, 12490 Ulmerton Road, Largo, FL

DATE AND TIME: September 9, 2003, 1:00 p.m.

PLACE: City Auditorium, 7690 59th Street, Pinellas Park, FL

DATE AND TIME: September 10, 2003, 9:00 a.m.

PLACE: Jane B. Cook Theater, FSU Performing of Arts, 5555 N Tamiami Trail, Sarasota, FL

DATE AND TIME: September 10, 2003, 9:00 a.m.

PLACE: North Naples Fire Control & Rescue District, 1885 Veterans Park Drive, Naples, FL

DATE AND TIME: September 10, 2003, 1:00 p.m.

PLACE: State Fire Marshal, Bureau of Fire Prevention, 2295 Victoria Avenue Suite 165C&D, Ft. Myers, FL

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

PLACE: 400 N. Congress Avenue, 2nd Floor Conference Room, West Palm Beach, FL

DATE AND TIME: September 9, 2003, 1:00 p.m.

PLACE: 21st Street Community Center Auditorium, 21st and Washington Avenue, Miami Beach, FL

DATE AND TIME: September 10, 2003, 1:00 p.m.

PLACE: Beach Community Center, 3351 N. E. 33rd Avenue, Ft. Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public information campaign regarding the impact of SB 592 as it contains language of retrofit of sprinklers in condos and apartments.

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 or call (850)413-3619 or Fax (850)922-2553, at least five calendar days before the meeting for assistance.

The **Office of Financial Regulation** announces a public hearing to which all persons are invited:

DATE AND TIME: September 18, 2003, 9:00 a.m. during a regular meeting of the Financial Services Commission (The corresponding meeting of the Cabinet Aides will take place on September 10, 2003, 9:00 a.m.)

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of Amendments to Rules 3E-200.001, 3E-300.002, 3E-600.005, 3E-600.012, 3E-600.013, 3E-600.0131, 3E-600.014, 3E-600.015, 3E-600.020, F.A.C. Notices of the proposed actions were published in Vol. 29, No. 33, August 15, 2003 issue of the Florida Administrative Weekly.

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting: Bill Reilly, (850)410-9805.

The Florida **Department of Financial Services** announces a meeting of the Three-Member Panel to which all persons are invited.

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Three-Member Panel will be adopting schedules of maximum reimbursement allowances for physicians, hospital inpatient, hospital outpatient, ambulatory surgical centers, work hardening and pain programs. The Three-Member Panel will be addressing the requirements of Senate Bill 50A in the various reimbursement schedules.

CONTACT: Shirley Kerns, Chief, Bureau of Property and Casualty Forms and Rates, Florida Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5310.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, please advise the Department at least five (5) calendar days before the meeting by contacting: Martie Freeman, (850)413-5286.

CRIMINAL JUSTICE STANDARDS AND TRAINING

The **Criminal Justice Standards and Training**, Region X Council announces a meeting to which all interested persons are invited.

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

PLACE: Punta Gorda Police Dept., 1410 S. Tamiami Trail, Punta Gorda, FL 33950

ABLE TRUST

The **Able Trust** (Florida Endowment Foundation for Vocational Rehabilitation) will hold a board meeting to which all interested persons are invited.

DATE AND TIME: Saturday, September 13, 2003, 9:00 a.m.

PLACE: Hilton Key West Resort & Marina, 245 Front Street, Key West, FL 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include approval of recommended grants to assist citizens with disabilities in achieving employment.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** ("FAJUA") announces a public meeting to which all persons are invited:

FAJUA Budget Committee

DATE AND TIME: Monday, September 22, 2003, 4:00 p.m.

PLACE: JW Marriott Hotel, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed FY2003-2004 FAJUA budget, make recommendations to the Board, and to consider other matters that may come before the Committee.

Additional information may be obtained from: Lisa B. Stoutamire, FAJUA, 1425 Piedmont Drive, E., #201A, Tallahassee, FL 32308, (850)681-2003, lstoutamire@fajua.org.

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office**, Board of Governors' announces a public meeting to which all interested parties are invited:

BOARD OF GOVERNORS' QUARTERLY MEETING

DATE AND TIME: Wednesday, October 15, 2003, 9:00 a.m.

PLACE: 1441 Maclay Commerce Drive, Ste. 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Matters.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting at (850)224-7676, Ext. 301.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

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, received a petition for declaratory statement In Re: Crescent Gardens, Eurofund Crescent Lake, Ltd.

The Petitioner requests a declaratory statement as to whether under Section 718.301, Florida Statutes (2002), a developer may turnover control of the association to a majority of unit owners before three months after 90 percent of the units that will be operated by the association have been conveyed to purchasers; and, if so, may a unit owner controlled association exclude the developer from holding a seat on the board.

A copy of the Petition for Declaratory Statement, Docket Number 2003070952, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1029.

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 August 13, 2003, the Board of Chiropractic Medicine received a Petition for Declaratory Statement from Harry M. Rubinstein, D.C., J.D. The Petition seeks the agency's opinion as to the applicability of paragraph 460.413(1)(n), Florida Statutes, to the Petitioner's particular circumstances. If Petitioner is successful in acquiring a Florida Bar license, he inquires regarding the extent that he may provide legal representation to his Chiropractic patients.

A copy of the Petition for Declaratory Statement may be obtained by writing: Joe R. Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT ON August 18, 2003, the Department of Health, Board of Physical Therapy Practice received a Petition for Declaratory Statement from Jerry L. Smith, PT. The Petition seeks the agency's opinion as to the applicability of Section 486.021(11), Florida Statutes, and Final Order DOH-02-1684-DS-MQA to Petitioner's circumstances. As a physical therapist working for a veterinarian as a veterinary assistant and not holding himself out as a physical therapist, Petitioner asks whether he may accept orders and provide documentation regarding physical therapy as is customary in the practice of veterinary medicine.

A copy of the Petition for Declaratory Statement may be obtained by writing: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Eric A. Neilinger. The following is a summary of the agency's disposition of the petition: (a) a separate fire alarm control panel to control elevator functions does meet the intent of the code but the issue of when a fire alarm system must be replaced calls for a decision that is reserved to the authority having jurisdiction and is, therefore, not addressed; and (b) when a building is equipped with a fire alarm system, the panels must be interconnected when annunciators are installed at a constantly attended location, and (c) whether automatic initiating devices are required to be installed in open unenclosed elevator landings is clearly answered by a rule or code section not administered by this agency and therefore will not be included as a part of the declaratory statement.

A copy of the declaratory statement may be obtained in any of the following ways:

1. Write to, call or send a fax to Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone (850)413-3604, fax number (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in the event any question arises), or
2. E-mail your request to mazzeog@doi.state.fl.us (please be sure to specify if you want an unofficial, unsigned but exact duplicate copy e-mailed back to you, or if you want a copy of the official, signed declaratory statement mailed or faxed to you), or
3. Obtain an unofficial, unsigned but exact duplicate copy by visiting the State Fire Marshal's website at <http://www.doi.state.fl.us/SFM/sfmdeclaratorystatement.htm>.

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:

Guido Perou vs. Department of Financial Services; Case No.: 03-2859RX; Rule No.: 4-211.042(8)

Mack Farms, Inc. and Robert J. Malone vs. Department of Agriculture and Consumer Services; Case No.: 03-2892RX; Rule No.: 5E-2.033

Miccosukee Tribe of Indians vs. Department of Environmental Protection; Case No.: 03-2872RP; Rule Nos.: 62-302.530, 62-302.540

Friends of the Everglades vs. Department of Environmental Protection; Case No.: 03-2873RP; Rule Nos.: 62-302.530, 62-302.540

Florida Audubon Society, d/b/a Audubon of Florida, National Audubon Society, The Everglades Foundation, Inc. and Florida Wildlife Federation vs. Department of Environmental Protection; Case No.: 03-2882RP; Rule No.: 62-302.540

New Hope Sugar Compoany and Okeelanta Corporation vs. Department of Environmental Protection; Case No.: 03-2883RP; Rule No.: 62-302.540

Sugar Cane Growers Cooperative of Florida vs. Department of Environmental Protection; Case No.: 03-2884RP; Rule No.: 62-302.540

Department of Health vs. Michael Arthur Dunn, D.C.; Case No.: 03-2939RX; Rule No.: 64B2-15.001(2)(e),(3)

Luz Marina Vilar vs. Department of Health, Board of Physical Therapy Practice; Case No.: 03-2940RX; Rule No.: 64B17-3.003

Fabiola Pacheco vs. Department of Health, Board of Physical Therapy Practice; Case No.: 03-2941RX; Rule No.: 64B17-3.003

Jaime Tatis vs. Department of Health, Board of Physical Therapy Practice; Case No.: 03-2942RX; Rule No.: 64B17-3.003

Angelica Morelli vs. Department of Health, Board of Physical Therapy Practice; Case No.: 03-2943RX; Rule No.: 64B17-3.003

Patricia Noriega vs. Department of Health, Board of Physical Therapy Practice; Case No.: 03-2944RX; Rule No.: 64B17-3.003

Sacred Heart Health System, Inc., d/b/a Sacred Heart Hospital on the Emerald Coast vs. Agency for Health Care Administration; Case No.: 03-2871RU

Capital Health Plan, Inc. vs. Department of Management Services; Case No.: 03-2945RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

David L. McSherry, December McSherry, Dwight Adams, Sierra Club, Inc., Sustainable Alachua County, Inc. and Saving Florida, Inc. vs. Department of Community Affairs; Case No.: 03-2711-RU; Dismissed

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

PROJECT FACT SHEET
Lifelong Learning Complex – Jupiter
BR-614

Florida Atlantic University

PROJECT DESCRIPTION

The project consists of site development and construction of a 16,300 gross square feet building at FAU’s John D. MacArthur Campus. Major space categories within the building include offices, classrooms and a 500-seat auditorium.

The Construction budget is approximately \$2.6 million.

SELECTION CRITERIA

Firms will be evaluated in the following areas: Experience and ability, past experience; bonding capacity; record-keeping; administrative ability; critical path scheduling expertise; cost estimating; cost control ability; quality contract capability;

qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements.

Experience and ability scores will be based on the following criteria:

Experience in projects of similar size and scope.

Experience in working with Universities.

SELECTION COMMITTEE

Tom Donaudy, Associate Vice President – FAU

Scott Baruch, Associate Director – FAU

Hal Schaeffer, Physical Plant Director – FAU

Kristen Murtaugh, Campus Vice President – FAU

Rene Friedman, Director – FAU

SELECTION SCHEDULE

The anticipated schedule for selection, award, and negotiation is as follows:

Submittal Due: Monday, September 29, 2003

Shortlist Meeting: Thursday, October 16, 2003

Final Interviews: Thursday, November 6, 2003

GENERAL INFORMATION

All applicants will be notified of the results of the shortlisting in writing. Finalists will be informed of the interview date and time and will be provided with additional project information, if available.

The Selection Committee will make a recommendation to the President of the University. All finalists will be notified in writing of the President's action. Upon approval by the President, negotiations will be conducted in accordance with Section 287.055, Florida Statutes.

A copy of the building program may be purchased at Boca Blueprint, 2029 N. W. 2nd Avenue, Boca Raton, FL 33431, (561)395-4944.

NOTICE TO CONSTRUCTION MANAGERS

Florida Atlantic University, on behalf of its' Board of Trustees, announces that Construction Management services will be required for the project listed below:

Project No.: BR-614 located at Florida Atlantic University's John D. MacArthur Campus in Jupiter.

The project consists of site development and construction of a 16,300 gross square feet building. Major space categories within the building include offices, classrooms and a 500-seat auditorium. The estimated construction cost is \$2,665,000.

The contract for Construction Management services will consist of two phases. Phase one is pre-construction services, for which the Construction Manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 100% Construction Document phase. If the GMP is accepted, Phase two, the construction phase, will be implemented. In phase two of the contract, the Construction Manager becomes the single point of responsibility for performance of the construction of

the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the Construction Manager's contract.

Selection of finalists for interviews will be made on the basis of Construction Manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping, administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard Florida Atlantic University Construction Management Agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The Construction Manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide Construction Management services for the project shall submit a letter of application and a completed "Florida Atlantic University Construction Manager Qualification Supplement" (FAUCMPQS). Proposals must not exceed 40 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a Construction Management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Construction Management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The FAUCMQS form and the Project Fact Sheet may be obtained on our website at: www.fau.edu/divdept/univarch/ua.htm, or by contacting: Carla Capeletti, Office of the Associate Vice President to the University Architect, Florida Atlantic University, 777 Glades Road, Building Campus Operations Bldg. #69, Room 101, Boca Raton, Florida 33431, Telephone (561)297-2663, Fax (561)297-0224.

Five (5) bound copies of the required proposal data shall be submitted and addressed to: Mr. Tom Donaudy, Associate Vice President to the University Architect, at the above address by 5:00 p.m. on Monday, September 29, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROPOSERS (DESIGN, FINANCING,
CONSTRUCTION, AND OPERATIONS)

The University of Central Florida on behalf of its Board of Trustees announces that Professional Services will be required for the project listed below:

Project No. 4005RCS

Project and Location: Convocation Center, University of Central Florida (Orlando campus), Orlando, Florida 32816.

The project consists of the design, financing, construction and operation of a 10,000 seat Convocation Center to adjoin the existing arena, which will be renovated as part of this project.

FORM OF PROPOSALS

It is the University's intention to have professionals in the disciplines of design, financing, construction and operations submit proposals as teams.

The proposal must not exceed 80 pages. Each proposal must include a Letter of Intent reflecting the formation of a partnership or other legal entity for the project in order to be considered. Blanket professional liability insurance will be required for this project in the amount of \$2,000,000 and will be provided as a part of Basic Services.

All inquiries or questions by the proposer must be submitted in writing to the individual listed below by 5:00 p.m. on September 19, 2003. UCF staff will not meet with teams individually to discuss the project or proposal process during the advertisement and shortlist time periods.

Six (6) copies (one (1) original and five (5) copies of the required proposal data shall be submitted to: Mr. Ray Puskas, Purchasing Department, 12479 Research Parkway, Orlando, FL 32826-3248. Submittals must be received by 2:00 p.m. local time November 3, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

INSTRUCTIONS FOR PROPOSED TEAMS

Teams desiring to apply for consideration must submit one letter of application. Applications that do not comply with all instructions may be disqualified. Application materials will not be returned.

Selection of finalist teams for interviews will be made on the basis of design, financing, construction and operation qualifications, including approach to project; qualifications and experience in design; experience of proposed corporate operator; evidence of financial strength; qualifications and experience of key individuals of the design, financing and construction team; and assurance the proposed team recognizes the "at risk" nature of any subsequent agreement. Finalists will

be provided with a description of the final interview topics. The Selection Committee may reject all proposals and stop the selection process at any time.

The descriptive project information and the request for proposal No. 4005RCS are available on the Purchasing Departments website at <http://pegasus.cc.ucf.edu/~purchase/> as well as the Office of Facilities Planning website, www.fp.ucf.edu. This information may be obtained by contacting: Mr. Ray Puskas, University of Central Florida, Phone (407)823-2661, Fax (407)823-5551, Email: rpuskas@mail.ucf.edu.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of Central Florida announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No.: BR-505

Project and Location: Wayne Densch Athletic Sports Complex, University of Central Florida, Orlando, Florida 32816-3020.

The phased design and construction of new athletics facilities, including all master planning, as follows:

- Athletics Administration Building
- Aquatics Center
- Baseball Stadium
- Rowing Center at Lake Pickett (off-campus site)
- East Athletics Center
- Golf Training Center
- Fieldhouse (indoor practice facility)
- Practice Fields (various)
- Softball Stadium
- Tennis Center

The new facilities will be used by various sports teams for training and competition and will also provide administrative and management spaces.

The Athletic Sports Complex (with the exception of the Rowing Center at Lake Pickett) will be located in the Northeast corner of the University of Central Florida campus, alongside Orion Boulevard and east of the existing Arena. The construction cost will be approximately \$34,000,000.00.

This facility will be in the planning phase in fiscal year 2004 and later. The selected firm will provide design services, to include site and utility master planning for all listed projects including an approximately \$94 million Convocation Center (to be furnished by others). The selected firm may then have the opportunity to provide construction documents and administration for each referenced project as funding becomes available, provided that the design is within the approved budget at all phases. The master planning effort will be included in the basic services fee, as well as the provision of marketing materials in various formats to assist in the

fundraising effort. Blanket professional liability insurance will be required for this project in the amount of \$2,000,000 and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration must submit a letter of application.

The letter of application should have attached:

1. The most recent version of the "Professional Qualifications Supplement" dated 7/03, completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for the University of Central Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Ms. Gina Seabrook, University of Central Florida, Phone (407)823-2166, Fax (407)823-5141, Email: gseabrook@mail.ucf.edu, Web site www.fp.ucf.edu.

Submittals must be received in the Physical Plant Building, University of Central Florida, Office of Facilities Planning, 4000 Central Florida Boulevard, P. O. Box 163020, Orlando, FL 32816-3020, by 5 p.m. local time, on October 20, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

NOTICE TO PROFESSIONAL CONSULTANTS

The Florida International University Board of Trustees, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project and Location: Continuing Services Contract, Florida International University, all sites, Miami, Florida.

The selected firm will provide full architectural and consulting engineering services inclusive of design, construction documents, and administration for specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or a planning study for which the fee for professional services is \$100,000 or less. Continuing services contracts for such projects provide that the consultant will be available on an as-needed basis for the Fiscal Year, July 1-June 30. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The university may have additional campus service professionals under contract during the same time period. Three firms will be selected.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed (former Board of Regents) "Professional Qualifications Supplement (SUSPQS)," dated September 1999. Applications on any other form will not be considered. It is the intent of FIU to encourage participation by qualified Minority Business Enterprises however, State of Florida MBE certification is not a factor in the selection process. Disregard paragraph 4 on page 2 of the instructions.
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 properly chartered by the Florida Department of State to operate in Florida.

Submit eight (8) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions will not be considered. Application material will not be returned. The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, an architectural firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms and the Project Fact Sheet may be obtained by mail from Facilities Planning and Construction, Florida International University, Miami, Florida 33199, or by FAXING a request to (305)348-4010, or login to <http://facilities.fiu.edu/fpc.htm> (Find project under Facilities Construction Project Information) Requests for

meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to Facilities Planning & Construction.

Submit qualifications to: Selection Committee, Facilities Planning and Construction, Florida International University, Campus Support Complex, Room #236, University Park, Miami, Florida 33199, by 2:00 p.m., local time, on September 29, 2003. Late submittals shall be disqualified. Facsimile (FAX) submittals are not acceptable and will not be considered.

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."

REGIONAL PLANNING COUNCILS

REQUEST FOR RESEARCH AND RESTORATION PARTNERS GRANT PROJECT PROPOSALS

FISCAL YEAR 2004 WORKPLAN ACTIVITIES

"Research and Restoration Partners Grant" project proposals must be received by the Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917, by 5:00 p.m. (local time), Friday, October 24, 2003. "Research and Restoration Partners Grant" project proposals are required to demonstrate a minimum of 50% matching funds from the applicant. The Charlotte Harbor National Estuary Program reserves the right to reject any or all proposals.

OBJECTIVE: The Charlotte Harbor National Estuary Program is considering innovative research and restoration project proposals for fiscal year 2004 (October 1, 2003-September 30, 2004). Projects must have long-term applicability, transferability, and serve as models for addressing NEP priority actions, such as hydrologic and habitat restoration. The following are examples of projects that the program will consider:

- restoration of the hydrologic and natural habitat conditions of the study area by such methods as the backfilling of ditches, removal of spoil piles, exotic species removal, planting of native vegetation, mangrove restoration, etc.;
- reduce contaminants from marina and dock operations;
- reduce non-point source pollutants associated with stormwater runoff; and
- develop a shallow water resource marking program that includes establishing "no motor zones" and "limited

access zones" where appropriate, based on FMRI's seagrass studies and bird rookery information.

Projects must advance program goals and address program priority problems as described in the proposal instructions. All restoration projects must develop and implement a post restoration management plan. All data collection efforts must obtain a federally-approved Quality Assurance Project Plan.

INVITATION TO PROPOSE: The program hereby solicits proposals for "Research and Restoration Partners Grant" projects. Any organization or individual can submit a proposal. You or your organization may submit more than one preliminary proposal, but each proposal must be submitted separately and must follow the proposal instructions and requirements. The project must be located within the program's study area. The program strongly recommends applicants to attend a "Question-and-Answer" session on December 5, 2003. These grants are for proposal requests for the management conference's guideline of \$20,000 per financially supporting partner. "Research and Restoration Partners Grant" project proposals are required to demonstrate a minimum of 50% in-kind or cash match from the applicant.

REQUESTS FOR INFORMATION AND INSTRUCTION: All requests for information, instructions, and applications for submitting an application must be directed to: Ms. Catherine Corbett, (239)995-1777, Ext 241, email: ccorbett@swfrpc.org.

HOW TO APPLY: The document "Requests for Research and Restoration Partners Proposals" may be obtained by contacting: Ms. Catherine Corbett, Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917, (239)995-1777, Ext 241 or email: ccorbett@swfrpc.org. The Charlotte Harbor National Estuary Program will receive project proposals for "Research and Restoration Partners" grants until 5:00 p.m. (local time), Friday, October 24, 2003. Those submitting proposals are strongly recommended to attend a "Question-and-Answer" session on December 5, 2003.

REQUEST FOR MINI GRANT APPLICATIONS FISCAL YEAR 2004 WORKPLAN ACTIVITIES

The Charlotte Harbor National Estuary Program must receive mini-grant applications by 5:00 p.m. (local time), Friday, October 24, 2003. The Charlotte Harbor National Estuary Program reserves the right to reject any or all applications.

OBJECTIVE: The Charlotte Harbor National Estuary Program is considering mini-grant applications for fiscal year 2004. Greater consideration will be given to project applications that help fulfill the program's Comprehensive Conservation and Management Plan and inform and educate as many segments of the public as possible.

INVITATION TO APPLY: The program hereby solicits applications for mini-grant projects. Successful applications must advance the goals of the program. Any Florida resident, organization, business, government agency, school, college or university can submit an application. More than one application may be submitted for each entity but each application must be submitted separately and must follow the instructions and requirements. The project must occur within the program's study area which includes all of Lee, Charlotte, Hardee and DeSoto counties and parts of Polk, Manatee and Sarasota counties.

Mini-grant funding will not exceed \$3,000.00 per project. Matching funds or in-kind match is recommended but not required of mini-grant projects.

REQUESTS FOR INFORMATION AND INSTRUCTION: All requests for information, instructions, and applications for submitting an application must be directed to: Ms. Maran Hilgendorf, (239)995-1777, Ext 240, mhilgendorf@swfrpc.org.

HOW TO APPLY: The document "Requests for Mini-Grant Applications" may be obtained by contacting: Ms. Maran Hilgendorf, Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917-3909, (239)995-1777, Ext 240. The document will also be available on the program website at www.CharlotteHarborNEP.org after August 29, 2003. Applications for mini-grants must be received by the Charlotte Harbor National Estuary Program by 5:00 p.m. (local time) Friday, October 24, 2003. Finalists will be notified in writing by March 2004.

METROPOLITAN PLANNING ORGANIZATIONS

NOTICE TO PROFESSIONAL CONSULTANTS

The Metropolitan Transportation Planning Organization (MTPO) for the Gainesville Urbanized Area desires that consultants qualified pursuant to law and regulations submit a Letter of Qualifications for professional services on the following project in Alachua County:

PROJECT NAME: Archer Road/ S. 16th Avenue Charrette

DESCRIPTION: Assist in this project by accomplishing the following tasks:

Task 1-Assist the community in developing a preferred vision plan that builds on the results of prior studies;

Task 2-Perform a technical analysis of the operating characteristics of affected roadways and intersections in the study area for several land use alternatives. This analysis will also include an indication of potential system-wide impacts or facility modifications necessary to implement several land use alternatives; and

Task 3-Prepare a final written report and documentation of the preferred alternative. This report will include a technical analysis of the potential system-wide impacts and the transportation modifications necessary to implement the preferred alternative.

QUALIFICATION REQUIREMENTS: Consultant must be registered in the State of Florida and submit project experience demonstrating thorough knowledge of land use, environmental, and transportation planning procedures and methods.

RESPONSE EVALUATION: All respondents will be evaluated in accordance with Section 287.055(4), Florida Statutes, and must be determined to be qualified to do business in Florida and qualified to perform the advertised work requirements.

SUBMITTAL REQUIREMENTS: Firms desiring consideration for this project must submit three (3) copies of their qualifications to the requesting unit listed below. One of these copies must be a clean, single-side, unbound original that can be used to make additional copies. The Letter of Qualifications must, as a minimum, include the following information:

1. Name, address, contact person and phone number;
2. Listing of key staff and resumes;
3. Listing of any subconsultants anticipated to be used on this project;
4. An indication of the firm's potential (available manpower) for additional work in the next 24 months;
5. Experience on similar type projects, including location, date completed, contact (reference) name and phone number;
6. Proof of professional liability insurance or letter of credit in accordance with Rule 14-75, Florida Administrative Code.

SHORTLIST SELECTION PROCESS: From the Letters of Qualifications received, the MTPO shall shortlist a minimum of three (3) firms. Tentative shortlist date: October 30, 2003.

NOTE: After completion of the shortlist process, at least three (3) firms will be requested to submit written proposals and make oral presentations. Tentative final selection date: December, 2003.

LETTER OF QUALIFICATION DEADLINE: Monday, September 15, 2003, at 5:00 p.m. Late letters will be returned unopened with the notation, "This letter of interest was received after the delivery time designated for receipt and opening in the legal notice."

REQUESTING RESPONSE ADDRESS: Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area, ATTN: Mr. Marlie Sanderson, Director of Transportation Planning, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603. Telephone (352)955-2200, Extension 103. Faxed and e-mailed responses will not be accepted.

ESTIMATED PROJECT BUDGET: \$50,000.

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area reserves the right to accept or reject any and all responses.

DEPARTMENT OF ELDER AFFAIRS

REQUEST FOR PROPOSAL TITLE III SOCIAL, NUTRITION, AND CAREGIVER SUPPORT SERVICES NO. 2003-2

The Area Agency on Aging of Central Florida, Inc. dba Senior Resource Alliance will receive proposals until 3:00 p.m., EDT, September 19, 2003 at the office of the Senior Resource Alliance, 988 Woodcock Rd., Suite 200, Orlando, FL 32803 to provide social, nutrition, and caregiver support services to the elderly as authorized under the Older Americans Act. The 2004 Request for Proposal information package will be available at the office of the Senior Resource Alliance on or after August 22, 2003. All questions or inquiries should be directed to: (407)228-1800.

LOCATION OF PROJECT: Social, Nutrition, and Caregiver Support services are to be provided to the elderly in Brevard, Orange, Osceola, and Seminole Counties. Services will be bid on a per county basis; a bidder may bid services in one or more counties.

SCOPE OF PROJECT: Services to be provided and funded through the Older Americans Act. Social Services to be provided under Title III-B. Nutrition Services to be provided under Title IIIC-1 and Title IIIC-2. Caregiver Support Services to be provided under Title IIIE.

CONTRACT DATES: January 1, 2004 through December 31, 2004.

PRE-BID CONFERENCE: A non-mandatory pre-bid conference will be held at the Senior Resource Alliance in Conference Room A on August 28, 2003 at 2:00 p.m., EDT. Prospective bidders are strongly encouraged to attend. Bids will be accepted from bidders who do not attend the pre-bid conference.

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

INVITATION TO BID

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF HEALTH, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO.: DOH #10229300

SAMAS CODE: #64-30-2-021043-64200800-00-081108-03

PROJECT NAME AND LOCATION: TAMPA BRANCH LAB REROOFING

FOR: State of Florida, Department of Health

PRE-QUALIFICATION: Each bidder whose field is governed by Chapters 399, 455, 489 and 633, Florida Statutes, for licensure or certification must submit pre-qualification data of their eligibility. Submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233 for information on pre-qualification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of rule requirements is included in the Instruction To Bidders under Article B-2 "Bidders Qualification Requirements and Procedures".

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 do the following:

1. May not submit a bid on a contract to provide any goods or services to a public entity.
2. May not submit a bid on a contract with a public entity for the construction or repair of a public building or public work.
3. May not submit bids on leases of real property to a public entity.
4. May not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity.
5. May not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

PROJECT DESCRIPTION: INSTALLING A NEW ROOF FOR THE TAMPA BRANCH LABORATORY LOCATED IN THE TAMPA RESEARCH PARK AT THE UNIVERSITY OF SOUTH FLORIDA. APPROXIMATELY 48,000 S.F. OF ROOFING WILL BE REPLACED AS WELL AS RE-CAULKING AND MINOR REPAIRS TO THE ATRIUM WINDOWS ON THIS BUILDING.

PERFORMANCE BOND AND LABOR MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required. If the construction contract award amount is more than \$100,000.00, a Performance and a Labor and Material Payment Bond SHALL be required.

MINORITY BUSINESS ENTERPRISES: In accordance with Florida Statutes, Section 287.042(4)(f)1., the Department of Health is encouraged to spend, as a "goal," twenty-one (21) percent of the monies actually expended for construction contractors with certified minority business enterprises. In the department's effort to see that this is accomplished, the Department of Health encourages minority businesses to participate in the bidding process including any bidders conferences, pre-solicitation or pre-bid meetings which are scheduled. The Department of Health further encourages contractors to utilize certified minority enterprises as subcontractors or sub-vendors whenever possible. Certified vendors are those firms certified by the State of Florida, Minority Business Advocacy & Assistance Office, 2012 Capital Circle, S. E., Hartman Building, Suite 100, Tallahassee, Florida 32399-2152, Telephone (850)487-0915.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: Thursday, September 25, 2003, at 2:00 p.m. local time.

PLACE: William G. "Doc" Myers, M.D. Building, 3602 Spectrum Blvd., Tampa, Florida in the J. W. Frankel Conference Room on the First Floor.

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Addenda, Bidding Conditions, and Contractual Conditions, which may be examined and obtained from the following:

ARCHITECT-ENGINEER: D.B.Young & Associates, Inc., 2623 West State Road 434, Longwood, Florida 32779-4878, Telephone (407)682-0125, Facsimile (407)682-0223

The above bidding documents will be available on or about **FRIDAY, AUGUST 29, 2003**

DEPOSITS: The cost per set of bid documents is \$100.00 (One hundred dollars). The General Contractor or Roofing Contractor can receive two (2) sets refundable. All other sub-contractors, vendors, manufacturers, etc. must purchase all documents requested.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted no later than 4:00 p.m., local time, on **THURSDAY, SEPTEMBER 25, 2003**, at the bid opening location. In the event that the Bid Tabulation and Notice of Award Recommendation cannot 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 Rule 60D-5, F.A.C., by the Owner. The qualified, responsive low bidder will be required to be registered with MyFloridaMarketPlace before a contract can be executed. However, they will be exempt from the one per cent "fee".

NAVIGATION DISTRICTS

SIGN FABRICATION CONTRACT

The Florida Inland Navigation District is seeking bids from qualified and licensed sign fabrication contractors to manufacture five-hundred (500) Manatee Regulatory Signs for the District. The specifications for this project may be obtained by contacting Mr. Mark Tamblyn of the Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, FL 33477, and telephone (561)627-3386. Sealed bids will be due by 2:00 p.m., October 03, 2003.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE OF CORRECTION

The Florida Housing Finance Corporation hereby publishes this Notice of Correction to the Notice of Request for Proposals 2003/02 for Securitization Services which published in Vol. 29, No. 33, August 15, 2003, issue of the Florida Administrative Weekly.

The Notice incorrectly reflected that proposals shall be accepted until 2:00 p.m., Eastern Time, September 12, 2003. Proposals shall be accepted until 2:00 p.m., Eastern Time, September 19, 2003.

GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY

NOTICE OF CANCELLATION OF BID

Project No. 03-005 – Runway 10-28 Rehabilitation
Gainesville-Alachua County Regional Airport Authority has cancelled the Invitation to Bid for Project No. 03-005, Runway 10-28 Rehabilitation.

ESCAMBIA COUNTY UTILITIES AUTHORITY

SOLICITATION FOR PROPOSALS

The Escambia County Utilities Authority is soliciting firms to submit Proposal Packages for:

Receipt, Processing and Disposal of Septage/Grease Trap/Portable Toilet Wastes

Proposals will be received in the offices of the ECUA Purchasing Division, 9255 Sturdevant Street, Ellyson Industrial Park, Pensacola, Florida 32514 until 2:00 p.m., CST, on Tuesday, September 23, 2003.

Prospective submitters may obtain copies of the Proposal Package requirements and other pertinent information from the ECUA Purchasing Division, (850)969-3350. Ask for RFP No. 2003-46.

LAKE COUNTY SCHOOL READINESS COALITION

Notice of Invitation to Negotiate

ITN Document Number: 002

Title: School Readiness Early Care and Education Services

The Purpose: The Lake County School Readiness Coalition, Inc. has released the Invitation to Negotiate in an effort to enter into an agreement with an agency or several agencies to perform early care and education services to children of Lake County ages 0-12 for fiscal year 2003-2004. Services include Child Care Eligibility and Payment Administration Services and Early Childhood Education Support Services (to include technical assistance, program evaluation, developmental screenings, etc.). Total contract amount is approximately \$5.9 million.

Letters of Intent to Submit are due to the Coalition by August 29, 2003. An Applicant's Conference will be held on September 5, 2003. Deadlines for all applications will be September 19, 2003. Results will be posted on October 2, 2003.

For information regarding this ITN, please contact: Kim Webb, (352)435-0566. The ITN is available electronically at www.lakeschoolreadiness.org.

KEY WEST FILM SOCIETY

Request for Proposals

The Key West Film Society, Inc. requests sealed proposals from vendors proposing to finish and equip a two-screen art movie theater now under construction in Key West, Florida. This request is divided into the following components, each of which may be proposed separately:

1. Bathroom appliances and finishes.
2. Flooring, painting, wall covering, ceiling installation and built-in lighting for theaters and lobby.
3. Fixed theater seating.
4. Projection, sound and screen systems for two theaters.
5. Box office/ticketing system,

6. Concession stand counters, cases, equipment and storage shelving.

For further information and to request an information package for one or more components, contact proposals@keywestfilm.org. Information packages will be available on or before August 31, 2003 and proposals will be due by September 15, 2003.

The Film Society reserves the right to refuse any or all bids and to negotiate elements of any proposal in order to assure the most advantageous price and performance for the Film Society.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.:	BLIM-0604-002
DATE RECEIVED:	August 13, 2003
DEVELOPMENT NAME:	POINCIANA ESTATES D
DEVELOPER/AGENT:	Avatar Properties, Inc./
DEVELOPMENT TYPE:	28-24.023, F.A.C.
LOCAL GOVERNMENT:	Osceola County

**NOTICE OF APPROVAL FOR FLORIDA
FOREVER FUNDS**

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Florida Forever Program, Series FF1 and FF2 funding cycles. The project plans listed below were approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project site and all other documents necessary to close the project and that funds be released as follows:

Project:	01-133-FF1/Delaplane Peninsula Blueways Project
Grantee:	Martin County Regional Land Trust
Amount of Approved Funds:	the lesser of 100.00% of the final total project costs or \$5,554,600.00
Project:	01-149-FF1/Beville Creek
Grantee:	City of Gainesville
Amount of Approved Funds:	the lesser of 40.00% of the final total project costs or \$611,386.00
Project:	02-099-FF2/Garfield Access Addition
Grantee:	Walton County

Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$810,000.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

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 MANAGEMENT SERVICES

FCC MANDATE TO TRANSITION TO A NARROW-BAND TECHNOLOGY

The Federal Communications Commissions (FCC) has issued a ruling concerning new applications for radio license. This ruling was adopted February 12, 2003, and released February 25, 2003, under the FCC document number 03-34 and was published July 17, 2003, in Vol. 68, No. 137. This mandate covers all Private Land Mobile Radio System (PLMRS) that operates in the frequency band 150-174 MHz and 421-512 MHz.

The major rule change is that all Public Safety radio systems will have until January 1, 2018, for current systems to migrate to a narrow-band 12.5 kHz technology. Business users have until January 1, 2013, to migrate to a 12.5 kHz technology.

Of a more immediate concern for Public Safety entities is that after January 17, 2004, the FCC will no longer accept applications for any new radio system that is wide-band (25 kHz) technology. The FCC certified Public Safety coordinators will set their own deadline to process new applications before it is sent to the FCC. APCO, one of the main Public Safety frequency Coordinators, has set a deadline of October 17, 2003 for accepting wide-band applications for processing. Below is a summary of key issues from this ruling.

1. The FCC will prohibit any new applications for new operations using 25 kHz channels bandwidth operating in the 150-174 MHz and 421-512 MHz bands.
2. The FCC will prohibit incumbents Part 90 licensees to modify their system if the modification of their system expands the authorized contour of that particular station if the bandwidth of transmission is greater than 25 kHz beginning six months after this ruling is published in the Federal Register.
3. The FCC will no longer certify any equipment capable of operating in a wide-band mode (25 kHz) beginning January 1, 2005.
4. The FCC will prohibit the manufacture and the importation of any radio equipment that operates in a wide-band mode in 150-174 MHz and 421-512 MHz band starting January 1, 2008.
5. The deadline for migration to a narrow-band (12.5 kHz) technology is January 1, 2018, for Public Safety systems and January 1, 2013 for non-Public Safety systems.

All Public Safety entities should begin reviewing their current radio systems and their future plans for their radio systems to see what the impact will be for their respective agencies. Also, agencies should begin the planning process to transition to a Narrow-band technology in advance of the deadline date.

If any agency has any plans to expand their current wide-band system in the near future, (i.e. six months to a year) their applications should be submitted as soon as possible to avoid the FCC deadline. If any agency requires assistance in determining the status of their current system in regards to this

ruling the State Technology Office will gladly assist in this task. All request for assistance may be sent to at the following address:

Mr. Jean-Pierre Saliba, P.E.
 State Technology Office
 4030 Esplanade Way
 Suite 315 K
 Tallahassee, FL 32399-0950

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

On August 15, 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 Tamara Lamm, ISW, license number ISW 2009. This Emergency Suspension Order was predicated upon the Secretary’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 15, 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 Erma Forbes, R.N., license number RN 2247982. 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.

NOTICE OF THE AVAILABILITY OF THE FLORIDA EMERGENCY MEDICAL SERVICES MATCHING GRANT PROGRAM – APPLICATION PACKAGE

NAME OF AGENCY: Florida Department of Health
 GRANT TITLE: Florida Emergency Medical Services Matching Grant

PURPOSE AND EFFECT: Department of Health is mandated by Chapter 401, Part II, Florida Statutes, (F.S.), to provide grants for prehospital Emergency Medical Services in Florida.

REQUIREMENTS: Applicants must fund twenty-five percent of the costs of approved projects and the Department of Health will provide seventy-five percent. Applicants must submit a signed original plus ten copies of the Department of Health application.

AUTHORITY: Section 401.113, F.S.

TO OBTAIN AN APPLICATION PACKAGE: Application packages may be requested by telephone, facsimile transmission (Fax), in-person or by mail.

Telephone (850)245-4440, Extensions 2782, 2737 or 2734.

Fax (850)245-4385 or (850)487-2911. Mark on the fax “Request for Matching Grant Package.”

The application form is also available at website link: <http://www9.myflorida.com/workforce/ems1/Grants/Grants.htm>.

Mail requests for application packages to:

Bureau of Emergency Medical Services
 Department of Health
 4052 Bald Cypress Way, Bin #C18
 Tallahassee, FL 32399-1738

Pick up application packages in person at:

Bureau of Emergency Medical Services
 Department of Health
 4025 Esplanade Way, 3rd Floor
 Tallahassee, Florida 32311-7829

HOW TO SUBMIT COMPLETED APPLICATIONS: Mail or hand deliver signed and completed original application(s) and required copies to the preceding mail or physical address. No faxes or electronic submissions will be accepted. Each completed application including copies must be in a separate envelope marked, “EMS MATCHING GRANT

APPLICATION” in bold lettering. Failure to mark the application envelope(s) as described or to meet any other requirement in this notice or in the grant manual may preclude consideration. Do not place any other correspondence intended for the Bureau in this envelope.

DEADLINE: Completed signed original applications and the required number of completed copies must be received by the Bureau of Emergency Medical Services no later than 5:00 p.m. (Eastern Standard Time) December 12, 2003. Applications received after this deadline, regardless of postmark, will be returned to the sender unopened.

APPLICATION PACKAGE OPENING: Department of Health staff will open packages, log in, and count the copies of applications beginning at 9:00 a.m. (Eastern Standard Time) December 15, 2003.

RIGHT TO REJECT: Department of Health reserves the right to reject any and all applications it determines are not in the best interest of the state.

CONTACT PERSONS: Ed Wilson, Ed_Wilson@doh.state.fl.us or Alan Van Lewen, Alan_Vanlewen@doh.state.fl.us, (850)245-4440, Extension 2737 or 2734, respectively.

P. O. # QT0020

NOTICE OF FUND AVAILABILITY FOR THE YEAR
2003-2004 FLORIDA EMERGENCY MEDICAL SERVICES
(EMS) RURAL MATCHING GRANTS PROGRAM

AGENCY: Department of Health, Bureau of Emergency Medical Services

GRANT TITLE: Florida EMS Rural Matching Grant

PURPOSE AND EFFECT: To provide grants for prehospital EMS in Florida.

AUTHORITY: Chapter 401, Part II, Florida Statutes (F.S.)

ELIGIBILITY: Emergency Medical Services organizations (EMSOs) in rural counties, as defined in Chapter 401, Part II, F.S., are eligible to apply for grant funding to provide prehospital EMS in Florida.

MATCHING REQUIREMENT: The department will provide 90 percent of the funding, while successful applicants must provide 10 percent of the total cost for an approved project.

TO OBTAIN AN APPLICATION: Please call Ed Wilson, (850)245-4440, Ext. 2737 or write to the EMS Rural Matching Grant Program, ATTN: Ed Wilson, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738.

An application may be picked up at the Bureau of Emergency Medical Services, 4025 Esplanade Way, 3rd Floor, Tallahassee, FL 32311. Requests for applications may be faxed to the EMS Rural Matching Grant Program, (850)245-4385 or (850)487-2911.

The application is also available on the EMS website at <http://www9.myflorida.com/workforce/ems1/Grants/Grants.htm>.

DEADLINE: Applications will be accepted, evaluated, and funded on an ongoing basis through May 3, 2004, pending fund availability. No incomplete applications, or applications received by the Bureau of Emergency Medical Services after 5:00 p.m., May 3, 2004, will be considered for funding.

NUMBER OF COPIES: Applicants must submit a signed original plus four copies of the Department of Health application.

RIGHT TO REJECT: Department of Health reserves the right to reject any and all applications.

P. O. # QT0020

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received the following application.

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., September 19, 2003):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Sarasota Bank, Sarasota, Florida

Proposed Purchaser: Colonial BancGroup, Inc., Montgomery, Alabama

Received: August 14, 2003

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN August 11, 2003
 and August 15, 2003**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF EDUCATION

University of South Florida

6C4-4.0107	8/11/03	8/31/03	Newspaper	
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Florida International University

6C8-6.010	8/14/03	9/3/03	Newspaper	
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6C8-11.005	8/14/03	9/3/03	Newspaper	
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Gulf Coast University

6C10-7.001	8/15/03	9/4/03	Newspaper	
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6C10-7.003	8/15/03	9/4/03	Newspaper	
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DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

9B-72.010	8/15/03	9/4/03	29/11	29/18
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9B-72.030	8/15/03	9/4/03	29/11	
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9B-72.040	8/15/03	9/4/03	29/11	29/18
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9B-72.045	8/15/03	9/4/03	29/11	29/18
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9B-72.050	8/15/03	9/4/03	29/11	29/18
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9B-72.060	8/15/03	9/4/03	29/11	
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9B-72.070	8/15/03	9/4/03	29/11	29/18
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9B-72.090	8/15/03	9/4/03	29/11	29/18
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9B-72.100	8/15/03	9/4/03	29/11	29/18
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9B-72.130	8/15/03	9/4/03	29/11	
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DEPARTMENT OF TRANSPORTATION

14-114.0011	8/15/03	9/4/03	29/26	
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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-1.659	8/11/03	8/31/03	29/26	
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40E-2.011	8/11/03	8/31/03	29/17	
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40E-2.091	8/11/03	8/31/03	29/17	29/26
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40E-2.301	8/11/03	8/31/03	29/17	
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40E-2.321	8/11/03	8/31/03	29/17	
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40E-20.011	8/11/03	8/31/03	29/17	
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40E-20.091	8/11/03	8/31/03	29/17	29/26
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40E-20.101	8/11/03	8/31/03	29/17	
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40E-20.101	8/11/03	8/31/03	29/26	
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40E-20.301	8/11/03	8/31/03	29/17	
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40E-20.302	8/11/03	8/31/03	29/17	
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40E-20.321	8/11/03	8/31/03	29/17	
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40E-20.331	8/11/03	8/31/03	29/17	
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AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid Program Office

59G-4.190	8/14/03	9/3/03	29/22	
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Florida Building Code Administrators and Inspector

61G19-6.016	8/14/03	9/3/03	29/28	
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DEPARTMENT OF HEALTH

Board of Medicine

64B8-9.0091	8/12/03	9/1/03	29/26	
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Board of Nursing

64B9-15.001	8/11/03	8/31/03	29/1	29/28
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64B9-15.007	8/11/03	8/31/03	29/1	29/15
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**DEPARTMENT OF CHILDREN AND FAMILY
 SERVICES**

Mental Health Program

65E-11.002	8/11/03	8/31/03	29/9	29/26
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65E-11.003	8/11/03	8/31/03	29/9	29/26
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65E-11.004	8/11/03	8/31/03	29/9	29/26
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65E-11.007	8/11/03	8/31/03	29/9	29/26
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